

Report From Agency
FINAL REPORT
CLEARINGHOUSE RULE 20-082
CHAPTER PI 34
EDUCATOR LICENSES

Analysis by the Department of Public Instruction

Statutory authority: ss. 115.28 (7m) and 227.11 (2) (a) (intro.), Stats.

Statute interpreted: s. 115.28 (7m) and 118.19 (10), Stats.

The proposed rule amends chapter PI 34 of the Wisconsin Administrative Code with respect to clarifying and creating flexibility around licensing rules for pupil services professionals, which include school nurses, school psychologists, and school social workers. The proposed rule also makes technical revisions under the section governing the eligibility for and renewal of tier I licenses under s. PI 34.028 which need to be made to align with this proposed rule.

The hearing notice was published in the November 30, 2020 edition of the Wisconsin Administrative Register. A public hearing was held on January 7, 2021.

The following persons testified at the January 7, 2021 hearing:

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Amy Starzecki	School District of Superior	X		
Angela Baerwolf	Wisconsin School Social Workers Association			X
Andrea Pasqualucci	Representing Self			X
Laura Gapske	School District of Superior	X		
Jack O'Meara	Wisconsin School Social Workers Association			X

The following persons submitted written testimony:

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Lauren Bessa	Unified School District of Antigo		X	
Mary Zimmerman	Ellsworth Community School District			X
Nichole Carlisle	Middleton Cross Plains Area School District		X	
Mary Green	Representing Self		X	
Corrie Warning	Representing Self		X	
Kayla Westrich	Barron Area School District			X

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Colleen Trumper	Grantsburg School District	X		
Douglas Jardine	School District of Bayfield	X		
Mark Weddig	Chequamegon School District	X		
Erik Olson	School District of Ashland	X		
Sara Croney	School District of Maple	X		
Darcus Shaw	Milwaukee Public Schools		X	
Angela Baerwolf	Wisconsin School Social Workers Association			X
Ben Niehaus	School District of Florence County	X		
Hayley Wilson	Parkview School District			X
Jenny Braunginn	University of Wisconsin-Madison			X
Ronnie Rivera	Carmen Schools of Science and Technology		X	
Gail Saari	Representing Self	X		
Amy Starzecki	School District of Superior	X		
Andrea Pasqualucci	Representing Self			X
Rebecca Boylan	Representing Self	X		
Dan Rossmiller	Wisconsin Association of School Boards	X		
Jane Larson	Representing Self	X		

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

- Many respondents express support for the proposed rule's additional pathway for applicants seeking licensure as a school social worker, noting that the department only licenses school social workers that have master's level training from one of three Wisconsin universities, all of which are located hundreds of miles away from school districts in the northern and western parts of the state. While some of these programs have offered some online flexibilities for students farther way, the respondents argue the cost associated with these programs have become a burden for many of these students and are not helpful with attracting individuals into the profession. They argue that while there are quality social work programs in states such as Minnesota, school districts are unable to hire those graduates due to current licensure rules, making it even more difficult to fill critical social work positions and placing a disproportionate impact on the mental health needs of students in certain portions of the state. As such, respondents argue the proposed pathway keeps the rule in line with the social worker licensure provisions in other states and recommendations of the National Association of School Social Workers regarding the minimum professional standards for the competency of school social workers, and will benefit Wisconsin's children by allowing more social workers to help students in more school districts without lowering current standards for school social workers. Further, some respondents support changing the licensing rules to allow those with a master's degree in general social work to work as licensed social workers in Wisconsin schools, in which needed training can be completed in a workshop format rather than college courses, and to provide a pathway for individuals with individuals holding a master's degree in clinical counseling to obtain a DPI license. These respondents argue that these changes would be helpful in filling critical positions and ensuring students receive the support they need, especially in the area of mental health services.

Agency Response: The department licenses school social workers from in-state as well as out-of-state programs that meet the same high quality standards for professionals working in schools. These are programs that provide training and practicum experience in important school-specific knowledge, skills, and interventions including school-based risk assessment, special education services, evidence-based behavioral intervention, school-based

suicide prevention and intervention on a continuum of supports, homelessness, teen pregnancy, truancy reduction, students in out-of-home care, pupil records and confidentiality, abuse and neglect, trauma sensitive schools, and building comprehensive school mental health systems. Recently, additional online program opportunities have been created at reasonable costs through UW schools. The department has also secured a federal grant to address the recruitment and retention of pupil service professionals, including school social workers, which hopes to, in part, make additional coursework and experience more accessible to those seeking licensure with the department. With this rule change, an additional pathway has been created for clinical social workers to obtain a license as they begin work in a school setting while obtaining necessary training and knowledge acquisition through classes in specific content. School social workers require specialized advanced graduate preparation that includes coursework and practical experiences relevant to both social work and education. School social workers are hired by school districts to apply expertise in mental health, learning, and behavior, to help children and youth succeed academically, socially, behaviorally, and emotionally. With regard to the comments about individuals with a master's degree in clinical counseling obtaining licensure, the department needs more time to evaluate additional changes in a proposed rule. No further changes are needed at this time.

