

ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION ADOPTING EMERGENCY RULES

The scope statement for this rule, SS 020-17, was published in Register No. 734B, on February 27, 2017, and approved by State Superintendent Tony Evers on March 10, 2017. 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.

The State Superintendent of Public Instruction hereby adopts an order to repeal ss. PI 34.01 (53), 34.14 (1) (a) 1. to 3., and 34.33 (5m); to renumber and amend ss. PI 34.14 (1) (a) (intro.); to amend ss. PI 34.14 (1) (intro.), 34.15 (2) (a) 3. a., 34.17 (4) (a) (intro.) and (b) and (5), 34.18 (2) (a) (intro.) and (b) and (c) (intro.), and 34.30 (2); to repeal and recreate s. PI 34.21; and to create ss. PI 34.01 (18g), 34.17 (4) (e), 34.18 (1) (e) and (2) (g), 34.30 (2) (p), and 34.34 (21); relating to stakeholder workgroups revisions to licensure.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 115.28 (7) (a), Stats.

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

Explanation of agency authority:

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.

Related statute or rule: PI 34 contains the current administrative rules governing the licensure of school personnel. Clearinghouse Rule 16-086 relating to flexible licensure options under PI 34, which became effective on June 1, 2017, made several changes to the existing rule to make teacher licensing more amendable to school district staffing needs, which includes increasing the number of pathways to licensure, reducing the regulatory burden on license applicants, and reducing the time it takes to obtain a license. This emergency rule seeks to build upon the changes made by CHR 16-086 by implementing additional changes that make teacher licensing more flexible.

Plain language analysis:

Through its work with stakeholder groups, the Department has identified administrative rule changes that help school districts address teacher shortages, beginning with CHR 16-086 which became effective on June 1, 2017. Additional changes to PI 34 are being advanced by the Department which build upon the changes made by CHR 16-086 in this emergency rule. In order to continue implementing solutions that help school districts address staffing difficulties, the emergency rule provides further flexibility, transparency, and clarity around the teacher licensing process by doing the following:

- Creating a one-year License with Stipulations (replacing emergency licenses and permits) for:
 - Teachers and pupil services professionals from another state who have not met Wisconsin testing requirements;
 - Speech Language Pathologists who hold a valid license from DSPS; and

- If a district cannot find a fully licensed teacher or pupil services professional, an individual with a bachelor's degree.
- Creating a three-year License with Stipulations as part of a district-sponsored pathway for experienced teachers to receive another teacher license in a new subject or developmental level.
- Issuing licenses to teachers from another state who have successfully completed the edTPA or the National Board process (*Foundations of Reading Test still required*).
- Starting January 1, 2018, allowing Initial and Professional Educators to use professional growth goals and work in Educator Effectiveness as another option to renew or advance their license.
- Allowing educator preparation programs flexibility in their admissions policies by removing specific testing (Praxis CORE) and GPA requirements from rule.
- Allowing teacher and pupil services candidates to demonstrate content knowledge with a 3.0 or higher GPA in license area or by successfully completing a content-based portfolio.
- Removing the master's degree requirement for the Library Media Specialist License and make it a stand-alone license based on completion of a major.
- Creating a Junior Reserve Officer Training Corps teaching license allowing someone who has been certified as a JROTC instructor by a branch of the military to teach JROTC courses in a high school.

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

Comparison with rules in adjacent states: N/A

Summary of factual data and analytical methodologies:

PI 34 contains the current administrative rules governing the licensure of school personnel. Section 115.425, Wis. Stats., and PI 34.36, Wis. Admin. Code, provide the duties of the Professional Standards Council for Teachers, which advises the State Superintendent of Public Instruction on matters pertaining to the licensure of teachers. In its advisory capacity, the Professional Standards Council reviews and makes recommendations for administrative rules related to teacher preparation, licensure and regulation. The PSC developed a strategic plan for addressing school staffing challenges in Wisconsin with the goal of developing, supporting, and retaining teachers, and some of those recommendations were used in this rule development. Such strategies include fewer licenses with greater flexibility, easing the licensing process for out-of-state license holders, reducing the testing burden, and expanding pathways into the profession. Without this emergency rule, the current rule would still be in effect and the Department would continue to administer school personnel licensure as it exists in PI 34.

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.

SECTION 1. PI 34.01 (18g) is created to read:

PI 34.01 (18g) “Educator effectiveness plan” means a plan created by an individual to meet the requirements of an educator effectiveness evaluation system developed by the department under s. 115.415 (2), Stats., or a school district under ch. PI 47.

SECTION 2. PI 34.01 (53) is repealed.

SECTION 3. PI 34.14 (1) (intro.) is amended to read:

34.14 (1) DIVERSITY OF STUDENTS. The SCD shall create and implement an explicit plan with adequate resources to recruit, admit and retain a diverse student body ~~as follows:~~

SECTION 4. PI 34.14 (1) (a) (intro.) is renumbered PI 34.14 (1m) and is amended to read:

PI 34.14 (1m) The SCD shall establish standards for admission to initial programs ~~that include all of the following:~~

SECTION 5. PI 34.14 (1) (a) 1. to 3. and (b) are repealed.

