

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

The scope statement for this rule, SS 050-16, was published in Register No. 726A1, on June 6, 2016, and approved by State Superintendent Tony Evers on June 20, 2016. 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*, 2016 WI 38.

The State Superintendent of Public Instruction hereby repeals ss. PI 34.29 (1) (e) 2. and 3. and 4.; rennumbers and amends ss. PI 34.29 (1) (e) 1.; amends ss. PI 34.21 (1) (c), 34.21 (2) (c) and (d), 34.24 (1), 34.27 (1) (d), and 34.29 (2) (a) 1. and (b) 1. and (c) 1. and (d) 1.; repeals and recreates ss. PI 34.23; and creates ss. PI 34.18 (4), PI 34.21 (1) (d), PI 34.21 (2) (e), 34.27 (e) and (f), and PI 34.29 (1) (f) and (g); relating to emergency licensure changes to PI 34.

## 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:** N/A

**Plain language analysis:**

PI 34 contains the current administrative rules governing the licensure of school personnel. This emergency rule makes numerous changes to the existing rule, which include the following:

- Creating the ability for Wisconsin educators who are age 55 or older to apply for a five-year, nonrenewable license without having to meet professional development requirements (i.e., 6 credits or a PDP).
- Increasing the number of consecutive days that a short-term substitute can be in the same assignment from 20 to 45 days. This should allow schools enough time to either find a properly licensed educator for the position or apply for an emergency license or permit for an educator who does not hold a license acceptable for the assignment.
- Expanding the renewal options for emergency licenses to include attempting to pass required tests for licensure for educators who have met all other requirements and submitting a plan to complete an approved program.
- Expanded the pathway for teachers to add additional licenses based on content tests to allow:
  - Teachers who hold an Early Adolescence-Adolescence (grades 5-12) regular education license can add another regular education license at the same developmental/grade level by passing a content test.

- Teachers who hold a Middle Childhood-Early Adolescence (grades 1-8) regular education license and have at least four semesters of teaching experience in grades 1 or 2 can add a regular education license at the Early Childhood level (birth to grade 3) by passing the Praxis II Elementary Education Content Knowledge test and the Foundations of Reading Test.
- Teachers who hold a Middle Childhood-Early Adolescence (grades 1-8) regular education license and have at least four semesters of teaching experience in English/language arts or math in grades 7 or 8 can add a license in that subject at the Early Adolescence-Adolescence level by passing a content test.

**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:**

In order to address staffing difficulties in school districts, this emergency rule makes changes to existing administrative code to make the teacher licensing process more amenable to school district staffing needs.

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

Comments should be submitted to Carl Bryan using the contact information above. 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 34.18 (4) is created to read:**

(4) Five-year nonrenewable license.

(a) A five-year, nonrenewable professional educator license may be issued to an applicant who meets all of the following requirements:

1. The applicant has attained the age of 55 as of July 1 of the school year in which the license is issued.
2. The applicant holds or has held a license issued under sub. (1), s. PI 34.19, or s. PI 34.20 (2).

(b) A license issued under par. (a) shall be in the subject area or position of the license the applicant holds or held under sub. (1), s. PI 34.19, or s. PI 34.20 (2).

**SECTION 2. PI 34.21 (1) (c) is amended to read:**

(c) A license under this subsection may be renewed if the district administrator or designated official of the employing school district requests that the license be renewed and ~~if the applicant satisfactorily completes at least 6 semester credits or~~

~~the equivalent coursework toward completion of an approved program in the teacher or pupil services area of the emergency license.~~ the applicant did one of the following during the term of the emergency license:

1. 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.
2. Attempted to complete all of the tests required for licensure in the teacher or pupil services area of the emergency license.

**SECTION 3. PI 34.21 (1) (d) is created to read:**

(d) If an applicant does not meet the renewal requirements under par. (c), a license under this subsection may be renewed if the district administrator or designated official of the employing school district submits to the department a written program plan that demonstrates, by clear and convincing evidence, that the applicant will complete licensure requirements in the teacher or pupil services area of the emergency license during the term of the renewed license.

