

Clearinghouse Rule 16-086

ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION ADOPTING PERMANENT RULES

The scope statement for this rule, SS 087-16, was published in Register No. 730A1, on October 3, 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 this rule. *Coyne v. Walker*, 2016 WI 38.

The State Superintendent of Public Instruction adopts an order to repeal ss. PI 34.29 (1) (e) 2. and 3. and 4.; renumber and amend ss. PI 34.21 (2) (d) and 34.29 (1) (e) 1.; amend ss. PI 34.21 (1) (c) (intro.), 34.21 (2) (c), 34.24 (1), 34.27 (1) (d), and 34.29 (2) (a) 1. and (b) 1. and (c) 1. and (d) 1., and s. PI 34.30 (1) (d); repeal and recreate ss. PI 34.23; and create ss. PI 34.18 (4), 34.19 (7), PI 34.21 (1) (c) 1. and 2. and (d), PI 34.21 (2) (d) 1. and 2. and (e), 34.27 (1) (e) and (f), and PI 34.29 (1) (f) and (g) and (h); relating to flexible licensing options under PI 34.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 115.28 (7) (a), 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: PI 34 contains the current administrative rules governing the licensure of school personnel. Emergency Rule 1623, which became effective on August 23, 2016, made several changes to the existing rule to make teacher licensing more amendable to school district staffing needs, which included increasing the number of pathways to licensure, reducing the regulatory burden on applicants, and reducing the time it takes to obtain a license. The proposed rule seeks to make the changes created by Emergency Rule 1623 permanent and identifies additional changes to make teacher licensing more flexible.

Plain language analysis:

The proposed rule makes numerous changes to the existing rule, which include the following:

- Creating the ability for Wisconsin educators who are age 55 or older to apply for a five-year, nonrenewable license without having to meet professional development requirements (i.e., 6 credits or a PDP).
- Increasing the number of consecutive days that a short-term substitute can be in the same assignment from 20 to 45 days. This should allow schools enough time to either find a properly licensed educator for the position or apply for an emergency license or permit for an educator who does not hold a license acceptable for the assignment.
- Expanding the renewal options for emergency licenses to include attempting to pass required tests for licensure for educators who have met all other requirements and submitting a plan to complete an approved program.
- Expanding the pathway for teachers to add additional licenses based on content tests to allow:

- Teachers who hold an Early Adolescence-Adolescence (grades 5-12) regular education license can add another regular education license at the same developmental/grade level by passing a content test.
- Teachers who hold a Middle Childhood-Early Adolescence (grades 1-8) regular education license and have at least four semesters of teaching experience in grades 1 or 2 can add a regular education license at the Early Childhood level (birth to grade 3) by passing the Praxis II Elementary Education Content Knowledge test and the Foundations of Reading Test.
- Teachers who hold a Middle Childhood-Early Adolescence (grades 1-8) regular education license and have at least four semesters of teaching experience in English/language arts or math in grades 7 or 8 can add a license in that subject at the Early Adolescence-Adolescence level by passing a content test.
- Teachers who hold an Early Childhood-Adolescence (grades PK-12) regular education license can add another Early Childhood-Adolescence regular education license or an Early Adolescence-Adolescence (grades 5-12) regular education license by passing a content test.

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:

In order to continue implementing solutions that help school districts address critical staff shortages, the proposed rule's objective is to make the teacher licensing process more flexible and efficient.

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:

Comments should be submitted by February 9, 2017, to Carl Bryan, Department of Public Instruction, 125 S. Webster Street, P.O. Box 7841, Madison, WI 53707-7841 or at adminrules@dpi.wi.gov. The Department will publish a hearing notice in the *Administrative Register* that will provide information on the deadline for the submission of comments.

SECTION 1. PI 34.18 (4) is created to read:

PI 34.18 (4) FIVE-YEAR NONRENEWABLE LICENSE.

(a) A five-year nonrenewable professional educator license may be issued to an applicant who meets all of the following requirements:

1. The applicant has attained the age of 55 as of July 1 of the school year in which the license is issued.
2. The applicant holds or has held a license issued under sub. (1), s. PI 34.19, or s. PI 34.20 (2).

(b) A license issued under par. (a) shall be in the subject area or position of the license the applicant holds or held under sub. (1), s. PI 34.19, or s. PI 34.20 (2).

SECTION 2. PI 34.19 (7) is created to read:

PI 34.19 (7) Upon issuance of a master educator license under sub (1), any valid professional educator license held by the master educator in another subject or position shall have the same license expiration date as the master educator license.

