

Clearinghouse Rule 24-017

PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AMENDING RULES

The scope statement for this rule, SS 116-23, was published in Register No. 816A3, on December 18, 2023, and approved by State Superintendent Jill Underly on January 12, 2024.

The State Superintendent of Public Instruction hereby proposes an order to repeal s. PI 34.086 (6); and to repeal and recreate ss. PI 34.086 (5) and 34.089 (4), relating to clarifying renewal language for educational interpreters and orientation and mobility specialists.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: ss. 115.28 (7) (a) and 118.19 (1), Wis. Stats.

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

Explanation of agency authority:

Under 118.19 (1), Wis. Stats., any person seeking to teach in a public school, including a charter school, or in a school or institution operated by a county or the state shall first procure a license or permit from the department. Under s. 115.28 (7) (a), Wis. Stats., the superintendent of public instruction shall 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, Wis. Stats.

Related statute or rule:

N/A

Plain language analysis:

The proposed rule seeks to create clarity and options for renewal of individuals holding a license to work as an educational interpreter under s. PI 34.086 or an orientation and mobility specialist under s. PI 34.089, Wis. Admin. Code. The proposed rule will provide extensions under these licenses may be sought to provide a one-year option that is nonrenewable.

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

Section 300.34 (c) (4) of the Individuals with Disabilities Education Act defines interpreting services as a related service with respect to educating a child who is deaf or hard of hearing. Under the Act, interpreting services are taken to mean oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, transcription services, and special interpreting services for children who are deaf-blind.

Additionally, section 300.34 (c) (7) of the Individuals with Disabilities Education Act defines orientation and mobility services as a related service provided to blind or visually impaired children by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community. Under the Act, services include teaching children spatial and environmental concepts and use of information received by the senses, to use a long cane or a service animal to supplement visual travel skills or safely negotiating the environment, to understand and use remaining vision and distance low vision aids, and other concepts, techniques, and tools.

However, because education in the United States is typically governed by each state and local government, the Act does not address how states administer the licensure of educational interpreters or orientation and mobility specialists as a related service. As such, federal regulations are generally silent with respect to the licensure of educational interpreters and orientation and mobility specialists.

Summary of any public comments and feedback on the statement of scope for the proposed rule that the agency received at a preliminary public hearing and comment period held and a description of how and to what extent the agency took those comments into account and drafting the proposed rule:

The Department held a preliminary public hearing and comment period on January 4, 2024, and did not receive any comments on the statement of scope for the proposed rule.

Comparison with rules in adjacent states:

Minnesota: Recent graduates from an interpreter/transliterator training program in Minnesota can receive a two-year provisional certificate during which the licensee must be mentored and have an educational plan in place to complete the license requirements (all certifications and completion of an interpreter or transliterator training program affiliated with an accredited educational institution). A one-time limited extension is available to this provisional license. (Minn. Stat. 122A.31) There are currently no Minnesota Institutes of Higher Education offering licensure programs in Blind/Visually Impaired or Orientation and Mobility.

Illinois: Illinois offers a 5-year approval as a Cued Speech Interpreter, in sign language interpretation, and as an Intervener for Students Who are Deaf-Blind which can be added to a Professional Educator License (PEL) that is endorsed in a teaching field or it can stand alone. These approvals are renewable if 50 clock hours of professional development have been completed. If someone is seeking approval as an educational interpreter and are unable to provide evidence of meeting one of the criteria, there is a one-time interim approval available with evidence of meeting one of the educational component criteria and proof of having attained a score of at least 3.0 on the EIPA. The interim approval lasts two years and cannot be renewed.

Michigan: Educational interpreters who do not score at least a 4.0 on the Educational Interpreter Performance Assessment (EIPA) but plan to work in an elementary or secondary setting may apply for temporary assignment as an underqualified interpreter. These exceptions are provided for one school year and are only granted under specific circumstances with an employing school district request. A qualified interpreter who fails to maintain appropriate CEUs is not eligible for renewal or reapplication until he or she has satisfied all continuing education requirements. Failure to meet renewal requirements before license expiration incurs a reinstatement fee. Unless the fully completed renewal is submitted within 90 calendar days, the licensee shall be required to retest. Michigan currently does not have a state license or certificate for Orientation and Mobility Specialists working in school districts.

Iowa: Licensees may renew their license 60 days before the current expiration date. Licensees are encouraged to renew early to avoid a late fee or lapse in licensure. All continuing education requirements must be completed prior to submitting your application for renewal. There is no mention of an extension to meet renewal requirements. Iowa does offer an extension if more time is needed to complete renewal requirements of the Orientation and Mobility Authorization.

