

**ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
ADOPTING EMERGENCY RULES**

The scope statement for this rule, SS 038-24, was published in Register No. 820B, on April 29, 2024, and approved by State Superintendent Dr. Jill K. Underly on May 10, 2024.

The State Superintendent of Public Instruction hereby adopts an order to repeal s. PI 34.029 (1r) (b) 6.; and to amend s. PI 34.078 (1), relating to bilingual-bicultural supplemental licenses.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: ss. 115.28 (7) (a) and (15) (a), Wis. Stats.

Statutory authority: ss. 115.28 (7) (a) and (15) (a), Wis. Stats.

Explanation of agency authority:

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 state superintendent is authorized under s. 115.28 (15) (a), Wis. Stats., to promulgate rules establishing standards for the approval of certified teachers and counselors and their aides participating in bilingual-bicultural education programs:

115.28 General duties. The state superintendent shall:

(15) Bilingual-bicultural education.

(a) Establish, by rule, standards for the approval of the abilities of certified teachers and counselors and their aides participating in bilingual-bicultural education programs under subch. VII to read, write and speak a non-English language and to possess knowledge of the culture of limited-English proficient pupils.

Related statute or rule:

N/A

Plain language analysis:

The objective of the proposed rule is to change ch. PI 34 of the Wisconsin Administrative Code to 1) expand the scope of a bilingual-bicultural license to include any underlying teaching license the educator currently holds or may acquire in the future; and 2) to remove the prohibition on acquiring the bilingual-bicultural license as a three-year license with stipulations.

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

Because educator preparation in the United States is typically governed by each state and local government, federal regulations are generally silent with respect to the preparation of student teachers. As a result, the requirements for teacher preparation programs 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 May 9, 2024, and did not receive any comments on the statement of scope for the proposed rule.

Comparison with rules in adjacent states:

Illinois: To obtain a bilingual license endorsement in Illinois, the educator must hold a valid teacher certificate, have 100 clock hours bilingual clinical experience or 3-months teaching in bilingual programs, complete certain relevant coursework, and, in some cases, pass a proficiency exam. Those with bilingual approval may teach ESL in grades K-6 as well as all other subject areas of a bilingual education program in their approved language.

Iowa: To become a certified English as a Second Language (ESL) teacher in Iowa, candidates must complete a teacher preparation program and obtain an ESL endorsement. Earning the endorsement requires a total of 18 semester hours of coursework. This coursework includes six hours focused on pedagogy, six hours on linguistics, six hours on cultural and linguistic diversity, and an additional six hours covering current issues related to transient populations. However, some schools may require more hours than the minimum for certification. The Iowa Department of Education (IDE) and the Iowa Board of Education Examiners oversee all certificates and endorsements for educators in the state. For those seeking a bilingual education certification, online courses are available and can be taken synchronously or asynchronously.

Michigan: To become a bilingual teacher in Michigan, individuals may either earn a bilingual or ESL endorsement by completing a bachelor's degree and a state-approved teaching program with ESL coursework or pursue a master's degree in bilingual education or ESL from an approved institution. Alternatively, individuals may apply for a bridge graduate certificate, which requires Michigan teacher certification and completing the Oral Proficiency Interview of the American Council on the Teaching of Foreign Languages. Additional programs include a 21-credit hour ESL endorsement program for certified teachers, an online ESL Graduate Certificate Program for K-12 educators, and an online Post-Bachelor Endorsement in bilingual/bicultural education offered by Wayne State University.

Minnesota: To become a bilingual/bicultural education teacher in Minnesota, individuals shall hold a bachelor's degree from an accredited college or university and possess a valid Minnesota teaching license for elementary education or grades 5–12 or 7–12 in subjects like math, science, social studies, or health education. Additionally, individuals shall demonstrate both oral and written proficiency in the students' native language, complete a preparation program approved by the Professional Educator Licensing and Standards Board, and show evidence of effective teaching practices. Alternatively, individuals may add a Bilingual/Bicultural Education endorsement to their existing teaching license through a program such as the one at Winona State University, which requires advanced language proficiency. Minnesota also offers the Minnesota Bilingual Seals (MN SEALS) program, which recognizes high school graduates who meet specific proficiency levels in a world language.

Summary of factual data and analytical methodologies:

Chapter PI 34 of the Wisconsin Administrative Code contains the rules governing the licensure of school personnel, including those holding a license to teach in a bilingual-bicultural education program. Bilingual-bicultural licenses are

supplementary licenses that require a Tier II teaching license be held to be eligible for the license. Section PI 34.078 (1) allows a bilingual-bicultural license to be issued in the subject area of the existing or underlying license held at the time. Section PI 34.078 (2) (c) further requires that the applicant complete an approved program in bilingual-bicultural education at the grade level of the license being sought. The approved program must have coursework in cultural and cross-cultural studies which relate to the teaching of bilingual-bicultural content, regardless of grade level, and include: 1) contemporary social problems, with an emphasis on the bilingual-bicultural child; 2) culture of the target group or groups; 3) analysis contrasting the target culture with other cultures; 4) bilingual-bicultural field experiences in the community of the target group; 5) demonstrated competency in foundations of bilingual-bicultural education, including the rationale, history, and survey of existing models; 6) demonstrated theory and methodology of teaching bilingual-bicultural pupils in both English and the target language; 7) language study which develops knowledge related to phonology, morphology, and syntax in the target language as these elements contrast with English; and 8) a clinical program in bilingual-bicultural education.

Additionally, ch. PI 34 of the Wisconsin Administrative Code provides the rules governing a tier I, three-year school district-sponsored license with stipulations. A license issued under s. PI 34.029 authorizes the license holder to teach in a subject area or grade level other than the subject area or grade level covered by the license holder's valid tier II, III, or IV license. A license issued under this section only authorizes the license holder to teach in the school district, CESA, or residential school which requested the license. Currently under s. PI 34.029 (1r) (b) 6., a license issued under this section may not be granted in bilingual-bicultural education under s. PI 34.078.

The department proposes to update ch. PI 34 of the Wisconsin Administrative Code to provide flexibility to school districts to meet staffing needs in bilingual-bicultural education. The proposed change would allow the scope of the bilingual license held to expand as an individual adds additional licenses and would revise s. PI 34.029 to provide individuals with a tier II license or higher with the option to add a bilingual-bicultural license under the three-year, school district-sponsored pathway. Without a rule, the department would be required to implement ch. PI 34 as the rules currently exist, and school districts will be left without the flexibility to address this shortage area.

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)

Carl Bryan
Legislative Policy Coordinator
Wisconsin Department of Public Instruction
adminrules@dpi.wi.gov
(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 34.029 (1r) (b) 6. is repealed.

SECTION 2. PI 34.078 (1) is amended to read:

PI 34.078 (1) AUTHORIZATION. A license issued under this section authorizes an individual to teach in a bilingual-bicultural educational program in the license area of ~~the underlying~~ any teaching license held by the individual. This authorization also applies to any previously issued license under this section.

SECTION 3. FINDING 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, particularly those teaching in a bilingual-bicultural education program. These difficulties are negatively impacting the educational experiences of students in the state. An emergency rule is needed to create another option in the teacher licensing process for school districts seeking to request a license in a bilingual-bicultural subject area and address this severe shortage area. A permanent rule would not be able to provide for this license in time for the next school year; therefore, an emergency rule is necessary until the process for promulgating a permanent rule can be completed.

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.