

---

# Wisconsin Legislative Council

## ACT MEMO

---



**Prepared by:** Amber Otis, Senior Staff Attorney

April 3, 2024

**2023 Wisconsin Act 196**  
[2023 Assembly Bill 251]

**Tier I License Issued by DPI for  
Mental Health Professionals**

### BACKGROUND

State law generally requires school boards to ensure that teachers, supervisors, administrators, and professional staff members hold a certificate, license, or permit issued by the Department of Public Instruction (DPI), and further directs the State Superintendent of Public Instruction to promulgate administrative rules governing these various licenses. Current DPI administrative rules specify educator licensure requirements using a tiered-licensing system for teachers, administrators, and pupil services professionals.

Specifically, under DPI's administrative rules, the state superintendent may issue a tier I license authorizing the license holder to work as a school social worker, school psychologist, or a school counselor, if certain other conditions, including educational requirements, are met, and the applicant does not otherwise meet all of the requirements for a tier II, III, or IV license. Current DPI rules also allow for issuance of a tier I license as a speech-language pathologist or clinically trained social worker, if the applicant holds certain educational and professional credentials.

### 2023 WISCONSIN ACT 196

2023 Wisconsin Act 196 directly modifies DPI's administrative rules to create a new provision that authorizes the state superintendent to issue a new type of tier I license for certain mental health professionals. Under the act, the state superintendent may issue a tier I license to an applicant who satisfies all of the following requirements:

- Holds a master's degree in marriage and family therapy, mental health counseling, social work, or a similar field.
- Holds a valid clinical marriage and family therapy license, clinical professional counselor license, or clinical social worker license issued by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board.
- Agrees to manage and maintain records in compliance with the federal Health Insurance Portability and Accountability Act of 1996, as specified in more detail in the act.

The act specifies that this new type of license is valid for two years, renewable, and authorizes a license holder to work as a clinically trained mental health professional, but not as a school social worker or a school counselor.

**Effective date:** May 1, 2024

For a full history of the bill, visit the Legislature's [bill history page](#).

AO:ksm