Summary of factual data and analytical methodologies:

Chapter PI 34 of the Wisconsin Administrative Code contains the current rules governing educator licensure, including the rules for obtaining a 5-year, renewable educational interpreter license under s. PI 34.086 and a 5-year, renewable orientation and mobility license under s. PI 34.089.

Under the rule, an educational interpreter license may be renewed if the licensee: 1) completes 5 semester credits of continuing professional education from an accredited college or university, or completes 7.5 continuing education units approved by the Registry of Interpreters for the Deaf or Board for Evaluation of Interpreters; and 2) passes the Educational Interpreter Performance Assessment with a renewal score set by the state superintendent in consultation with the superintendent's advisory council on deaf and hard of hearing programs, or obtains or maintains one of the licenses or certification listed under s. PI 34.086 (3) (a).

Additionally, a license in orientation and mobility may be renewed if the licensee completes one of the following: 1) certification from the Academy for Certification of Vision Rehabilitation and Education Professionals; 2) Certification from the National Blindness Professional Certification Board; or 3) 6 semester credits from an accredited institution of higher education.

The rules governing these licenses currently do not contain any language regarding the length of which an extension under these licenses may be obtained. The proposed rule seeks to repeal and recreate the sections of rule governing renewal to create greater clarity and options for educational interpreters and orientation and mobility specialists. Further, the proposed rule will provide that extensions sought under these licenses by individuals who have not met all current renewal requirements are for one year and are nonrenewable.

Without a rule change, the department will be required to implement ch. PI 34 as the rules currently exist, and licensees may face confusion as a result.

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

Anticipated costs incurred by private sector:

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)

Carl Bryan
Legislative Policy Coordinator
Wisconsin Department of Public Instruction
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(608) 266-3275

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

Comments should be submitted to Carl Bryan, Department of Public Instruction, at adminrules@dpi.wi.gov. The Department will publish a hearing notice in the *Administrative Register* which will provide information on the deadline for the submission of comments.

RULE TEXT

SECTION 1. PI 34.086 (5) is repealed and recreated to read:

PI 34.086 (5) RENEWAL. (a) A license issued under this section is renewable if the licensee meets all of the following requirements:

1. The licensee completes one of the following educational components:

- a.** Completes 5 semester credits of continuing professional education from an accredited college or university. A licensee can satisfy 2 of the semester credits by serving as a mentor under sub. (2) (b) or (3) (b).
- b.** Completes 7.5 continuing education units approved by the Registry of Interpreters for the Deaf or Board for Evaluation of Interpreters. A licensee can satisfy 3 continuing education units by serving as a mentor under sub. (2) (b) or (3) (b).

2. Subject to par. (b), the licensee fulfills one of the following skill verification components:

a. Passes the Educational Interpreter Performance Assessment with a renewal score set by the state superintendent in consultation with the superintendent's advisory council on deaf and hard of hearing programs.

Note: Information regarding the passing score may be obtained at no charge from the Wisconsin department of public instruction's webpage at <https://dpi.wi.gov/licensing/apply-educator-license/other/renewal>.

b. Obtains or maintains one of the licenses or certifications listed under sub. (3) (a).

(b) If the licensee obtains a score of 3.5 or higher on the Educational Interpreter Performance Assessment, the licensee is not required to satisfy the requirements under subd. 2. for renewal.

(c) A one-year, nonrenewable license may be issued to an applicant who has not met the renewal requirements under par. (a). Renewal requirements under par. (a) must be met on or before June 30 of the year the nonrenewable license expires. Renewal requirements completed after June 30 of the year the nonrenewable license expires will result in a July 1 effective date of the next school year.

SECTION 2. PI 34.086 (6) is repealed.

SECTION 3. PI 34.089 (4) is repealed and recreated to read:

PI 34.089 (4) RENEWAL. (a) A license issued under this section may be renewed if the licensee meets one of the following requirements:

1. Certification from the Academy for Certification of Vision Rehabilitation and Education Professionals.

2. Certification from the National Blindness Professional Certification Board.

3. Completion of 6 semester credits from an accredited institution of higher education.

(b) A one-year, nonrenewable license may be issued to an applicant who has not met all renewal requirements under par. (a). Renewal requirements under par. (a) must be met on or before June 30 of the year the nonrenewable license expires. Renewal requirements completed after June 30 of the year the nonrenewable license expires will result in a July 1 effective date of the next school year.

SECTION 4. 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 _____, 2024

Jill K. Underly, PhD
State Superintendent