

Report From Agency
FINAL REPORT
CLEARINGHOUSE RULE 19-034
CHAPTER PI 34
EDUCATOR LICENSES

Analysis by the Department of Public Instruction

Statutory authority: ss. 115.28 (7) (a), 118.19 and 118.194, Stats.

Statute interpreted: ss. 115.28 (7) (a), (c) and (17) (a) to (c) and 118.19 (4m), Stats.

The proposed rule makes the following revisions to the current administrative rules governing educator licensure:

- Creating a definition for kindergarten under s. PI 34.001 (11m).
- Technical language changes regarding program improvement plans under s. PI 34.008.
- Clarifying language referring to classroom teaching under s. PI 34.022 (5).
- Clarifying language regarding a Tier I license with stipulations for pupil services licenses under s. PI 34.028 (2) (f) 1.
- Amending s. PI 34.029 to permit Tier I license holders to teach in a CESA or one of the state’s residential schools.
- Amending s. PI 34.033 (1) relating to Tier I, long-term substitute teacher licenses to authorize license areas in subchapters VI, VII and VIII.
- Technical language change to s. PI 34.034 to indicate that Tier I professional teaching permits authorize the license holder to teach kindergarten through grade 12.
- Adding special education program aide licenses under PI 34.036 to the exceptions in which an individual may not have a Tier 1 license in special education for more than 3 years under PI 34.039 (1).
- Creating s. 34.040 (1) (c) under Tier II provisional educator license, to state that the subject area and grade level of a license issued shall be based on the license areas endorsed by the accredited preparation program that the applicant completed.
- Clarifying language in s. PI 34.040 (1) (b) that the age level of a Montessori license shall be based on the age levels endorsed by the Montessori training program completed by the applicant.
- Clarifying language for licenses based on equivalency to address standards or assessment under s. PI 34.040 (2) (h).
- Included tribal schools in the rule’s definition for “educational entity” under s. PI 34.041 (1) (a) for the purpose obtaining a lifetime license.
- Technical language changes to the prekindergarten through grade 12 license under s. PI 34.047.
- Amending 34.052 (1) to state that the grade levels of the added license shall be the same as the individual's existing license.
- Amending s. PI 34.052 (4) to state that an individual may add one or more of the provided additional middle and high school subject area licenses by passing the applicable content knowledge test approved by the state superintendent.
- Including geography as an additional subject area for licensure under s. PI 34.052 (4).
- Amending PI 34.052 to indicate the effective date for licenses added under this section shall be July 1 of the year in which the test was passed if the test was passed by August 31 of that year or the following July 1.
- Clarifying language to create a renewal period for the American Indian-related licenses under s. PI 34.053 through 34.056 for individuals who do not have a bachelor’s degree.

- Technical changes to improve clarity of rule language regarding individuals who meet the alternative eligibility requirements for individuals who earn an American Indian history, culture, and tribal sovereignty license under s. PI 34.056.
- Technical language changes to rules governing vocational licenses under s. PI 34.084 to clarify current practice that applicants shall have completed an approved educator preparation program plus related occupational experience to obtain licensure.
- Clarifying license and preparation program continuation language under s. PI 34.110.
- Technical language changes to various clerical errors found in the rule.
- Technical corrections to align other PI code chapters with the changes in PI 34.

Any other changes to PI 34 that are needed to align the chapter with current statutes or to clarify existing rule will also be made.

The hearing notice was published in the May 6, 2019 edition of the Wisconsin Administrative Register. A public hearing was held on May 28, 2019.

The following persons testified at the May 28, 2019 hearing:

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Gary Besaw	Menominee Indian Tribe of Wisconsin	X		

The following persons submitted written testimony:

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Sondra Reynolds	Representing Self	X		
Keith Burisek	Representing Self	X		
Jackie Hendrickson	Representing Self	X		
Jenny Braunginn / Katie Larsen-Klodd	Representing Self		X	

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

- The individual speaking at the public hearing requested the following of the Department around three points related to American Indian licenses: 1) clarity around the term of a tribal language license; 2) clarity as to whether a lifetime license exists for teachers who provide education in American Indian tribal history, culture, and sovereignty; and 3) clarity as to whether the current rule's definition of "educational entity" includes tribal schools for the purpose of teachers obtaining a lifetime license.

