

PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION REVISING PERMANENT RULES

The scope statement for this rule, SS 086-16, was published in Register No. 730A1, on October 2, 2016, and approved by State Superintendent Tony Evers, on October 13, 2016. Pursuant to *Coyne v. Walker*, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope for this rule. *Coyne v. Walker*, 2016 WI 38.

The State Superintendent of Public Instruction hereby proposes an order to renumber and amend s. PI 34.34 (19) (a); to amend ss. PI 34.34 (19) (title) and (b) and 1. and (c) and (d) (intro.); and to create ss. PI 34.34 (19) (a) 1. and 2., relating to technical changes to PI 34 as a result of 2015 Wisconsin Act 259.

The rules are being adopted under s. 227.16 (2) (b), Stats., which provides that rulemaking does not need to be preceded by notice and public hearing if the proposed rule brings an existing rule into conformity with a statute that has been changed.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: ss. 115.28 (7) (a) and 118.191, Stats.

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

Explanation of agency authority:

115.28 General duties. The state superintendent shall:

(7) Licensing of teachers.

(a) License all teachers for the public schools of the state; make rules establishing standards of attainment and procedures for the examination and licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.191, 118.192, 118.193, 118.194, and 118.195; prescribe by rule standards, requirements, and procedures for the approval of teacher preparatory programs leading to licensure, including a requirement that, beginning on July 1, 2012, and annually thereafter, each teacher preparatory program located in this state shall submit to the department a list of individuals who have completed the program and who have been recommended by the program for licensure under this subsection, together with each individual's date of program completion, from each term or semester of the program's most recently completed academic year; file in the state superintendent's office all papers relating to state teachers' licenses; and register each such license.

Related statute or rule: N/A

Plain language analysis:

The proposed technical change aligns the rules governing teacher licensure with changes in statute resulting from 2015 Wisconsin Act 259 with respect to experience-based licensure for vocational education subjects.

Summary of, and comparison with, existing or proposed federal regulations: N/A

Comparison with rules in adjacent states: N/A

Summary of factual data and analytical methodologies:

2015 Wisconsin Act 55 made several changes to the statutes governing the licensure of school personnel, including the creation of an experienced-based technical education license. Recent changes to PI 34 were made to reflect those changes in statute. However, 2015 Wisconsin Act 259 further amended those statutes to also include experience-based licensure for vocational education subjects. The proposed rule is needed to align PI 34 with the statutory changes in 2015 Wisconsin Act 259. Otherwise, the rule will not reflect current law.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: N/A

Anticipated costs incurred by private sector: N/A

Effect on small business:

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

Agency contact person: (including email and telephone)

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Place where comments are to be submitted and deadline for submission:

As provided in s. 227.16 (2) (b), there is no requirement that a public hearing be held for this rule because the proposed rule brings an existing rule into conformity with a statute that has been changed.

SECTION 1. PI 34.34 (19) (title) is amended to read:

PI 34.34 (19) EXPERIENCE-BASED TECHNICAL OR VOCATIONAL EDUCATION LICENSE.

SECTION 2. PI 34.34 (19) (a) is renumbered PI 34.34 (19) (a) (intro.) and amended to read:

PI 34.34 (19) (a) (intro.) In this subsection, ~~“technology education subject” means one of the following content areas: architecture and construction, biotechnology, information and communication technology, electronics, engineering, environmental technologies, manufacturing, power and energy, transportation.~~

SECTION 3. PI 34.34 (19) (a) 1. and 2. are created to read:

PI 34.34 (19) (a) 1. “Technology education subject” means any of the following content areas:

- a. Architecture and construction.
- b. Biotechnology.
- c. Information and communication technology.
- d. Electronics.
- e. Engineering.
- f. Environmental technologies.
- g. Manufacturing.
- h. Power and energy.
- i. Transportation.

2. “Vocational education subject” has the meaning given in s. 118.191 (b), Stats.

SECTION 4. PI 34.34 (19) (b) and 1. and (c) and (d) (intro.) are amended to read:

PI 34.34 (19) (b) ~~An~~ The department shall issue an initial license to teach a technology education or vocational education subject shall be issued to an applicant who does all of the following:

1. Meets the minimum requirements of s. 118.191 (2) (a), Stats., if the applicant is seeking a license to teach a technology education subject, or s. 118.191 (2) (b), Stats., if the applicant is seeking to teach a vocational education subject.

...

(c) An initial license issued under par. (b) shall be issued for a 3-year period, ~~and is only valid in the school district that presented the offer of employment.~~

(d) Upon expiration of the initial license issued under par. (b), the department shall issue the educator a 5-year professional teaching license to teach a technology or vocational education subject if all of the following apply:

SECTION 5. EFFECTIVE DATE:

The proposed rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.

Dated this ____ day of _____, 2017

Tony Evers, PhD
State Superintendent