SECTION 3. PI 34.21 (1) (c) (intro.) is amended to read:

PI 34.21 (1) (c) A license under this subsection may be renewed if the district administrator or designated official of the employing school district requests that the license be renewed and ~~if the applicant satisfactorily completes at least 6 semester credits or the equivalent coursework toward completion of an approved program in the teacher or pupil services area of the emergency license.~~ the applicant did one of the following during the term of the emergency license:

SECTION 4. PI 34.21 (1) (c) 1. and 2. and (d) are created to read:

PI 34.21 (1) (c) 1. Satisfactorily completed at least 6 semester credits in an approved licensure program at an IHE or the equivalent coursework toward completion of a Wisconsin approved alternative route program in the teacher or pupil services area of the emergency license.

2. Attempted to complete all of the tests required for licensure in the teacher or pupil services area of the emergency license.

(d) If an applicant does not meet the renewal requirements under par. (c), a license under this subsection may be renewed if the district administrator or designated official of the employing school district submits to the department a written program plan that demonstrates, by clear and convincing evidence, that the applicant will complete licensure requirements in the teacher or pupil services area of the emergency license during the term of the renewed license.

SECTION 5. PI 34.21 (2) (c) is amended to read:

PI 34.21 (2) (c) The district administrator or designated official of the employing school district requests the permit to be issued. This request shall be in writing and shall provide a justification of need. The request shall state that a search for a fully licensed candidate was conducted and that no fully licensed individuals were ~~available~~ acceptable for the assignment.

SECTION 6. PI 34.21 (2) (d) is renumbered 34.21 (2) (d) (intro.) and amended to read:

PI 34.21 (2) (d) A permit under this subsection may be renewed if the district administrator or designated official of the employing school district requests that the permit be renewed. The permit may be renewed if, between the date of issuance and the proposed renewal date, the applicant ~~satisfactorily completes at least 6 semester credits or the equivalent coursework toward completion of an approved program in the teacher or pupil services area of the emergency permit. The request for renewal shall be in writing, shall include a full explanation of the need for renewal and shall state that a search was conducted for a fully licensed teacher and that a fully licensed teacher is not available.~~ did one of the following during the term of the emergency license:

SECTION 7. PI 34.21 (2) (d) 1. and 2. and (e) are created to read:

PI 34.21 (2) (d) 1. Satisfactorily completed at least 6 semester credits in an approved licensure program at an IHE or the equivalent coursework toward completion of a Wisconsin approved alternative route program in the teacher or pupil services area of the emergency license.

2. Attempted to complete all of the tests required for licensure in the teacher or pupil services area of the emergency license.

(e) If an applicant does not meet the renewal requirements under par. (d), a license under this subsection may be renewed if the district administrator or designated official of the employing school district submits to the department a written program plan that demonstrates, by clear and convincing evidence, that the applicant will complete licensure requirements in the teacher or pupil services area of the emergency license during the term of the renewed license.

SECTION 8. PI 34.23 is repealed and recreated to read:

PI 34.23 Substitute teachers.

(1) LICENSE. A renewable substitute teacher license may be issued for a period of 5 years to an applicant who has held or is eligible to hold a Wisconsin license issued under subch. VII, VIII, or IX, or the equivalent license in another state. A license issued under this subsection shall be in the subject or position and the developmental or grade level of the license the applicant has held or is eligible to hold under subch. VII, VIII, or IX, or the equivalent license in another state.

(2) LONG-TERM SUBSTITUTE. A school district may employ an individual as a long-term substitute teacher if the individual is a licensed substitute teacher under sub. (1) or is fully licensed for the assignment. A long-term substitute teacher may be employed only in the subject or position and grade level in which the individual is licensed.

(3) SHORT-TERM SUBSTITUTE. A school district may employ an individual as a short-term substitute teacher for no more than 45 consecutive days in the same teaching assignment. A short-term substitute teacher may be employed to teach any subject at any grade level. A school district may only employ an individual as a short-term substitute teacher if the individual has one of the following:

- (a) A license issued under subch. VII, VIII, or IX.
- (b) A substitute license issued under sub. (1).
- (c) A substitute teacher permit issued under s. PI 34.24.

SECTION 9. PI 34.24 (1) is amended to read:

PI 34.24 (1) A substitute teacher permit authorizes an individual to be a short-term substitute under s. PI 34.23 (3). A substitute teacher permit may be issued to a person who holds a bachelor's degree from an accredited college or university but does not meet the substitute teacher license requirements under s. PI 34.23 (1).

SECTION 10. PI 34.27 (1) (d) is amended to read:

PI 34.27 (1) (d) ~~Licenses~~ Except as provided in par. (e), licenses may be issued under this section to individuals who complete an approved program including evidence of meeting the standards in s. PI 34.02, the requirements in s. PI 34.15 (4), and the content knowledge test described under s. PI 34.15 (2) (a) 3. a.

SECTION 11. PI 34.27 (1) (e) and (f) are created to read:

PI 34.27 (1) (e) An individual may be issued an additional license under sub. (2) if the individual meets all of the following requirements:

1. The individual is licensed under s. PI 34.28 (2) or s. PI 34.25 in elementary education that includes grades 1 and 2.
2. The individual has at least 4 semesters of teaching experience in a self-contained classroom in grades kindergarten, 1, or 2.
3. The individual has successfully completed the content knowledge test prescribed by the state superintendent under s. PI 34.15 (2) (a) 3. a.
4. The individual has passed the exam required under s. 118.19 (14), Stats.

