

GENERAL INFORMATION

Rule No. PI 34	Relating to Recognizing national certification for school counselor and school social worker licensure	Rule Type Permanent
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SIGNATURE

State Superintendent Review <input type="checkbox"/> Approved. <i>Begin Drafting Rule</i> <input type="checkbox"/> Disapproved. <i>Reason for Disapproval</i>	State Superintendent Signature ➤	Date Signed Mo./Day/Yr.
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NARRATIVE

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

N/A

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

The objective of the proposed rule will be to recognize national school counseling and school social work certification for the licensing of school counselors and school social workers under ch. PI 34, Wis. Admin. Code.

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

Chapter PI 34 of the Wisconsin Administrative Code governs the licensure of school personnel, including the licensure of school counselors and school social workers. Section 34.040 (2), Wis. Admin. Code, provides clinical pathways as options to receive licensure. Additionally, ss. 34.059 and 34.062 further allow the state superintendent to issue licenses to school counselors and school social workers who complete an approved educator preparation program, receive an institutional endorsement, meet content knowledge requirements, and hold a master's degree in the respective area.

To address critical shortages in these licensing areas, the department proposes to amend ch. PI 34.040 (2), Wis. Admin. Code, to recognize national certification as a qualification to receive a tier II license to work as a school counselor or a school social worker. The proposed rule will extend the same flexibility currently available to nationally certified school psychologists and school nurses under the rule. Without a rule change, the department would be required to implement ch. PI 34, Wis. Admin. Code, as the rules currently exist, and licensing applicants must adhere to existing pathways outlined in the current rule.

4. The statutory authority for the proposed rule.

The state superintendent is authorized under s. 115.28 (7) (a), Wis. Stats., to promulgate rules establishing the standards of attainment and procedures for the licensing of educators in the state:

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, 118.1915, 118.192, 118.193, 118.194, 118.195, and 118.197; prescribe by rule standards, requirements, and procedures for the approval of teacher preparatory programs leading to licensure, including a requirement that, to be approved by the state superintendent, a teacher preparatory program shall demonstrate that it provides instruction that prepares teachers to teach reading and language arts using science-based early reading instruction, as defined in s. 118.015 (1c) (b), and does not provide instruction on teaching reading and language arts that incorporates 3-cueing, as defined in s. 118.015 (1c) (c), and 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 to implement the licensure of pupil services professionals under s. 118.19 (10), Stats.,

NARRATIVE (cont'd)

including school counselors and school social workers. Under s. 227.11 (2) (a) (intro.), Stats., “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.” See also, Wisconsin Ass'n of State Prosecutors v. Wisconsin Employment Relations Comm'n, 2018 WI 17, ¶ 42 (“statutory mandates are also statutory authorizations, and authorization of an act also authorizes a necessary predicate act.”) (internal quotation marks omitted). As such, a rule is required to establish criteria and procedures for the licensing of pupil services professionals under s. 118.19 (10), Stats.

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.

The rule change would impact educator preparation programs, school districts, and school counselors and school social workers seeking a license.

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.

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.
