

Wisconsin Department of Public Instruction  
**STATEMENT OF SCOPE  
FOR ADMINISTRATIVE RULES**

**GENERAL INFORMATION**

Rule No.: PI 34

Relating to: Revisions to emergency rules governing licensure as a result of 2017 Wisconsin Act 59

Rule Type: Emergency

**NARRATIVE**

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*, 368 Wis.2d 444.

1. Finding/nature of the emergency (Emergency Rule only).

The licensure changes provided by 2017 Wisconsin Act 59 have become effective September 23, 2017 and an emergency rule is needed to administer these changes.

2. A description of the objective of the proposed rule.

The emergency rule under this scope statement will repeal and recreate provisions in currently effective emergency rules around licensure, Emergency Rule 1711, to align the rule with recent changes to statute as a result of 2017 Wisconsin Act 59. This rule will ensure consistency between Emergency Rule 1711 and statute while the permanent rule accompanying Emergency Rule 1711 will complete promulgation.

3. A description of the existing policies and new policies included in the proposed rule and an analysis of policy alternatives.

Emergency Rule 1711 became effective June 17, 2017 and was promulgated to provide flexibility and transparency around the teacher licensing process. 2017 Wisconsin Act 59, which became effective September 23, 2017, made several changes to the licensure process, including provisions that are not consistent with Emergency Rule 1711. The emergency rule under this scope statement will amend Emergency Rule 1711 to conform provisions in the rule to changes in statute. The promulgation of emergency rules will help ensure implementation of these licensure changes remains consistent through the completion of the permanent rule making process. Without a new emergency rule, statute and rule will not be consistent.

4. The statutory authority for the proposed rule.

**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.

Additionally, the Department is required, under the non-statutory provisions in 9135 (5p) of 2017 Wisconsin Act 59, to promulgate rules to revise Chapter PI 34 of the Wisconsin Administrative Code and simplify the teacher licensing system to the extent practicable.

5. An estimate of the amount of time agency employees will spend developing the proposed rule and of other resources needed to develop the rule.  
The amount of time needed for rule development by Department staff and the amount of other resources necessary are indeterminate.

6. A description of all of the entities that will be affected by the proposed rule.  
This rule change will impact public schools, including charter schools, and educator preparation programs, as well as individuals with a teaching license or those seeking a teaching license under s. 115.28 (7) (a), Stats.

7. A summary and preliminary comparison of any existing or proposed federal regulation that addresses or is intended to address the activities to be regulated by the proposed rule.  
N/A

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses).  
The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats.

#### Contact Information

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