(f) A license issued under par. (e) shall have the same license expiration date as the applicant's valid initial educator or professional educator teaching license. The license term for a license issued under par. (e) for an applicant holding a master educator or life license in teaching shall not exceed 5 years. The start date of an additional license issued under par. (e) shall be July 1 of the next calendar year if the tests required under par. (e) are completed after August 31.

SECTION 12. PI 34.29 (1) (e) 1. is renumbered 34.29 (1) (e) and is amended to read:

PI 34.29 (1) (e) Individuals who hold a professional educator license under ~~the subcategories under~~ sub. (2) ~~(a) 1.~~, may be issued an additional license in under sub. (2) ~~(a) 1.~~ by successfully completing an additional content knowledge ~~standardized examination~~ test prescribed by the state superintendent in the subject area of the additional license.

SECTION 13. PI 34.29 (1) (e) 2. and 3. and 4. are repealed.

SECTION 14. PI 34.29 (1) (f), (g), and (h) are created to read:

PI 34.29 (1) (f) An individual may be issued an additional license to teach English literature and composition under sub. (2) (a) or mathematics under sub. (2) (b) if the individual meets all of the following requirements:

1. The individual is licensed under s. PI 34.28 (2) or under s. PI 34.25 in elementary or middle education that includes grades 7 and 8.
2. The individual has at least 4 semesters of teaching experience in grades 7 or 8 in the subject of the additional license.
3. The individual has successfully completed the content knowledge standardized examination prescribed by the state superintendent under s. PI 34.15 (2) (a) 3. a.

(g) Individuals who hold an educator license under s. PI 34.30 (2) (a) to (d), (2) (f) to (k), or (2) (m) to (n) may be issued an additional license under sub. (2) by successfully completing an additional content knowledge test prescribed by the state superintendent in the subject area of the additional license.

(h) A license issued under par. (e), (f), or (g) shall have the same license expiration date as the applicant's valid initial educator or professional educator teaching license. The license term for a license issued under par. (e) or (f) for an applicant holding a master educator or life license in teaching shall not exceed 5 years. The start date of an additional license issued under par. (e) or (f) or (g) shall be July 1 of the next calendar year if the required test is completed after August 31.

SECTION 15. PI 34.29 (2) (a) 1. and (b) 1. and (c) 1. and (d) 1. are amended to read:

PI 34.29 (2) (a) *Language arts.*

1. In order to qualify for a license under this paragraph, an individual shall have completed a language arts program major or a major in one of the subcategories under this subdivision. The language arts program shall include competencies in each of the subcategories listed in this subdivision with a concentration in at least one of the subcategories. A concentration license in the specific subject area is required to teach upper level high school courses in the specific subject subcategory. The following subcategories are available as individual licenses and shall be included in the broad-field language arts license:

...

PI 34.29 (2) (b) *Mathematics and computer science.*

1. In order to qualify for a license under this paragraph, an individual shall have completed a program major or a major in one of the subcategories under this subdivision. The mathematics and computer science program shall include competencies in both subcategories. A concentration license in the specific subject area is required to teach upper level high school courses in mathematics or computer science. The subcategories referred to in this subdivision are as follows:

...

PI 34.29 (2) (c) *Science.*

1. In order to qualify for a license under this paragraph, an individual shall have completed a science program major or a major in one of the subcategories under this subdivision. The science program shall include competencies in each of the subcategories listed under this subdivision with a concentration in at least one of the subcategories. A concentration license in the specific subject area is required to teach upper level high school courses in the specific subject subcategories. The following subcategories are available as individual licenses and shall be included in the broad-field science license:

...

PI 34.29 (2) (d) *Social studies.*

1. In order to qualify for a license under this paragraph, an individual shall have completed a social studies program major or a major in one of the subcategories under this subdivision. The social studies program shall include competencies in each of the subcategories listed in this subdivision with a concentration in at least one of the subcategories. A concentration license in the specific subject area is required to teach upper level high school courses in the specific subject subcategory. The following subcategories are available as individual licenses and shall be included in the broad-field social studies license:

SECTION 16. PI 34.30 (1) (d) is amended to read:

PI 34.30 (1) (d) An individual who holds a professional educator license under sub. (2) ~~(g) 2. a. to e. or g. (a) to (d), (2) (f) to (k), or (2) (m) to (n)~~ may also be issued a license under ~~another foreign language under sub. (2) (g) 2. a. to e. or g. (a) to (d), (2) (f) to (k), or (2) (m) to (n)~~ if he or she successfully completes a content knowledge standardized examination prescribed by the state superintendent in the foreign language subject area of the additional license.

SECTION 17. 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.