

Clearinghouse Rule 24-010

ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION ADOPTING RULES

The scope statement for this rule, SS 084-23, was published in Register No. 815B, on October 30, 2023, and approved by State Superintendent Jill K. Underly on November 28, 2023.

The State Superintendent of Public Instruction hereby adopts an order to amend ss. PI 34.028 (2) (c) (title), (intro.), 2., and 3.; and to create ss. PI 34.001 (4m) and (16m), relating to issuing a tier I license with stipulations based on district need.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 118.19 (1), Stats.

Statutory authority: ss. 115.28 (7) (a) and 118.19 (1), Stats.

Explanation of agency authority:

Under 118.19 (1), Stats., any person seeking to teach in a public school, including a charter school, or in a school or institution operated by a county or the state shall first procure a license or permit from the department. Under Wis. Stat. s. 115.28 (7) (a) the superintendent of public instruction shall 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.

Related statute or rule:

N/A

Plain language analysis:

The proposed rule change amends s. PI 34.028 (2) (c) of the Wisconsin Administrative Code with respect to the rules governing the issuance of a tier 1, one-year renewable license with stipulations due to a school district need. The proposed change will include CESAs, charter schools, and private schools under this section as a means of providing all schools with access to this license option.

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

Because educator licensure in the United States is typically governed by each state and local government, federal regulations are generally silent with respect to the issuance of teacher licenses. As a result, the requirements for licensure vary by state.

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 November 9, 2023, and received no comments on the statement of scope for the proposed rule.

Comparison with rules in adjacent states:

Illinois: A district in Illinois can only request a Provisional Career and Technical Educator (CTE) license with verification that no teacher holding a Professional Educator License (PEL) or and Educator License with Stipulations (ELS) endorsed in career and technical education is available.

Iowa: Iowa requires teachers to hold a bachelor's degree and complete an approved teacher education program at an accredited institution prior to receiving their initial teacher certification. If a teacher has an Initial (2-year), Class A (1-year, nonrenewable), Class B (2-year, nonrenewable), Standard (5-year), or Master Educator (5-year) license and at least one endorsement but are in the process of obtaining another endorsement, a school district administrator can request an exception be made with regard to meeting the minimum content requirements of an endorsement based on the need of the school for the issuance of a two-year, nonrenewable class B license.

Michigan: Michigan provides for an alternative route to teacher certification using a non-traditional preparation program for individuals who hold a minimum of a bachelor's degree and are seeking to complete an expedited teacher preparation program. Once enrolled in an approved program, and employed by a school, the alternative route program provider gives guidance on the steps for applying for a five-year, nonrenewable Interim Teaching Certificate (ITC). If the teacher leaves the preparation program, they are no longer authorized to teach under the ITC. A district in Michigan can also request an Annual Career Authorizations license for a Career and Technical Educator when a properly certified and endorsed candidate is not available for the assignment. The district must verify the work experience and assign a mentor teacher.

Minnesota: To obtain a Tier 1 or Tier 2 license in Minnesota, applicants must have a job offer by a Minnesota public school district. The District Verification for a Tier 1 (or Tier 2) License Form must be completed, then signed and dated by the authorized Minnesota public or charter school official. An Educational Service Agency in Minnesota cannot request this license.

Summary of factual data and analytical methodologies:

Chapter PI 34 of the Wisconsin Administrative Code contains the rules governing educator licensure, including the issuance of tier 1, one-year renewable licenses with stipulations. Under s. PI 34.028 (2) (c), the state superintendent may issue a tier I license to an applicant who does not meet all the requirements for a tier II, III, or IV license if the applicant is hired to meet a school district need and meets the enumerated requirements based on the license sought (teacher, school social worker, or school psychologist). Additionally, the applicant's employing school district must have conducted a search for a fully licensed candidate and no fully licensed candidates were acceptable for the assignment, and the district administrator of the employing school district submitted a written request to the state superintendent on behalf of the applicant for the applicant to receive the license.

The proposed rule change will permit the state superintendent to issue a tier I license to an applicant who is hired to meet the needs of an employing CESA, charter school, or private school. To receive the license, the applicant shall meet the same degree requirements as currently written in PI 34.028 (2) (c) and the administrator of the employing CESA, charter school, or private school shall submit a written request to the state superintendent on behalf of the applicant for the applicant to receive the license. Without a rule change, the department will be unable to implement this flexibility for all schools and will be required to implement ch. PI 34 based on current rule.

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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Wisconsin Department of Public Instruction
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(608) 266-3275

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

Comments should be submitted to Carl Bryan, Department of Public Instruction, 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 34.001 (4m) and (16m) are created to read:

PI 34.001 (4m) “Charter school” has the meaning given in s. 115.001 (1), Stats.

(16m) “Private school” has the meaning given in s. 115.001 (3r), Stats.

SECTION 2. PI 34.028 (2) (c) (title), (intro.), 2., and 3. are amended to read:

PI 34.028 (2) (c) *School district, CESA, charter school, or private school need.* The applicant is hired to meet a school district, CESA, charter school, or private school need and meets all of the following requirements:

2. The applicant's employing school district, CESA, charter school, or private school conducted a search for a fully licensed candidate and no fully licensed candidates were acceptable for the assignment.

3. The district administrator of the employing school district, or the administrator of the CESA, charter school, or private school, submitted a written request to the state superintendent on behalf of the applicant on a form provided by the department.

SECTION 3. EFFECTIVE DATE:

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

Dated this _____ day of _____, 2024

Jill Underly, PhD
State Superintendent