

Clearinghouse Rule 20-070

ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION ADOPTING PERMANENT RULES

The scope statement for this rule, SS 102-20, was published in Register No. 776A2, on August 10, 2020, and approved by State Superintendent Carolyn Stanford Taylor on August 21, 2020.

The State Superintendent of Public Instruction hereby adopts an order to amend s. PI 34.047 (3) (m) and (4), and 34.076 (2) (a) 7.; and to create s. PI 34.040 (2) (j), relating to speech-language pathologist licenses.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 115.28 (7) (c) and 115.76 (14) (a) 1., Stats.

Statutory authority: s. 115.28 (7) (c), Stats.

Explanation of agency authority:

Under s. 115.28 (7) (c), Stats., the State Superintendent has the authority to license and make rules for the examination and licensing of persons, including teachers, employed to provide publicly funded special education and related services, including speech-language pathology services as provided under s. 115.76 (14) (a) 1., Stats.

Related statute or rule:

N/A

Plain language analysis:

The Department proposes to amend ch. PI 34 of the Wisconsin Administrative Code to clarify rules around the licensing of speech-language pathologists.

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

Section 300.34 (c) (15) of the Individuals with Disabilities Education Act includes speech and language pathology services as a related service with respect to educating a child who has a speech or language impairment. Under the Act, speech and language pathology services are taken to mean the identification of children with speech or language impairments, diagnosis and appraisal of specific speech or language impairments, referral for medical or other professional attention necessary for the habilitation of speech or language impairments, provision of speech and language services for the habilitation or prevention of communicative impairments and counseling and guidance of parents, children, and teachers regarding speech and language impairments. 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 speech-language pathologists as a related service. As such, states are permitted to choose how to license speech-language pathologists who provide services to children with an individualized education plan.

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 August 20, 2020, and did not receive any comments on the statement of scope for the proposed rule.

Comparison with rules in adjacent states:

- Illinois: The Illinois State Board of Education (ISBE) provides credentials to speech-language pathologists who work in the public schools. To obtain an endorsement for licensure as a speech-language pathologist in Illinois, the applicant must obtain a master's degree or higher from a regionally accredited institution of higher education, proof of completion of a State Approved Program, 150 hours of supervised, school-based professional experience that consists of activities related to aspects of practice addressed in the content area, completion of coursework addressing methods of teaching exceptional children, reading methods, content area reading, and methods of teaching English learners.

- Iowa: Iowa has two licensure options for speech-language pathologists who wish to work in an educational setting. Individuals with a professional service license, issued by the Iowa Board of Educational Examiners, are authorized to serve as a speech-language pathologist to students from birth to age 21. Alternatively, the applicant may obtain a Statement of Professional Recognition from the Iowa Board of Educational Examiners, to practice as a speech-language pathologist in the educational setting, with an Iowa Department of Public Health license.

Michigan: The Michigan Department of Licensing and Regulatory Affairs registers speech-language pathologists licensed in the state. To obtain licensure as a speech-language pathologist in Michigan, the applicant must obtain a master's or doctoral degree from an accredited educational program, 1,260 hours of a supervised postgraduate clinical experience, and a passing score on an exam acceptable to the Board of Speech-Language Pathology.

- Minnesota: The Minnesota Speech Language Pathology and Audiology Advisory Council oversees licensure for individuals authorized to provide speech-language services to prekindergarten through grade 12 students with identified communication disabilities including those affecting language, articulation, fluency, and voice. To obtain licensure as a speech-language pathologist in Minnesota, the applicant must have: 1) a master's or doctoral degree from a Council on Academic Accreditation in Audiology and Speech-Language Pathology or equivalent accredited program.

- If completing a doctoral program in which a master's degree has not been conferred, an applicant must submit a transcript showing completion of coursework equivalent to or exceeding a master's degree; a letter from the program director may also be required; 2) clinical experience as required by American Speech-Language Hearing Association, the American Board of Audiology, or an equivalent as determined by the commissioner; and 3) passage of the national examination in speech-language pathology or audiology.

Summary of factual data and analytical methodologies:

Chapter PI 34 governs the licensure of school personnel, including speech-language pathologists who may be authorized by holding a tier I, 1-year renewable license or a tier II, 3-year renewable license issued by the department. Under the current rule, applicants who wish to hold a tier I or tier II license in speech and language pathology must hold a valid speech-language pathologist license issued by the department of safety and professional services. However, the eligibility criteria for a tier I speech-language pathologist to move to a tier II license needs clarification to ensure transparency. The proposed rule change will specify the pathway for licensees who hold a tier I speech-language pathologist license to become eligible for a tier II license. The proposed rule also makes technical changes to the rule to conform the rule's terminology with current terminology for speech-language pathologists. Without a rule change, the Department would be required to implement PI 34 as the rules currently exist.

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 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* which will provide information on the deadline for the submission of comments.

RULE TEXT

SECTION 1. PI 34.040 (2) (j) is created to read:

PI 34.040 (2) (j) *Clinically-trained speech-language pathologist*. The applicant meets all of the following:

1. Holds a master's degree or higher in speech-language pathology.
2. Holds or has held a valid speech-language pathologist license issued by the hearing and speech examining board under s. 459.24, Stats.
3. Has fulfilled the duties as a speech-language pathologist for at least one year in a Wisconsin school while holding a license issued under s. PI 34.028 (2) (e).
4. Has completed training under s. 118.19 (8) and (9), Stats.
5. Has completed training regarding children with disabilities as described in s. PI 34.022 (7).

SECTION 2. PI 34.047 (3) (m) and (4) are amended to read:

PI 34.047 (3) (m) ~~Speech-and-language~~ pathology.

(4) ~~SPEECH-AND-LANGUAGE~~ PATHOLOGY. The state superintendent may issue a teaching license under sub. (3) (m) to an applicant who is licensed by the department of safety and professional services as a ~~speech-and-language~~ pathologist and meets the requirements under s. PI 34.022.

SECTION 3. PI 34.076 (2) (a) 7. is amended to read:

PI 34.076 (2) (a) 7. ~~Speech-and-language~~ pathology under s. PI 34.047 (3) (m) or (4).

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.