



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4164/1
KRP:cdc

2019 ASSEMBLY BILL 728

January 9, 2020 - Introduced by Representatives POPE, CONSIDINE, EMERSON, KOLSTE, SARGENT, SPREITZER, BILLINGS, MILROY, STUBBS, SUBECK, NEUBAUER, GRUSZYNSKI, VRUWINK, OHNSTAD, SINICKI, L. MYERS and BROSTOFF, cosponsored by Senators ERPENBACH, BEWLEY, LARSON, WIRCH, SMITH, RISSER and RINGHAND. Referred to Committee on Regulatory Licensing Reform.

1 **AN ACT to amend** 115.28 (7) (b), 118.19 (1), 118.19 (1b), 118.19 (1c) (b) (intro.),
2 118.19 (3) (a), 118.19 (3) (b), 118.19 (10) (b) 1., 118.191 (2) (a), 118.191 (2) (b),
3 118.191 (2m), 118.191 (3), 118.191 (4), 118.192 (4), 118.60 (2) (a) 6. a. and 119.23
4 (2) (a) 6. a.; and **to create** 115.7915 (2) (i), 118.60 (2) (a) 6m., 118.60 (2) (c) 3.,
5 119.23 (2) (a) 6m. and 119.23 (2) (c) 3. of the statutes; **relating to:** teacher
6 licensure in parental choice programs and in the Special Needs Scholarship
7 Program and granting rule-making authority.

Analysis by the Legislative Reference Bureau

With certain exceptions, this bill requires that, beginning on July 1, 2022, teachers at private schools participating in a parental choice program or in the Special Needs Scholarship Program must hold a license or permit issued by the Department of Public Instruction. Under current law, teachers at choice schools must have at least a bachelor's degree from a nationally or regionally accredited institution of higher education, but they are not required to be licensed by DPI. There are no current law requirements regarding who may teach at SNSP schools.

The bill provides an exception for a teacher who teaches only courses in rabbinical studies. In addition, the bill provides a grace period for a teacher who has been teaching for at least the five consecutive years immediately preceding July 1, 2022, which allows the teacher to apply for a temporary, nonrenewable waiver of the

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licensure requirement. An applicant for a waiver must submit a plan for becoming licensed as required under the bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 115.28 (7) (b) of the statutes is amended to read:

2 115.28 (7) (b) Subject to the same rules and laws concerning qualifications of
3 applicants and granting and revocation of licenses or certificates under par. (a), the
4 state superintendent shall grant certificates and licenses to teachers in private
5 schools and tribal schools, except that teaching experience requirements for such
6 certificates and licenses may be fulfilled by teaching experience in public, private,
7 or tribal schools. An applicant is not eligible for a license or certificate unless the
8 state superintendent finds that the private school or tribal school in which the
9 applicant taught offered an adequate educational program during the period of the
10 applicant's teaching therein. Private Except as provided under ss. 115.7915 (2) (i),
11 118.60 (2) (a) 6m., and 119.23 (2) (a) 6m., private schools are not obligated to employ
12 only licensed or certified teachers.

13 **SECTION 2.** 115.7915 (2) (i) of the statutes is created to read:

14 115.7915 (2) (i) 1. Except as provided in subd. 2., beginning on July 1, 2022, all
15 of the eligible school's teachers have a teaching license or permit issued by the
16 department, except that a teacher employed by the eligible school who teaches only
17 courses in rabbinical studies is not required to hold a license or permit to teach issued
18 by the department.

19 2. Any teacher employed by the eligible school on July 1, 2022, who has been
20 teaching for at least the 5 consecutive years immediately preceding July 1, 2022, and

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1 who does not satisfy the requirements under subd. 1. on July 1, 2022, applies to the
2 department on a form prepared by the department for a temporary, nonrenewable
3 waiver from the requirements under subd. 1. The department shall promulgate
4 rules to implement this subdivision, including the form of the application and the
5 process by which the waiver application will be reviewed. The application form shall
6 require the applicant to submit a plan for satisfying the requirements under subd.
7 1. No waiver granted under this subdivision is valid after July 1, 2027.