**SECTION 4. PI 34.21 (2) (c) and (d) are amended to read:**

(c) The district administrator or designated official of the employing school district requests the permit to be issued. This request shall be in writing and shall provide a justification of need. The request shall state that a search for a fully licensed candidate was conducted and that no fully licensed individuals were ~~available~~ acceptable for the assignment.

(d) A permit under this subsection may be renewed if the district administrator or designated official of the employing school district requests that the permit be renewed. The permit may be renewed if, between the date of issuance and the proposed renewal date, the applicant ~~satisfactorily completes at least 6 semester credits or the equivalent coursework toward completion of an approved program in the teacher or pupil services area of the emergency permit.~~ The request for renewal shall be in writing, shall include a full explanation of the need for renewal and shall state that a search was conducted for a fully licensed teacher and that a fully licensed teacher is not available. did one of the following during the term of the emergency license:

1. 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.
2. Attempted to complete all of the tests required for licensure in the teacher or pupil services area of the emergency license.

**SECTION 5. PI 34.21 (2) (e) is created to read:**

(e) If an applicant does not meet the renewal requirements under par. (d), a license under this subsection may be renewed if the district administrator or designated official of the employing school district submits to the department a written program plan that demonstrates, by clear and convincing evidence, that the applicant will complete licensure requirements in the teacher or pupil services area of the emergency license during the term of the renewed license.

**SECTION 6. PI 34.23 is repealed and recreated to read:**

(1) LICENSE. A renewable substitute license may be issued for a period of 5 years to an applicant who has held or is eligible to hold a Wisconsin license issued under subch. VII, VIII, or IX, or the equivalent license in another state. A license issued under this subsection shall be in the subject or position and the developmental or grade level of the license the applicant has held, is eligible to hold under subch. VII, VIII, or IX, or the equivalent license in another state.

(2) LONG-TERM SUBSTITUTE. A school district may employ an individual as a long-term substitute if the individual is a licensed substitute under sub. (1) or is fully licensed for the assignment. A long-term substitute may be employed only in the subject or position and grade level in which the individual is licensed.

(3) SHORT-TERM SUBSTITUTE. A school district may employ an individual as a short-term substitute teacher for no more than 45 consecutive days in the same teaching assignment. A short-term substitute may be employed to teach any subject at any grade level. A school district may only employ an individual as a short-term substitute if the individual has one of the following:

- A license issued under subch. VII, VIII, or IX.
- A substitute license issued under sub. (1).
- A substitute teacher permit issued under s. PI 34.24.

**SECTION 7. PI 34.24 (1) is amended to read:**

(1) A substitute teacher permit authorizes an individual to be a short-term substitute under s. PI 34.23(3). A substitute teacher permit may be issued to a person who holds a bachelor's degree from an accredited college or university but does not meet the substitute teacher license requirements under s. PI 34.23 (1).

**SECTION 8. PI 34.27 (1) (d) is amended to read:**

(d) ~~Licenses~~ Except as provided in par. (e), licenses may be issued under this section to individuals who complete an approved program including evidence of meeting the standards in s. PI 34.02, the requirements in s. PI 34.15 (4), and the content knowledge test described under s. PI 34.15 (2) (a) 3. a.

**SECTION 9. PI 34.27 (e) and (f) are created to read:**

(e) An individual may be issued an additional license under sub. (2) if the individual meets all of the following requirements:

1. The individual is licensed under s. PI 34.28 (2) or under s. PI 34.25 in elementary education that includes grades 1 and 2.
2. The individual has at least 4 semesters of teaching experience in a self-contained classroom in grades 1 or 2.
3. The individual has successfully completed the content knowledge test prescribed by the state superintendent under s. PI 34.15 (2) (a) 3. a.
4. The individual has passed the exam required under s. 118.19.(14), Stats.

