

**Report From Agency**

**FINAL REPORT**  
**CLEARINGHOUSE RULE 16-086**  
**CHAPTER PI 34**  
**TEACHER EDUCATION PROGRAM APPROVAL AND LICENSES**

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**Analysis by the Department of Public Instruction**

**Statutory authority:** s. 115.28 (7) (a), Stats.

**Statute interpreted:** s. 115.28 (7) (a), Stats.

The proposed rule makes numerous changes to the existing rule, which include the following:

- Creating the ability for Wisconsin educators who are age 55 or older to apply for a five-year, nonrenewable license without having to meet professional development requirements (i.e., 6 credits or a PDP).
  - Increasing the number of consecutive days that a short-term substitute can be in the same assignment from 20 to 45 days. This should allow schools enough time to either find a properly licensed educator for the position or apply for an emergency license or permit for an educator who does not hold a license acceptable for the assignment.
  - Expanding the renewal options for emergency licenses to include attempting to pass required tests for licensure for educators who have met all other requirements and submitting a plan to complete an approved program.
  - Expanding the pathway for teachers to add additional licenses based on content tests to allow:
    - Teachers who hold an Early Adolescence-Adolescence (grades 5-12) regular education license can add another regular education license at the same developmental/grade level by passing a content test.
    - Teachers who hold a Middle Childhood-Early Adolescence (grades 1-8) regular education license and have at least four semesters of teaching experience in grades 1 or 2 can add a regular education license at the Early Childhood level (birth to grade 3) by passing the Praxis II Elementary Education Content Knowledge test and the Foundations of Reading Test.
    - Teachers who hold a Middle Childhood-Early Adolescence (grades 1-8) regular education license and have at least four semesters of teaching experience in English/language arts or math in grades 7 or 8 can add a license in that subject at the Early Adolescence-Adolescence level by passing a content test.
    - Teachers who hold an Early Childhood-Adolescence (grades PK-12) regular education license can add another Early Childhood-Adolescence regular education license or an Early Adolescence-Adolescence (grades 5-12) regular education license by passing a content test.
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The hearing notice was published in the December 27<sup>th</sup>, 2016 edition of the Wisconsin Administrative Register. A public hearing was held on January 30, 2017.

*The following persons testified at the January 30, 2017 hearing (some also provided written testimony as well):*

<b>NAME</b>	<b>ORGANIZATION</b>	<b>IN FAVOR OR GENERALLY IN FAVOR</b>	<b>OPPOSED OR GENERALLY OPPOSED</b>	<b>OTHER</b>
Chris Hedstrom	School District of Waukesha/Wisconsin Association of School Personnel Administrators	X		

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Rick Melcher	Representing Self		X	
Tom Heninger	Representing Self	X		
Ronald Martin	Wisconsin Education Association Council			X

*The following persons submitted written testimony:*

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Valerie Shaw	Representing Self			X
Patricia Greco	Representing Self			X
Peter Burke	Representing Self			X
Lorette Brunclik	Representing Self		X	
Carol Joas	Representing Self		X	
Ryan Wood	Representing Self			X
Rachel Smith	Representing Self	X		
Art Keenan	Representing Self	X		
Aaron Kapp	Representing Self		X	
Mark White	School District of La Crosse	X		
Gary Baier	Representing Self			X
Conrad Farner	Cedarburg School District	X		
Cara Gilbertson	Representing Self			X
Vickie Adkins	DeForest Area School District	X		
Nicole Jones	School District of New Berlin	X		
Jean Marsch/Theresa Willems/Tina Novak	Green Bay Area Public School District	X		

*Summary of public comments relative to the rule and the agency's response to those comments:*

Comments on the Rule

- The majority of comments in favor of the rule were supportive of the Department's changes that assist school districts in managing teacher shortages across the state and thus maintain academic programming. For instance, allowing teachers near retirement age to apply for a five-year, nonrenewable license without having to meet the professional development requirements could have a positive impact in retaining qualified and experienced individuals. It was also noted that the ability for teachers to add additional licenses based on content tests provides more flexibility to school districts in making personnel assignments, specifically in areas such as business education and technology education. Finally, the expanded renewal options for those with emergency licenses and increasing the number of days substitute teachers could stay in the same assignment have been helpful for school districts to ensure continuity in learning as they address ways to attract individuals for many hard to fill positions.
- The majority of comments against the rule argued that the rule's provisions were simply a short-term fix to address the staffing issues school districts have faced in recent years as a result of limited resources and changes to collective bargaining. They felt the changes were a lowering of expectations for teachers in a time when strict preparation standards for teaching are weakening and positive perceptions of the teaching profession are diminishing. They argued that legislative changes committing greater resources to public schools and provide

incentives for individuals to get training, which would restore respect to the teaching profession and thus attract qualified applicants for vacant positions.