Agency response: With regard to the first comment, a tribal language license is issued to a person who has been endorsed by an entity designated by the tribal government in their language. A lifetime license exists in this area for applicants who meet the requirements of s. PI 34.055. Individuals who do not meet those requirements may be eligible for an alternative eligibility license for a term of three years, which is included in the proposed rule. No further changes are needed.

With regard to the second comment, a lifetime license also exists in this area for applicants who meet the requirements of s. PI 34.056. Individuals who do not meet those requirements may be eligible for an alternative eligibility license for a term of three years, which is included in the proposed rule.

With regard to the final comment, the Department accepts this change and will include it in the proposed rule.

- One individual requested clarification as to whether or not speech and language license applicants need 100 hours of supervised experience in order to be approved for the license.

Agency response: If the applicant is seeking licensure in speech and language through the Department of Safety and Professional Services, the requirements around student teaching still exist. No further changes are needed.

- Other respondents argued in favor of the Department amending rules to ensure that once an educational interpreter achieves a score of 3.5 or above on the educational interpreter performance assessment, the interpreter does not need to retake the assessment for future license renewal. They also ask the Department to make such changes retroactive.

Agency response: The requested changes are being considered for future rulemaking and will be addressed via a proposed rule under scope statement SS 034-19. No further changes are needed.

- One respondent voiced concern about the Department's proposed changes to licensure for school social workers, particularly in permitting applicants who hold a master's degree (MSW) or are enrolled in an approved preparation program that leads to licensure to work as school social workers. They argue that this change could put MSW students in a challenging situation, because their job cannot be counted as an internship under an MSW program in order to maintain accreditation, whereas an applicant with an MSW could count their internship because all other academic standards have been met. They request that the Department amend its proposed rule to permit only those candidates that have an MSW at minimum in order to work in the school before completing all other training requirements to work in a school setting.

Agency response: The requested changes are being considered for potential future rulemaking. No further changes are needed.

Changes made as a result of oral or written testimony:

- Included tribal schools in the rule's definition for "educational entity" under s. PI 34.041 (1) (a) for the purpose of obtaining a lifetime license.

Changes to the analysis or the fiscal estimate:

- Included a reference to tribal schools in the rule's definition for "educational entity" for the purpose of obtaining a lifetime license.
- Included a reference to technical corrections to align other PI code chapters with the changes in PI 34.
- Included a reference to technical language changes to various clerical errors found in the rule.

Responses to Clearinghouse Report:

1. Statutory Authority:

The changes are accepted.

2. Form, Style and Placement in Administrative Code:

The changes are accepted.

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

The Department has identified provisions in chs. PI 8 and 38 which include citations to provisions in ch. PI 34 that are in need of technical revisions. The Department has included corrections to those citations to meet the intent of the Clearinghouse comments. The noted provision in the Clearinghouse report containing a bad PI 34 cross-reference is being addressed via the procedures under s. 13.92 (4) (b) 7., Stats., and will not be addressed via this rule.

5. Clarity, Grammar, Punctuation and Plainness:

The changes under items a. through i. are accepted. With regard to item j., the requirements for earning licenses under the renumbered provisions are reflective of the requirements for an individual to earn tier I licensure in the affected license areas, which was the intent for renumbering some but not all of the current rule provisions. This includes individuals who meet the alternative eligibility criteria for the American Indian language and American Indian history, culture and tribal sovereignty licenses. Likewise, the requirements for earning licenses under the provisions which are not being renumbered are reflective of the requirements for an individual to earn tier II licensure in the appropriate license area. The change to include a reference to “tier I” in the renumbered licenses was accepted. The Department also amended the renumbered provisions to structure the rule similar to other tier I licenses included in the current rule subchapter.

Changes deemed necessary by the Department to improve implementation of the rule:

- Made revisions to clerical errors found in s. PI 34.026 (1) (c) and 34.041 (4).
- Created an additional renewal option for orientation and mobility specialists under PI 34.038 (4) to permit licensees to renew their license upon obtaining certification from the National Blindness Professional Certification Board.