8 **SECTION 3.** 118.19 (1) of the statutes is amended to read:

9 118.19 (1) Except as provided in subs. (1b) and (1c) and s. 118.40 (8) (b) 1. and
10 2., any person seeking to teach in a public school, including a charter school, ~~or~~ in a
11 school or institution operated by a county or the state, in a private school
12 participating in a parental choice program under s. 118.60 or 119.23, or in a private
13 school participating in the program under s. 115.7915 shall first procure a license or
14 permit from the department.

15 **SECTION 4.** 118.19 (1b) of the statutes is amended to read:

16 118.19 (1b) An individual may teach an online course in a subject and level in
17 a public school, including a charter school, in a private school participating in a
18 parental choice program under s. 118.60 or 119.23, or in a private school
19 participating in the program under s. 115.7915 without a license or permit from the
20 department if the individual holds a valid license or permit to teach the subject and
21 level in the state from which the online course is provided.

22 **SECTION 5.** 118.19 (1c) (b) (intro.) of the statutes is amended to read:

23 118.19 (1c) (b) (intro.) A faculty member of an institution of higher education
24 may teach in a public high school, including a charter school that operates only high
25 school grades, in a private school participating in a parental choice program under

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1 s. 118.60 or 119.23 that operates only high school grades, or in a private school
2 participating in the program under s. 115.7915 that operates only high school grades
3 without a license or permit from the department if the faculty member satisfies all
4 of the following:

5 **SECTION 6.** 118.19 (3) (a) of the statutes is amended to read:

6 118.19 (3) (a) No license to teach in any public school may be issued unless the
7 applicant possesses a bachelor's degree including such professional training as the
8 department by rule requires, except as permitted under par. (b) and ss. 115.28 (17)
9 (a), 118.191, 118.1915, 118.192, 118.193, 118.194, and 118.197. Notwithstanding s.
10 36.11 (16), no teacher preparatory program in this state may be approved by the state
11 superintendent under s. 115.28 (7) (a), unless each student in the program is
12 required to complete student teaching consisting of full days for a full semester
13 following the daily schedule and semester calendar of the cooperating school. No
14 license to teach in any public school may be granted to an applicant who completed
15 a professional training program outside this state unless the applicant completed
16 student teaching consisting of full days for a full semester following the daily
17 schedule and semester calendar of the cooperating school or the equivalent, as
18 determined by the state superintendent. The state superintendent may grant
19 exceptions to the student teaching requirements under this paragraph when the
20 midyear calendars of the institution offering the teacher preparatory program and
21 the cooperating school differ from each other and would prevent students from
22 attending classes at the institution in accordance with the institution's calendar.
23 The state superintendent shall promulgate rules to implement this subsection. If for
24 the purpose of granting a license to teach or for approving a teacher preparatory
25 program the state superintendent requires that an institution of higher education

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1 be accredited, the state superintendent shall accept accreditation by a regional or
2 national institutional accrediting agency recognized by the U.S. department of
3 education or by a programmatic accrediting organization.

4 **SECTION 7.** 118.19 (3) (b) of the statutes is amended to read:

5 118.19 (3) (b) The state superintendent shall permanently certify any
6 applicant to teach Wisconsin native American languages and culture who has
7 successfully completed the university of Wisconsin-Milwaukee school of education
8 approved Wisconsin native American languages and culture project certification
9 program at any time between January 1, 1974, and December 31, 1977. ~~School~~
10 ~~districts shall~~ A school district, the governing body of a private school participating
11 in a parental choice program under s. 118.60 or 119.23, or the governing body of a
12 private school participating in the program under s. 115.7915 may not assign
13 individuals certified under this paragraph to teach courses other than Wisconsin
14 native American languages and culture, unless they qualify under par. (a).

