Wisconsin Department of Public Instruction

STATEMENT OF SCOPE

FOR ADMINISTRATIVE RULES

GENERAL INFORMATION

Rule No.: PI 34
Relating to: Changes to PI 34 as a result of 2019 Wisconsin Act 44
Rule Type: Permanent and Emergency

NARRATIVE

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

2019 Wisconsin Act 44 made changes to the statutes governing the issuance of teaching licenses. The Department is required by statute to promulgate rules in order to administer the licensure of all educators in the state. Unless the rule is modified to reflect changes in the statute as a result of 2019 Act 44, the Department may be prevented from efficiently issuing initial teaching licenses and applicants for initial teaching licenses may not have clear guidance on licensing requirements. The promulgation of emergency rules will ensure that the issuance of teaching licenses remains consistent with the changes in statute as a result of 2019 Act 44 while the associated permanent rule completes the promulgation process.

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

The proposed rule seeks to make changes to ch. PI 34 to conform the rule to changes in statute as a result of 2019 Wisconsin Act 44, including rules around what constitutes satisfactory completion of a course of study that a special education teacher may complete as an alternative to the Foundations of Reading Test (FORT).

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

Section 118.19 (14) (a), Stats., requires that the Department may not issue an initial teaching license that authorizes the holder to teach in grades kindergarten to 5 or in special education, an initial license as a reading teacher, or an initial license as a reading specialist, unless the applicant has passed an examination identical to the FORT with a passing score set by the Department.

However, 2019 Wisconsin Act 44 creates an alternative to the requirement that an applicant for an initial special education teaching license must pass the FORT. Under the Act, a person may instead complete a course of study that satisfies the following requirements: 1) the course of study provides rigorous instruction in the teaching of phonemic awareness, phonics, vocabulary, reading comprehension and fluency; 2) a student in the course receives feedback and coaching from an

individual who is an expert of reading instruction; and 3) a student in the course of study demonstrates competence in phonetic awareness, phonics, vocabulary, reading comprehension, and fluency by providing a portfolio of work. The Department must waive the requirement to pass the FORT if an applicant for an initial special education teaching license demonstrates to the satisfaction of the agency that he or she successfully completed such a course of study.

Chapter PI 34 of the Wisconsin Administrative Code contains the current administrative rules governing the licensure of school personnel, including rules governing the issuance of initial teaching licenses. The proposed rule seeks to conform ch. PI 34 to the changes in statute as a result of 2019 Act 44, which will include rules around what constitutes satisfactory completion of a course of study that a special education teacher may complete as an alternative to the FORT. Without a rule, the Department would be required to implement PI 34 as the rule currently exists, and could create confusion for applicants seeking an initial special education teaching license.

4. The statutory authority for the proposed rule.

The state superintendent has authority to make rules establishing standards of attainment and procedures for the examination and licensing of teachers generally under s. 115.28 (7) (a), Stats.:

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 state superintendent has the authority to license and make rules for the examination and licensing of persons employed to provide publicly funded special education and related services under s. 115.28 (7) (c), Stats.:

115.28 General duties. The state superintendent shall:

(7) Licensing of teachers.

(c) Subject to s. 118.19 (4m), license and make rules for the examination and licensing of persons, including teachers, employed to provide publicly funded special education and related services, as those terms are defined in s. 115.76 (14) and (15).

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 would impact educator preparation programs and provide assessment options for individuals seeking a teaching license under s. 115.28 (7) (a) and (c), 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

Carly Bryan
Legislative Policy & Outreach Team
266-3275
adminrules@dpi.wi.gov