

ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION ADOPTING EMERGENCY RULES

The scope statement for this rule, SS 098-18, was published in Register No. 752B, on August 27, 2018, and approved by State Superintendent Tony Evers on September 10, 2018. Pursuant to *Coyne v. Walker*, the Department of Public Instruction is not required to obtain the Governor's approval for this rule. *Coyne v. Walker*, 2016 WI 38, 368 Wis. 2d 444.

The State Superintendent of Public Instruction hereby adopts an order to repeal s. PI 34.036 (2) (c), and 34.084 (2) (c) 3. (Note) and 4. (Note); to renumber and amend s. PI 34.029 (1); to amend s. PI 34.001 (8) and (11), 34.008 (4), 34.011 (2), 34.022 (5), 34.023 (1) (b), 34.028 (2) (f) 1. and (4) (a) 3. and (c) 3., 34.029 (2) (b) and (c), 34.033 (1) and (2), 34.034 (1) (intro.), 34.039 (1), 34.040 (1) (b) and (2) (h), 34.047 (title) and (2), 34.052 (1), (4) (intro.), and (5), 34.064, 34.074 (1), 34.075 (1), 34.082 (1) and (e) 1., 34.084 (2) (c) 1. to 4., 34.089 (1), and 34.110 (2) (e) and (3); and to create s. PI 34.001 (11m), 34.011 (3), 34.029 (1g), 34.040 (1) (c), and 34.052 (4) (q) and (7), relating to cleanup revisions to educator license rules.

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: See Clearinghouse Rule 17-093, relating to stakeholder workgroup revisions to licensure, which became effective August 1, 2018, and codifies current rules relating to educator licensure.

Plain language analysis:

The proposed rule makes the following revisions to the current administrative rules governing educator licensure:

- Creating a definition for kindergarten under s. PI 34.001 (11m).
- Technical language changes regarding program improvement plans under s. PI 34.008.
- Clarifying language referring to classroom teaching under s. PI 34.022 (5).
- Clarifying language regarding a Tier I license with stipulations for pupil services licenses under s. PI 34.028 (2) (f) 1.
- Amending s. PI 34.029 to permit Tier I license holders to teach in a CESA or one of the state's residential schools.
- Amending s. PI 34.033 (1) relating to Tier I, long-term substitute teacher licenses to authorize license areas in subchapters VI, VII and VIII.

- Technical language change to s. PI 34.034 to indicate that Tier I professional teaching permits authorize the license holder to teach grades kindergarten through 12.
- Adding special education program aide licenses under PI 34.036 to the exceptions in which an individual may not have a Tier 1 license in special education for more than 3 years under PI 34.039 (1).
- Creating s. 34.040 (1) (c) under Tier II provisional educator license, to state that the subject area and grade level of a license issued shall be based on the license areas endorsed by the accredited preparation program that the applicant completed.
- Clarifying language in s. PI 34.040 (1) (b) that the age level of a Montessori license shall be based on the age levels endorsed by the Montessori training program completed by the applicant.
- Clarifying language for licenses based on equivalency to address standards or assessment under s. PI 34.040 (2) (h).
- Technical language changes to the prekindergarten through grade 12 license under s. PI 34.047.
- Amending 34.052 (1) to state that the grade levels of the added license shall be the same as the individual's existing license.
- Amending s. PI 34.052 (4) to state that an individual may add one or more of the provided additional middle and high school subject area licenses by passing the applicable content knowledge test approved by the state superintendent.
- Including geography as an additional subject area for licensure under s. PI 34.052 (4).
- Amending PI 34.052 to indicate the effective date for licenses added under this section shall be July 1 of the year in which the test was passed if the test was passed by August 31 of that year or the following July 1.
- Technical language changes to rules governing vocational licenses under s. PI 34.084 to clarify current practice that applicants shall have completed an approved educator preparation program plus related occupational experience to obtain licensure.
- Clarifying license and preparation program continuation language under s. PI 34.110.