- Among the suggested changes to the rule, individuals have brought forward the following:
  - a) Creating the option for ten-year licenses for individuals who hold Master Teacher licenses, rather than forcing them to renew other licenses that may expire during their ten-year cycle.
  - b) Carving out certain individuals, specifically who are new to teaching and may need ongoing formalized support, from the PDP exemption for teachers age 55 or older.
  - c) Applying the PDP exemption for educators who are age 55 or older to teachers of all ages. Alternatively, allow school districts to endorse license renewal for educators based on successful completion of an Effective Educator Plan (EEP) in lieu of a PDP.
  - d) Adding training requirements to holders of emergency licenses, similar to that of the training requirements for substitute teachers, which include: basic district and school policies and procedures; age appropriate teaching strategies; conflict resolution and classroom management techniques; health and safety issues, including handling medical emergencies; techniques for starting a class; the culture of schools and the profession; working with lesson plans; and working with children with special needs, including confidentiality issues.
  - e) Creating grandfather provisions for effective educators who have outdated licenses, such as those who still have licenses to teach grades 1 through 6, to transition into a license to teach grades 1 through 8 or pre-k through 12 without having to meet any additional professional development requirements.
  - f) Eliminating the testing requirement for individuals renewing their emergency license altogether and require that the individual compete only an approved teacher preparation program.
  - g) Eliminating the testing requirement for individuals adding licenses based on content in lieu of educator effectiveness outcomes and experience in the classroom.
  - h) Expanding licensure pathways and removing additional barriers to assist with licensure in hard to fill areas, including identifying other experience-based options for awarding licensure (e.g., a license for individuals employed in food service to teach food preparation courses), or applying the changes in the rule to individuals seeking certification to teach special education subjects.

#### Agency Response

- The Department believes that the proposed rule is needed to make the teacher licensing process more flexible by increasing the number of licensure pathways and reducing regulatory burden on licensure applicants while maintaining quality in programming. Through its work with the Professional Standards Council (PSC) and stakeholder groups, the Department continues to identify administrative changes that help school districts address teacher shortages with the goal of attracting people into the teaching profession and prepare them for work, beginning with the emergency rules that are currently in effect and the proposed permanent rule. Additional changes recommended are being considered under a broader statement of scope, S.S. 102-16, which proposes to amend Chapter PI 34 further and is currently in process (see: Scope Statement 102-16 and Executive Summary of Preliminary Licensing Recommendations, which are attached as supplemental materials for this rule). Among the statutory changes recommended by respondents, a number of changes are outside the scope of this rule and are not germane to the rule under consideration. However, the Department issues the following responses to rule recommendations by individuals:
  - a) Regarding ten-year licenses for individuals who hold Master Teacher licenses, the Department agrees with the recommendation and will incorporate this change into the proposed rule.
  - b) Regarding the PDP exemption for new teachers who are 55 years or older, the rule already forbids individuals who hold initial educator licenses from being able to renew their licenses without completion of a PDP. Those individuals will continue to have ongoing support through the effective educator processes currently in place. Therefore, the Department believes that such a rule change is unnecessary.
  - c) Regarding the PDP exemption for individuals of all ages, the Department believes that the PDP process is important for ensuring that individuals pursue continuing education and that such a rule change is

unnecessary. However, the Department is considering EEP renewal of licenses in lieu of a PDP in a later rule.

- d) Regarding additional training requirements for emergency license holders, school districts are already required to provide training for individuals seeking emergency licenses. Therefore, the Department believes that such a rule change is unnecessary.
- e) Regarding converting outdated licensure to the new licenses without having to meet additional professional development requirements, the Department is considering this revision in a later rule.
- f) Regarding testing requirements for renewing an emergency license, the Department is also considering this revision in a later rule. However, it should be noted that one such test requirement, i.e. the Foundations of Reading test, is in statute and cannot be changed via rule.
- g) Regarding licensure based on a content test, the purpose of requiring a content test under the rule is to evaluate the applicant's content knowledge, which cannot be evaluated with the applicant's current experience or educator effectiveness. Therefore, the Department believes such a change is unnecessary. However, the Department is looking at ways to allow school districts to evaluate teachers and endorse a teacher for licensure in new content areas based on competency in a later rule.
- h) Regarding additional licensure pathways, statute already allows for experience-based licensure in technical and vocational education subjects, which includes the example referenced in the comments. Therefore, the Department believes such a change is unnecessary. However, regarding extending the rules to individuals seeking certification to teach special education subjects, the Department is currently examining what rule changes are allowable under the Individuals with Disabilities Education Act (IDEA) and considering the revision in a later rule.

***Changes made as a result of oral or written testimony:***

- a) The Department accepts the recommendation to renew all professional educator licenses held by Master Educators at a ten-year interval.

***Changes to the analysis or the fiscal estimate:***

- No changes were made.

***Responses to Clearinghouse Report:***

**2. Form, Style and Placement in Administrative Code:**

- The recommendations were accepted.

**4. Adequacy of References to Related Statutes, Rules and Forms:**

- Based on the comment noted, the Department has determined that the reference to PI 34.15 (2) (a) 3. a. is intended to refer only to subpar. a. of par. (a) 3.; therefore, the reference to subpar. b. remains excluded.

**5. Clarity, Grammar, Punctuation and Plainness:**

- The recommendations were accepted.