

**PROPOSED ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
ADOPTING PERMANENT RULES**

The scope statement for this rule, SS 121-13, was published in Register No. 693B on September 30, 2013, and approved by State Superintendent Tony Evers on October 14, 2013. 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, No. 2013AP416, 2015 WL 686178 (Wis. Ct. App. Feb. 19, 2015).

The State Superintendent of Public Instruction hereby proposes to amend ss. PI 37.03 (1) (a) 2. and (b) 2.; and to create ss. PI 37.02 (1g), (1r), (3m) and (6m) and 37.03 (1) (a) 4. and (b) 4.; relating to grants for master educators and nationally board certified educators.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 115.42, Stats.

Statutory authority: s. 115.42, Stats.

Explanation of agency authority:

Under s. 115.42, Stats., the Department shall promulgate rules to implement and administer grants for national teacher certification or master educator licensure.

Related statute or rule: ss. 115.415 and 120.12 (2m) (a), Stats.

Plain language analysis:

The proposed rule change modifies ch. PI 37 as a result of the 2013-15 budget, 2013 Wisconsin Act 20. 2013 Wisconsin Act 20 created s. 115.42 (1) (a) 5., Stats., which provides an additional requirement, that an applicant must have a rating of "effective" or "highly effective" in the applicable educator effectiveness system, in order to receive a grant for national teacher certification or master educator licensure. 2013 Wisconsin Act 20 also created s. 115.42 (2) (d), Stats., which states that in any of the 9 years following receipt of a grant, if the grant recipient fails to maintain a rating of "effective" or "highly effective" in the applicable educator effectiveness system, as determined by the department, he or she is not eligible for a grant in that school year. The change aligns the rule with statute and defines "effective" or "highly effective," as used in s. 115.42, Stats.

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:

This proposed rule change is needed to align ch. PI 37 with the statutory changes in the 2013-15 budget.

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)

Carl Bryan

Budget and Policy Analyst

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

Comments should be submitted to Carl Bryan, Department of Public Instruction, 125 S. Webster Street, P.O. Box 7841, Madison, WI 53707-7841 or at Carl.Bryan@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.

SECTION 1. PI 37.02 (1g) and (1r) are created to read:

(1g) “Educator effectiveness system” means the educator effectiveness evaluation system under s. 115.415, Stats.

(1r) “Educator practice outcome summary” means the evaluation score under s. 115.415 (2) (b), Stats., or an equivalent score.

SECTION 2. PI 37.02 (3m) is created to read:

(3m) “Rating of effective or highly effective” means a score of greater than or equal to 2.5 in both the educator practice outcome summary and the student outcomes summary or, if the person has not had an initial rating in the educator effectiveness system, the person is in the process of being evaluated for a rating in the educator effectiveness system.

SECTION 3. PI 37.02 (6m) is created to read:

(6m) “Student outcomes summary” means the evaluation score based on upon measures of student performance under s. 115.415 (2) (a), Stats.

SECTION 4. PI 37.03 (1) (a) 2. is amended to read:

2. The person is licensed as a teacher by the state superintendent or employed as a teacher in a private school or tribal school located in this state.

SECTION 5. PI 37.03 (1) (a) 4. is created to read:

4. If the person is required to be evaluated under s. 120.12 (2m) (a), Stats., and the person applied for an initial grant under this paragraph in the 2014-15 school year or thereafter, the person has a rating of effective or highly effective in the educator effectiveness system.

SECTION 6. PI 37.03 (2) (a) 2. is amended to read:

2. The person maintains his or her license as a teacher by the state superintendent or remains employed in a private school or tribal school located in this state.

SECTION 7. PI 37.03 (2) (a) 4. is created to read:

4. If the person is required to be evaluated under s. 120.12 (2m) (a), Stats., and the person received an initial grant under par (a) in the 2014-15 school year or thereafter, the person maintains a rating of effective or highly effective in the educator effectiveness system.

SECTION 8. 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.