Any other changes to PI 34 that are needed to align the chapter with current statutes or to clarify existing rule will also be made.

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

Because education in the United States is typically governed by each state and local government, federal regulations are generally silent with respect to teacher licensure. As a result, the requirements for teacher licensure vary by state.

Comparison with rules in adjacent states:

- **Illinois** (Illinois Compiled Statutes 105 ILCS 5/21B-5): The Illinois State Board of Education expects all of its certified teachers to complete a state-approved teacher preparation program and have at least a bachelor's degree. While the minimum degree requirement for Illinois teachers is a bachelor's degree, some of these programs are at the graduate level. License applicants graduated from an out-of-state teacher preparation program are recognized by the Illinois Department of Education if it has been approved by that state's Department of Education, or if it leads to a teaching certificate or license in that state. License applicants who graduated from a foreign college or university must have their foreign credentials evaluated and converted to fit the American credits/courses standard to receive licensure.
- **Iowa** (Iowa Administrative Code Chapter 282.13): The Iowa Board of Educational Examiners requires that, in order to be eligible for a teaching license in Iowa, graduates from Iowa institutions must meet the following requirements: 1) A baccalaureate degree from a regionally-accredited institution; 2) Completion of a state-approved teacher preparation program in Iowa, including the required assessments; and 3) Recommendation for licensure from the designated recommending official where the program was completed. Graduates from out-of-state institutions must meet the following requirements: 1) A baccalaureate degree from a regionally-accredited institution; 2) completion of a state-approved teacher preparation program, including the coursework requirements for a content area teaching endorsement, coursework in pedagogy, and a student teaching or internship placement, completed for college semester credit through a regionally-accredited institution; 3) Recommendation for licensure from the designated recommending official where the program was completed; 4) Valid or expired license from another state; and 5) Completion of the required Iowa assessments (not required if the applicant completed their

teacher preparation program prior to January 1, 2013, or if the applicant has three years or more teaching experience on a valid license in another state). Applicants who have completed certain nontraditional programs may or may not be eligible for licensure in Iowa.

- **Michigan** (Michigan Administrative Code Section R 390.1101-390.1216): The Michigan Department of Education Office of Professional Preparation Services requires that applicants pursuing certification via a traditional route should hold a bachelor's degree, complete a state-approved teacher preparation program, and earn passing scores on the state-required tests. The traditional route to certification leads to the issuance of a provisional certificate, Michigan's initial teaching certificate for new teachers. After successfully completing three years of teaching experience and continuing education, those holding an initial certificate may upgrade to a Professional Education Certificate. Highly effective and qualified teachers may then move up to the third tier of certification, the Advance Professional Education Certificate. Provisional and interim certificates to teach are available for applicants who are pursuing alternative pathways to licensure.
- **Minnesota** (Minnesota Administrative Rules Chapter 8710): The Minnesota Board of Teaching requires all applicants for teacher licensure in the state to graduate from a state-approved teacher preparation program and hold a minimum of a bachelor's degree, as well as demonstrated completion of a human relations course, which is included in all Minnesota approved teacher preparation programs. Teacher preparation programs completed outside of Minnesota may count if the program is equivalent to that of an approved Minnesota teacher preparation program. If the applicant did not complete a teacher preparation program in one of the states with a reciprocal licensing agreement, the applicant must also complete an approved human relations course in order to be licensed in the state. Applicants who have completed an online teacher preparation program will be recognized as long as the program is regionally accredited, approved by the state in which it is offered, be a field for which Minnesota offers licenses, and include a supervised practicum and student teaching. Graduates of foreign teacher preparation programs must have their credits evaluated by a member agency of the National Association of Credential Evaluation Services.

Summary of factual data and analytical methodologies:

The Department recently promulgated a rule revising PI 34 of the Wisconsin Administrative Code, Clearinghouse Rule 17-093 relating to stakeholder workgroups revisions to licensure, which became effective August 1, 2018. Upon further review, the Department has identified further points of clarification within the rule. Without a rule change, the Department will be required to implement rules for educator licensure as they currently exist in PI 34; applicants for specific licenses may face unclear guidance on license requirements as a result.

