

ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION ADOPTING EMERGENCY RULES

The scope statement for this rule, SS 115-24, was published in Register No. 828A4 on December 23, 2024, and approved by State Superintendent Jill K. Underly, PhD, on January 23, 2025.

The State Superintendent of Public Instruction hereby adopts an order to amend ss. PI 34.028 (2) (a) 3. and (c) 1. c., relating to modifying the 1-year, renewable license with stipulations for school psychologists.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 115.28 (7) (c), Wis. Stats.

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

Explanation of agency authority:

Under s. 115.28 (7) (c), Wis. 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.

Related statute or rule: N/A

Plain language analysis:

This emergency rule modifies the eligibility criteria for a Tier I, 1-year renewable school psychologist license by allowing applicants enrolled in an education specialist or doctoral program that does not confer a master's degree to qualify if they have completed the number of credits equivalent to a master's degree and verifies enrollment in a qualifying program.

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

Section 300.34 (c) (4) of the Individuals with Disabilities Education Act defines psychological services as a related service, which include administering and interpreting psychological and educational assessments, gathering and analyzing information on child behavior and learning conditions, consulting with staff to design educational programs based on psychological evaluations, managing psychological services and counseling programs for students and parents, and helping develop effective behavioral intervention strategies. However, 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, including school psychologists. 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 January 10, 2025, and did not receive any comments on the statement of scope for the proposed rule.

Comparison with rules in adjacent states:

— **Illinois:** Applicants who completed an in-state program must hold a master's degree or higher in school psychology or educational psychology with a specialization in school psychology. Illinois offers license reciprocity to those who hold a valid, comparable out-of-state license and a master's degree or higher from a regionally accredited institution of higher education. If the applicant completed an out-of-state program but did not become licensed, they still need to

hold a master's degree or higher. A valid Nationally Certified School Psychologist credential is also accepted. (Ill. Admin. Cod tit. 23 § 25.235)

— **Iowa:** A school psychologist needs at least 60 semester hours of coursework beyond the bachelor's. The highest degree attained may be a master's, specialist, or doctoral degree. Iowa does not require students to earn any other terminal degree (besides a bachelor's) en route to the doctoral degree. Candidates are allowed to take required courses beyond the master's without receiving a higher degree. The applicant may receive a one-year Class A license if the only outstanding component of program completion is the internship or thesis and the employment situation will satisfy the internship experience. Iowa also accepts national certification as an alternate way to show that education and experience requirements have been met. (Iowa Admin. Code r. 282-27.3)

— **Michigan:** Michigan offers a preliminary school psychologist certificate to those who have either (1) completed a graduate degree of no less than 45 semester credit hours and a 600 clock-hour, supervised practicum in school psychology at an approved program or (2) possesses a valid out-of-state school psychologist certificate or license if the school psychologist program was completed in another state. An out-of-state applicant may qualify for a school psychologist certificate as their initial certificate if they have completed a specialist-level degree or the equivalent with no less than 60 semester credit hours, a 1200 clock-hour internship from an out-of-state Educator Preparation Institution and possess a valid Nationally Certified School Psychologist credential or standard psychologist certificate from the state where the program was completed. (MI Admin. Code R. 380.204)

— **Minnesota:** School psychologists in Minnesota may apply for a two-year Tier 2 license if they completed a school psychology program not accredited by the National Association of School Psychologists and do not hold a Nationally Certified School Psychologist credential or if they provide evidence of completion of a master's degree, or equivalent, in a school psychology program, including two or more years of preparation in the licensure program as a school psychologist and are enrolled in a school psychologist program. Applicants can seek a three-year Tier 3 license if they completed an accredited preparation program in school psychology or hold a Nationally Certified School Psychologist credential. (Minn. Admin. Rules 8710.6200)

Summary of factual data and analytical methodologies:

Chapter PI 34 of the Wisconsin Administrative Code contains the rules governing school personnel, including those holding a license to work as a school psychologist. Under the current rule, the state superintendent may issue a tier I license as a school psychologist in two instances: 1) to an applicant who holds a master's degree or higher for those who have not met all of the requirements for a tier II license but completed all of the coursework at an approved program or program approved in another state leading to licensure in a school setting under s. 34.028 (2) (a) 3., Wis. Admin. Code, and 2) to an applicant with a master's degree in the area of licensure and verification of enrollment in an approved program leading to the school psychologist license under s. 34.028 (2) (c) 1. c., Wis. Admin. Code, for those hired to fill a school district, CESA, charter school or private school need. The current rules offer no flexibility for individuals who have enrolled in programs where the program doesn't grant the master's degree on their way to earning a doctor of philosophy, doctor of education, education specialist degree, or the equivalent, and endorsement for full tier II licensure.

This emergency rule amends s. PI 34.028 (2), Wis. Admin. Code, to provide that the state superintendent may issue a Tier I, renewable license to an applicant who has completed the equivalent to the number of credits equivalent to a master's degree in school psychology while verifying enrollment in a school psychologist program leading to a doctor of philosophy, doctor of education, education specialist degree, or the equivalent. Without a rule change, 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:

Carl Bryan
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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, 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 34.028 (2) (a) 3. and PI 34.028 (2) (c) 1. c. are amended to read:

PI 34.028 (2) (a) 3. For a school psychologist, the applicant must hold a master's degree or higher in the area of licensure. If an applicant does not hold at least a master's degree but verifies enrollment in a doctor of philosophy, doctor of psychology, doctor of education, or education specialist degree program in the area of licensure, successful completion of the number of credits equivalent to a master's degree, as determined by the applicant's program, may be substituted for a master's degree.

(c) 1. c. For a school psychologist license, the applicant must ~~hold a master's degree in the area of licensure and verify enrollment in an approved program leading to the school psychologist license~~ meet the requirements under s. PI 34.028 (2) (a) 3.

SECTION 2. STATEMENT OF EMERGENCY

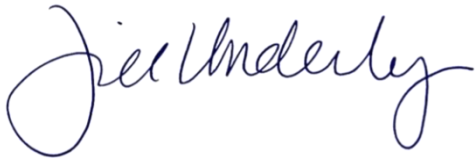
The Department of Public Instruction finds an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

School districts throughout the state are experiencing difficulties obtaining and retaining licensed personnel, including school psychologists. The current rules offer no flexibility for individuals who have enrolled in programs where the program doesn't grant the master's degree on their way to earning their education specialist or doctoral degree and endorsement for full licensure. The difficulties under the current rule are negatively impacting the educational experiences of students across the state. An emergency rule is therefore needed to create flexibility in the licensing process for school districts seeking a license to work as a school psychologist. A permanent rule would not be able to provide for this license in time for the current school year; therefore, an emergency rule is necessary until the process for promulgating a permanent rule can be completed.

SECTION 3. 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.

Dated this _____ day of _____, 2025

A handwritten signature in blue ink, reading "Jill Underly". The signature is fluid and cursive, with the first name "Jill" and last name "Underly" clearly distinguishable.

Jill K. Underly, PhD
State Superintendent