- Many respondents also spoke against the proposed revisions to licensure requirements for school social workers. Currently, social workers receive extensive and specialized training to work in schools, including a field placement. Respondents argue that school social workers are essential in supporting student mental health in schools and are increasingly being asked to provide these skills in areas including but not limited to: crisis reduction, evidence-based counseling, suicide prevention, homelessness, abuse, neglect, trauma informed care, therapy, and the Individuals with Disabilities Education Act. Respondents argued permitting individuals with a bachelor's degree in social work to work in a school does not sufficiently prepare them for the leadership roles necessary to provide these equitable and culturally relevant services to students. Further, respondents argue many school social worker preparation programs in the state offer flexibilities such as online courses to help students in other parts of the state to meet their minimum education requirements. While the demand for more school social workers is high, they argue that eliminating current rule requirements in order to fill positions would harm Wisconsin students by lowering standards to getting into the profession. Respondents believe that in order to preserve the integrity of the profession, the current requirements in order to obtain a school social worker license must be maintained.

Agency Response: The rule change maintains high quality standards for professionals working in schools. There remains a pathway, under school district need, for individuals with a bachelor's degree to obtain a 1-year license, which includes the requirement that they are enrolled in an approved program leading to the license for the assignment. This requirement guarantees that the individual will be working under the supervision of a licensed school social worker, while engaging in necessary coursework. To renew this license, they must be making progress toward full licensure in their program, therefore ensuring that individuals licensed under the school district need pathway will move towards becoming a highly trained professional able to provide high quality service to students. Social workers must follow the National Association of Social Workers Code of Ethics, which requires them to work within the boundaries of their education and training. Therefore, a school social worker working under a tier I license may be limited in their ability to provide services to the school-community until they are fully licensed at tier II. No changes are needed.

- Many respondents requested the following revisions to the proposed rule:
 - Clarifying the eligibility provisions under section 2 of the proposed rule to state a master's degree in social work is from an accredited program in an institution of higher education.

Agency Response: The current rule's definition for "master's degree" means a degree awarded by an accredited graduate school or institution to a person who has completed at least one year of graduate study. No changes are needed.

- Clarifying the school district need provisions under section 2 of the proposed rule to specify that applicants with a BSW would still need internship hours in a school in addition to the proposed requirements, because under current standards for institutions of higher education accredited by the Council on Social Work Education (CSWE), a student cannot use paid employment for their practicum hours, and maintaining 18 hours per week for an internship while also working as a school social worker may make it difficult for individuals to successfully complete an MSW program.

Agency Response: The responsibility to ensure that CSWE requirements are met falls within the scope of the approved educator preparation program and not the department. No changes are needed.

- Clarifying the “successful experience” provision under section 6 of the final rule to include language for supervision or mentorship by a licensed school social worker while receiving their training through an institution of higher education.

Agency Response: The department eliminated the references to successful experience to state an applicant may receive a license as a clinically-trained social worker if the applicant has, in part, fulfilled the duties as a school social worker for at least one year in a Wisconsin school while holding a license issued under s. PI 34.028.

- Clarifying the seven training requirements under section 6 of the final rule to state that the training must be from an institution of higher education and that the school social work practice course requirement under this section should state the applicant is supervised or mentored by a licensed school social worker.

Agency Response: Adding a requirement that trainings must be provided by an institution of higher education limits the flexibility intended by the department under the proposed rule. Currently, several trainings are provided by institutions in the state other than institutions of higher education, including CESAs and many nonprofits. These institutions must still be approved by the department to provide these trainings to licensure applicants. No changes are needed.

- Some respondents have cited concerns with the proposed changes to the licensure of school psychologists, inquiring how the proposed changes will apply to those who already have a master’s degree and school psychologist license but are not nationally credited as that requires an educational specialist degree. One also argued the requirement that a school psychologist have an education specialist degree is unnecessary, arguing that master’s level training is adequate for the responsibilities these professionals have. Besides being unnecessary for the work they do, the respondent argues it is financial burden for smaller school districts to compensate at a level no one else is at in the district.

Agency Response: If an individual already holds a tier II or higher school psychologist license from the department, regardless of the degree obtained, proposed changes to the rule will not change the requirements for renewing or retaining the license. The changes under the proposed rule is an additional pathway to initial licensure or license renewal and not a replacement of current rules. Individuals with a master’s degree in school psychology will continue to be eligible for a tier I, 1-year renewable license with stipulations. The stipulations in this situation is generally the expectation of the completion of an internship and education specialist capstone project to earn the education specialist degree. According to the National Association of School Psychologists, the majority of states require the completion of a specialist-level program in school psychology. Many of those who do not require the education specialist degree still require 60 graduate credit hours to be completed, beyond the typical 30 graduate credit hours required for a master’s degree, which is necessary for fulfilling the responsibilities of the school psychologist. As such, no changes are needed.

Changes made as a result of oral or written testimony:

No changes were made.

Changes to the analysis or the fiscal estimate:

No changes were made.

Responses to Clearinghouse Report:

1. Statutory Authority:

The changes were accepted.

2. Form, Style and Placement in Administrative Code:

The changes were accepted.

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

The changes were accepted.

5. Clarity, Grammar, Punctuation and Plainness:

a. The department reworded the provision to state the department may issue a tier I license to an applicant if the applicant has not met all of the requirements for a tier II license but has completed all of the coursework at an approved program or a program in another state that meets the requirements under s. PI 34.022 and 34.023.

b. The changes were accepted.

c. The changes were accepted.

d. The department reworded the provision to state an applicant may receive a license as a clinically-trained social worker if the applicants has, in part, fulfilled the duties as a school social worker for at least one year in a Wisconsin school while holding a license issued under s. PI 34.028.

e. The changes were accepted.