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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Budget and Policy Analyst
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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 34.001 (8) and (11) are amended to read:

PI 34.001 (8) “Educator preparation program” means the sequence of courses included in a baccalaureate or bachelor's degree program or post baccalaureate program or the training provided by an entity for preparing professional school personnel for licensure.

(11) “Institutional endorsement” means written verification from an accredited ~~approved~~ educator preparation program that an individual has satisfactorily completed the program or its equivalent and is recommended for a specific license.

SECTION 2. PI 34.001 (11m) are created to read:

34.001 (11m) “Kindergarten” includes 4-year-old or 5-year-old-kindergarten.

SECTION 3. PI 34.008 (4) is amended to read:

PI 34.008 (4) Notification of the date that the state superintendent will conduct an onsite ~~comprehensive~~ review to determine whether the educator preparation program corrected the areas of noncompliance. The onsite review date shall occur within 90 calendar days of the written notification.

SECTION 4. PI 34.011 (2) is amended to read:

PI 34.011 (2) APPROVAL. The state superintendent shall grant initial approval under s. PI 34.007 (3) if the state superintendent determines that the experimental or innovative educator preparation program meets the requirements under sub. (1). ~~A professional educator preparation program approved under this subsection shall maintain approval by meeting the requirements under s. PI 34.007 (6).~~

SECTION 5. PI 34.011 (3) is created to read:

PI 34.011 (3) MAINTAINING APPROVAL. If an educator preparation program is approved under sub. (2), the state superintendent shall annual extend approval for one year if all of the following occur:

(a) An onsite review visit demonstrates that the educator preparation program successfully prepares candidates for licensure.

(b) The educator preparation program is in compliance with the requirements of this chapter as they were approved under PI 34.011 (2).

SECTION 6. PI 34.022 (5) is amended to read:

PI 34.022 (5) TEACHER RESPONSIBILITIES. ~~For classroom~~ teacher licenses, the role and responsibility of a teacher through a student teaching experience that meets all of the requirements under s. PI 34.023.

SECTION 7. PI 34.023 (1) (b) is amended to read:

PI 34.023 (1) (b) Occur in a variety of ~~variety~~ school settings.

SECTION 8. PI 34.028 (2) (f) 1., (4) (a) 3. and (c) 3. are amended to read:

PI 34.028 (2) (f) 1. The applicant holds a masters degree required by the pupil service category under subch. VII from an accredited college or university in the area of the license or is enrolled in an approved preparation program that leads to licensure for that position.

(4) (a) 3. If the license holder does not meet the requirements under subd. 1. or 2., the district administrator of the employing school district submits to the state superintendent a written plan that demonstrates, by clear and convincing evidence, that the license holder will complete all of the licensure requirements ~~during the term of the renewed license.~~

(c) 3. If the license holder does not meet the requirements under subd. 1. or 2., the district administrator of the employing school district submits to the state superintendent a written plan that demonstrates, by clear and convincing evidence, that the license holder will complete all of the licensure requirements ~~during the term of the renewed license.~~

SECTION 9. PI 34.029 (1g) is created to read:

PI 34.029 (1g) DEFINITION. In this section, “residential school” includes the Wisconsin educational services program for the deaf and hard of hearing, as given in s. 115.52, Stats., and the Wisconsin center for the blind and visually impaired, as given in s. 115.525, Stats.

SECTION 10. PI 34.029 (1) is renumbered PI 34.029 (1r) and amended to read:

PI 34.029 (1r) AUTHORIZATION. A license issued under this section 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 under sub. (2) (c).

SECTION 11. PI 34.029 (2) (b) and (c) are amended to read:

(2) (b) The applicant has at least one year of full-time teaching experience in the employing school district, CESA, or residential school.