SECTION 6. PI 34.15 (2) (a) 3. a. is amended to read:

PI 34.15 (2) (a) 3. a. Content knowledge shall be determined by ~~passing scores on standardized tests approved by the state superintendent which shall include the state's model academic standards.~~ the candidate meeting one of the following requirements:

- i) having a cumulative grade point average of not less than 3.0 on a 4.0 scale for courses in the subject area or position,
- ii) passing scores on standardized tests approved by the state superintendent which shall include the state's model academic standards, or
- iii) successfully completing a content-based portfolio designed by the SCD.

SECTION 7. PI 34.17 (4) (a) (intro.) and (b) are amended to read:

PI 34.17 (4) (a) ~~To~~Except as provided under par. (e), to move to the professional educator level, an initial educator shall design and complete a professional development plan that demonstrates increased proficiency and which reflects the standards in subch. II that have been identified by the team in sub. (3) for improvement. The plan shall include:

...

(b) ~~Successful~~Successful completion of the professional development plan shall be documented. The documentation may include but is not limited to evidence of whole group and individual student performance as measured by state, local, formal and informal assessments; lesson plans; supervisor and mentor comments of classroom performance; journals documenting samples of pupil errors and analysis of teacher interpretations of errors; ongoing documentation of classroom management techniques and results; and curriculum adaptations for children with disabilities or other exceptionalities with related outcome measures. The professional development plan may also include evidence that identifies professional development activities related to the professional development goals. The evidence may be in the form of samples of pupil work, letters of recommendation; evidence of attending professional meetings, workshops, conferences or seminars; administrative or supervisory evaluations; peer evaluations; journals, diaries or published articles; action research projects and results; college, university or technical college course work; or evidence of in-district work assignments outside of the classroom.

SECTION 8. PI 34.17 (4) (e) is created to read:

PI 34.17 (4) (e) Beginning on January 1, 2018, an initial educator may satisfy the requirements under pars. (a) and (b) by completing the professional practice goals contained in the individual's educator effectiveness plan, as verified by the employing school district or school districts, for each of the school years the individual was employed by a school district as an educator in the past five years or since July 1, 2014, whichever is less.

SECTION 9. PI 34.17 (5) is amended to read:

PI 34.17 (5) OUT OF STATE APPLICANTS. An initial educator license may be issued to an applicant who completes an approved program from out of state, who has fewer than 5 years of successful experience in an early childhood through adolescence school setting in his or her respective teaching, pupil services or administrative license, and who has met the competency test requirements under s. PI 34.15 (2) (a) 3. a. An initial educator teaching license may also be issued to an applicant who completed a program in another state and received a passing score, as determined by the state superintendent, on the edTPA student teacher performance assessment. The applicant shall provide evidence that the requirements under s. PI 34.15 (4) have been met before qualifying for a professional educator license.

SECTION 10. PI 34.18 (1) (e) is created to read:

PI 34.18 (1) (e) To applicants who have received a passing score on the National Board for Professional Teaching Standards assessment. Any deficiencies in meeting the standards in s. PI 34.15 (4) shall be completed prior to renewal of the professional educator license.

SECTION 11. PI 34.18 (2) (a) (intro.) and (b) and (c) (intro.) are amended to read:

PI 34.18 (2) (a) ~~Except as provided in par. (g), a~~ professional educator shall complete a professional development plan that demonstrates increased proficiency and which reflects the standards in subch. II, as appropriate, including:

...
(b) ~~Successful~~ Except as provided in par. (g), successful completion of the professional development plan shall be documented. The documentation may include, but is not limited to, evidence of whole group and individual student performance as measured by state, local, formal and informal assessments; lesson plans; supervisor and mentor comments of classroom performance; journals documenting samples of pupil errors and analysis of teacher interpretations of errors; ongoing documentation of classroom management techniques and results; and curriculum adaptations for children with disabilities or other exceptionalities with related outcome measures. The professional development plan may also include evidence that identifies professional development activities related to the professional development goals. The evidence may be in the form of samples of pupil work, letters of recommendation; evidence of attending professional meetings, workshops, conferences or seminars; administrative or supervisory evaluations; peer evaluations; journals, diaries or published articles; action research projects and results; college, university or technical college course work; or evidence of in-district work assignments outside of the classroom.

(c) ~~At~~ Except as provided in par. (g), at the initiation of the professional educator, successful completion of the professional development plan shall be verified by a majority of the professional development team and communicated to the state superintendent. The professional development team shall be composed as follows:

SECTION 12. PI 34.18 (2) (g) is created to read:

PI 34.18 (2) (g) Beginning on January 1, 2018, an individual who holds a professional educator license under sub. (1) (a), (1) (b), or (1) (c) may renew the license by completing the professional practice goals contained in the individual's educator effectiveness plan, as verified by the employing school district or school districts, for each of the school years the individual was employed by a school district as an educator in the past five years or since July 1, 2014, whichever is less.