(f) A license issued under par. (e) shall have the same license expiration date as the applicant's valid initial educator or professional educator teaching license. The license term for a license issued under par. (e) for an applicant holding a master educator or life license in teaching shall not exceed 5 years. The start date of an additional license issued under par. (e) shall be July 1 of the next calendar year if the tests required under par. (e) are completed after August 31.

**SECTION 10. PI 34.29 (1) (e) 1. is renumbered 34.29 (1) (e) and is amended to read:**

(e) Individuals who hold a ~~professional~~ an educator license under ~~the subcategories under~~ sub. (2) ~~(a) 1.~~, may be issued an additional license in under sub. (2) ~~(a) 1.~~ by successfully completing an additional content knowledge standardized examination test prescribed by the state superintendent in the subject area of the additional license.

**SECTION 11. PI 34.29 (1) (e) 2. and 3. and 4. are repealed.**

**SECTION 12. PI 34.29 (1) (f) and (g) are created to read:**

(f) An individual may be issued an additional license to teach English literature and composition under sub. (2) (a) or mathematics under sub. (2) (b) if the individual meets all of the following requirements:

1. The individual is licensed under s. PI 34.28 (2) or under s. PI 34.25 in elementary or middle education that includes grades 7 and 8.
2. The individual has at least 4 semesters of teaching experience in grades 7 or 8 in the subject of the additional license.
3. The individual has successfully completed the content knowledge standardized examination prescribed by the state superintendent under s. PI 34.15 (2) (a) 3. a.

(g) A license issued under par. (e) or (f) shall have the same license expiration date as the applicant's valid initial educator or professional educator teaching license. The license term for a license issued under par. (e) or (f) for an applicant holding a master educator or life license in teaching shall not exceed 5 years. The start date of an additional license issued under par. (e) or (f) shall be July 1 of the next calendar year if the required test is completed after August 31.

**SECTION 13. PI 34.29 (2) (a) 1. and (b) 1. and (c) 1. and (d) 1. are amended to read:**

(a) *Language arts.*

1. In order to qualify for a license under this paragraph, an individual shall have completed a language arts program major or a major in one of the subcategories under this subdivision. The language arts program shall include competencies in each of the subcategories listed in this subdivision with a concentration in at least one of the subcategories. A concentration license in the specific subject area is required to teach upper level high school

courses in the specific subject subcategory. The following subcategories are available as individual licenses and shall be included in the broad-field language arts license:

...

**(b) *Mathematics and computer science.***

1. In order to qualify for a license under this paragraph, an individual shall have completed a program major or a major in one of the subcategories under this subdivision. The mathematics and computer science program shall include competencies in both subcategories. A ~~concentration~~ license in the specific subject area is required to teach upper level high school courses in mathematics or computer science. The subcategories referred to in this subdivision are as follows:

...

**(c) *Science.***

1. In order to qualify for a license under this paragraph, an individual shall have completed a science program major or a major in one of the subcategories under this subdivision. The science program shall include competencies in each of the subcategories listed under this subdivision with a concentration in at least one of the subcategories. A ~~concentration~~ license in the specific subject area is required to teach upper level high school courses in the specific subject subcategories. The following subcategories are available as individual licenses and shall be included in the broad-field science license:

...

**(d) *Social studies.***

1. In order to qualify for a license under this paragraph, an individual shall have completed a social studies program major or a major in one of the subcategories under this subdivision. The social studies program shall include competencies in each of the subcategories listed in this subdivision with a concentration in at least one of the subcategories. A ~~concentration~~ license in the specific subject area is required to teach upper level high school courses in the specific subject subcategory. The following subcategories are available as individual licenses and shall be included in the broad-field social studies license:

**SECTION 14. STATEMENT OF EMERGENCY:**

**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. 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 2016-17 school year, which starts July 1, 2016. A permanent rule would not be able to provide additional flexibility on a timely basis for the upcoming school year.

**SECTION 15. 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.