(c) The district administrator of the employing school district or director of the employing CESA or residential school submits a written request to the state superintendent to issue the license. The written request shall provide assurances that the employing school district, CESA, or residential school will provide appropriate professional development and supervision to assist the applicant in becoming proficient in the license program content guidelines for the new subject area or grade level. The employing school district, CESA, or residential school may partner with an approved program to ensure the applicant attains proficiency in the content guidelines.

SECTION 12. PI 34.033 (1) and (2) are amended to read:

PI 34.033 (1) AUTHORIZATION. A license issued under this section authorizes the license holder to be either a short-term substitute teacher or a long-term substitute in the subject area or position and grade level of the license in subchs. VI, VII, and VIII, as determined by the license the applicant has held or is eligible to hold under this chapter or the equivalent license issued by another state.

(2) **ELIGIBILITY.** The state superintendent may issue a tier I license under this section to an applicant who has held or is eligible to hold a license issued under ~~this chapter~~ subchs. VI, VII, and VIII or the equivalent license issued by another state.

SECTION 13. PI 34.034 (1) (intro.) is amended to read:

PI 34.034 (1) AUTHORIZATION. A license issued under this section authorizes the license holder to teach grades ~~9~~ kindergarten through 12 in one of the following subject areas:

SECTION 14. PI 34.036 (2) (c) is repealed.

SECTION 15. PI 34.039 (1) is amended to read:

PI 34.039 (1) Except as provided in ss. PI 34.033, 34.036 and 34.038, an individual may not have a tier I license in special education for more than 3 years.

SECTION 16. PI 34.040 (1) (b) is amended to read:

PI 34.040 (1) (b) A license issued sub. (2) (e) authorizes an individual to teach in a Montessori school or program. The ~~subject area and grade~~ level of a license issued under sub. (2) (e) shall be based on the ~~license areas approved~~ grade levels endorsed by the accredited Montessori training program that the applicant completed.

SECTION 17. PI 34.040 (1) (c) is created to read:

PI 34.040 (1) (c) The subject area and grade level of a license issued under sub. (2) (d) and (g) shall be based on the license areas endorsed by the accredited preparation program that the applicant completed.

SECTION 18. PI 34.040 (2) (h) is amended to read:

PI 34.040 (2) (h) *Standards-based training and/or assessment.* The applicant successfully completed a standards-based training ~~and/or~~ assessment program approved by the state superintendent and passed the assessments approved under s. PI 34.021.

SECTION 19. PI 34.047 (title) and (2) are amended to read:

PI 34.047 ~~Prekindergarten~~Kindergarten through grade 12.

(2) GRADE LEVELS. A license issued under this section authorizes an individual to teach in grades ~~prekindergarten~~kindergarten through 12.

SECTION 20. PI 34.052 (1), (4) (intro.), and (5) are amended to read:

PI 34.052 (1) APPLICABILITY. An individual holding a tier II, III, or IV license may add additional license areas to the license by meeting the requirements of this section. The grade levels of the licenses added under sub. (4) or (5) shall be the same as the individual's existing teacher license.

(4) ADDITIONAL MIDDLE AND HIGH SCHOOL SUBJECT AREAS. An individual holding a middle and high school license under s. PI 34.046, a special education license under s. PI 34.049, a ~~prekindergarten~~kindergarten through 12 license under ss. PI 34.047 (3) (a) to (L) or (n) to ~~(p)~~(q), or an equivalent license, may add one or more of the following additional middle and high school subject areas by passing the applicable content knowledge test approved by the state superintendent:

SECTION 21. PI 34.052 (4) (q) and (7) are created to read:

PI 34.052 (4) (q) Geography.

(7) EFFECTIVE DATE. The effective date for licenses added under this section shall be July 1 of the year in which the test was passed if the test was passed by August 31 of that year or the following July 1.