SECTION 13. PI 34.21 is repealed and recreated to read:

PI 34.21 License with Stipulations.

(1) The state superintendent may issue a one-year, renewable license with stipulations that authorizes the license holder to teach in the subject area of the license or work in the pupil services area of the license. A license may be issued under this subsection if an individual meets any of the following requirements:

(a) The individual has completed an approved educator preparation program in another state but has not met all of the requirements in this chapter for licensure as an initial or professional educator.

(b) For an individual seeking a license to work as a speech and language pathologist in a school setting, the individual holds a valid speech language pathologist license issued by the department of safety and professional services.

(c) If the individual's employing school district conducted a search for a fully licensed candidate and no fully licensed individuals were acceptable for the assignment, the district administrator or designated official of the employing school district may request that a license be issued under this subsection to an individual who holds a bachelor's degree or higher from an accredited college or university but does not meet the requirements for licensure under s. PI 34.17 or 34.18. This

request shall be in writing, provide a justification of need, affirm that a search for a fully licensed candidate was conducted but no fully licensed individuals were acceptable for the assignment, and if the request is for a license with stipulations in a pupil services area, that the candidate meets all education requirements for the pupil services area.

(2) A license under sub. (1) (a) may be renewed if the applicant did any of the following during the term of the license:

(a) Satisfactorily completed at least 6 semester credits in an approved licensure program at an IHE or the equivalent coursework toward completion of a Wisconsin approved alternative route program in the teacher or pupil services area of the emergency license.

(b) Attempted to complete all of the tests required for licensure in the teacher or pupil services area of the license.

(3) A license issued under sub. (1) (b) may be renewed if the applicant continues to hold a valid speech language pathologist license issued by the department of safety and professional services.

(4) A license issued under sub. (1) (c) may be renewed if the individual meets one of the requirements under sub. (2) and the district administrator or designated official of the employing school district submits a written request that meets the requirements of sub. (1) (c).

(5) The state superintendent may issue a 3-year, non-renewable license that authorizes the license holder to teach in a subject or developmental level other than the subject areas or developmental levels covered by the individual's valid initial, professional, master educator, or life license. A license under this subsection may be issued to an individual who meets all of the following requirements:

(a) The individual holds a valid initial, professional, master educator, or life license.

(b) The individual has at least one year of full-time teaching in the school district that requests this license.

(c) The district administrator or designated official of the individual's employing school district requests that a license to be issued under this subsection and attests that the school district will provide appropriate professional development and supervision to assist the teacher to become proficient in the preparation program content guidelines for the new subject or developmental level.

(6) A license issued under sub. (4) is only valid in the school district that requested it.

(7) Special education teachers who are issued a license under this section must meet the requirements in 20 USC 1412(a)(14)(C).

SECTION 14. PI 34.30 (2) is amended to read:

PI 34.30 (2) TEACHING CATEGORIES EARLY CHILDHOOD THROUGH ADOLESCENCE — REGULAR AND SPECIAL EDUCATION LICENSES. A license may be issued under this subsection to an individual who has completed an approved program in a license category with at least a major and has the institutional endorsement that an approved program in professional education has been successfully completed. An applicant who has completed an approved program and is issued a license under par. (a) to (d), (f) to (k), ~~or (m)~~ to (n), or (p) may be issued an additional license at the early adolescence through adolescence level under s. PI 34.29 (2) (a) 1. a. to c., (b) 1. a. and b., (c) 1. a. to c., or (d) 1. a. to f., if the applicant completes coursework in the additional disciplines that equates to a college minor. An applicant who has completed an approved program and is issued a license under par. (a) to (d), (f) to (k), or (m) to (n) may be issued an additional license at the early childhood through adolescence level under par. (d), (g) 2. a. to g., (h), or (n) if the applicant completes an approved program that equates to a college minor in the additional discipline.

SECTION 15. PI 34.30 (2) (p) is created to read:

PI 34.30 (2) (p) Instructional library media specialist. In order to qualify for an instructional library media specialist license, an applicant shall complete an approved program, including a clinical program that incorporates the model academic standards for library media.

SECTION 16. PI 34.33 (5m) is repealed.

SECTION 17. PI 34.34 (21) is created to read:

PI 34.34 (21) JROTC INSTRUCTOR. A license to teach Junior Reserve Officer Training Corps courses may be issued to an applicant who holds a valid Junior Reserve Officer Training Corps instructor certification from the United States Army, Navy, Air Force, or Marine Corps. This permit shall be valid for 5 years and is renewable.

SECTION 18. STATEMENT OF EMERGENCY

The Department of Public Instruction finds an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

School districts throughout the state are experiencing difficulties obtaining and retaining licensed personnel. These difficulties can impact children's educational experience. An emergency rule is needed to create additional flexibility in the teacher licensing process for individuals who are seeking a license for the upcoming school year. A permanent rule would not be able to provide the flexibility that is needed for applicants and school districts in time for the upcoming school year.

SECTION 19. EFFECTIVE DATE:

The rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.