SECTION 22. PI 34.052 (5) is amended to read:

PI 34.052 (5) ADDITIONAL ~~PREKINDERGARTEN~~KINDERGARTEN THROUGH 12 SUBJECT AREAS. An individual holding a ~~prekindergarten~~kindergarten through 12 license under s. PI 34.047 (3) (a) to (L) or (n) to ~~(p)~~(q), or an equivalent license, may add additional ~~prekindergarten~~kindergarten through 12 subject areas under ss. PI 34.047 (3) (a) to (L) or (n) to ~~(p)~~(q) by passing the applicable content knowledge test approved by the state superintendent.

SECTION 23. PI 34.052 (7) is created to read:

PI 34.052 (7) EFFECTIVE DATE. The effective date for licenses added under this section shall be July 1 of the year in which the test was passed if the test was passed by August 31 of that year or the following July 1.

SECTION 24. PI 34.064 is amended to read:

PI 34.064 Applicability. The state superintendent shall assign a license area under this subchapter to each administrative license issued under subch. VIII. A license under ss. PI 34.066 to 34.071 is required to supervise and evaluate professional staff in grades ~~prekindergarten~~kindergarten through 12.

SECTION 25. PI 34.074 (1) is amended to read:

PI 34.074 (1) AUTHORIZATION. A license issued under this section authorizes an individual to teach adaptive education in a regular education setting in grades ~~prekindergarten~~kindergarten through 12.

SECTION 26. 34.075 (1) is amended to read:

PI 34.075 (1) AUTHORIZATION. A license issued under this section authorizes an individual to teach adaptive physical education in grades ~~prekindergarten~~kindergarten through 12.

SECTION 27. PI 34.082 (1) and (e) 1. are amended to read:

PI 34.082 (1) AUTHORIZATION. A license issued under this section authorizes an individual to have a specific assignment to teach reading in grades ~~prekindergarten~~kindergarten through 12.

(e) 1. Developmental reading for pupils in ~~prekindergarten~~kindergarten through grade 12.

SECTION 28. PI 34.084 (2) (c) 1. to 3. are amended to read:

PI 34.084 (2) (c) 1. For business education related occupations, the applicant shall have completed an approved educator preparation program in business education and have completed 2,000 hours of related occupational experience.

2. For marketing education, the applicant shall have completed an approved educator preparation program in marketing education and have completed 4,000 hours or related occupational experience.

3. For family and consumer education related occupations, the applicant shall have completed an approved educator preparation program in family and consumer education, hold a family and consumer education license under s. PI 34.047 (3) (f), and have completed 2,000 hours of related occupational experience. At least 1,000 of the hours shall be in the specific area in which the license is sought.

SECTION 29. PI 34.084 (2) (c) 3. (Note) is repealed.

SECTION 30. PI 34.084 (2) (c) 4. is amended to read:

PI 34.084 (2) (c) 4. For technology related occupations, the applicant shall have completed an approved educator preparation program in technology education, hold a technology education license under s. PI 34.047 (3) (n), and have completed 2,000 hours of related occupational experience. At least 1,000 of the hours shall be in the specific area in which the license is sought.

SECTION 31. PI 34.084 (2) (c) 4. (Note) is repealed.

SECTION 32. PI 34.089 (1) is amended to read:

PI 34.089 (1) AUTHORIZATION. A license issued under this section authorizes the license holder to provide orientation and mobility related services in ~~prekindergarten~~kindergarten through grade 12.

SECTION 33. PI 34.110 (2) (e) and (3) are amended to read:

PI 34.110 (2) (e) Early childhood to adolescence (EC–A): ~~prekindergarten~~kindergarten to grade 12.

(3) PREPARATION. Preparation programs that were approved prior to ~~July~~August 1, 2019~~2018~~, remain approved until August 31, 2023, and may continue to endorse candidates who enrolled no later than August 31, 2023, in the subjects and positions approved using the grade levels in sub. (2) ~~until the entity submits a new license program which is approved by the department or~~. Educator preparation programs must receive initial approval and have new or revised licensure programs approved under subch. III in order to endorse candidates who enroll in licensure programs after August 31, 2023, whichever comes first.

SECTION 34. 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.

Dated this _____ day of _____, 2019

Carolyn Stanford Taylor
State Superintendent