15 **SECTION 8.** 118.19 (10) (b) 1. of the statutes is amended to read:

16 118.19 (10) (b) 1. Conduct a background investigation of each applicant for
17 issuance or renewal of a license or permit, including a license or permit issued to a
18 pupil services professional, and for a faculty member seeking to teach in a public high
19 school without a license or permit.

20 **SECTION 9.** 118.191 (2) (a) of the statutes is amended to read:

21 118.191 (2) (a) Notwithstanding s. 118.19 (7) to (9), the department shall grant
22 an initial teaching license to teach a technical education subject to an individual who
23 is eligible for licensure under s. 118.19 (4) and (10), who scores at least 100 points on
24 the point system under sub. (5), of which at least 25 points are from sub. (5) (a) 1. and
25 at least 25 points are from sub. (5) (a) 2., and who agrees to complete during the term

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1 of the license a curriculum determined by the school board of the school district, by
2 the governing body of the private school participating in a parental choice program
3 under s. 118.60 or 119.23, or by the governing body of the private school participating
4 in the program under s. 115.7915 in which the individual will teach.

5 **SECTION 10.** 118.191 (2) (b) of the statutes is amended to read:

6 118.191 (2) (b) Notwithstanding s. 118.19 (7) to (9), the department shall grant
7 an initial teaching license to teach a vocational education subject to an individual
8 who is eligible for licensure under s. 118.19 (4) and (10), who scores at least 100 points
9 on the point system under sub. (5m), of which at least 25 points are from sub. (5m)
10 (a) 1. and at least 25 points are from sub. (5m) (a) 2., and who agrees to complete
11 during the term of the license a curriculum determined by the school board of the
12 school district, by the governing body of the private school participating in a parental
13 choice program under s. 118.60 or 119.23, or by the governing body of the private
14 school participating in the program under s. 115.7915 in which the individual will
15 teach.

16 **SECTION 11.** 118.191 (2m) of the statutes is amended to read:

17 118.191 (2m) An initial teaching license issued under sub. (2) authorizes an
18 individual to teach only in the school district controlled by the school board, or in the
19 private school controlled by the governing body, that determined the curriculum the
20 individual agreed to complete in order to qualify for the initial teaching license.

21 **SECTION 12.** 118.191 (3) of the statutes is amended to read:

22 118.191 (3) An initial teaching license issued under sub. (2) is valid for 3 years.
23 An initial teaching license issued under sub. (2) is void if the license holder ceases
24 to be employed as a teacher in the school district or private school in which the license
25 holder is authorized to teach under sub. (2m).

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1 **SECTION 13.** 118.191 (4) of the statutes is amended to read:

2 118.191 (4) Upon the expiration of the 3-year term of an initial teaching license
3 issued under sub. (2), the department shall issue to the license holder a professional
4 teaching license to teach the technical education subject or vocational education
5 subject if the individual successfully completed the curriculum that the individual
6 agreed to under sub. (2), as determined by the school board of the school district, by
7 the governing body of the private school participating in a parental choice program
8 under s. 118.60 or 119.23, or by the governing body of the private school participating
9 in the program under s. 115.7915 that established the curriculum. The department
10 shall indicate on a professional teaching license issued under this subsection that the
11 license was obtained under the experience-based licensure program under this
12 section.

13 **SECTION 14.** 118.192 (4) of the statutes is amended to read:

14 118.192 (4) A school board or private school participating in a parental choice
15 program under s. 118.60 or 119.23 that employs a person who holds a professional
16 teaching permit shall ensure that no regularly licensed teacher is removed from his
17 or her position as a result of the employment of persons holding permits.

18 **SECTION 15.** 118.60 (2) (a) 6. a. of the statutes is amended to read:

19 118.60 (2) (a) 6. a. Except as provided in subd. 6. c. and d., all of the private
20 school's teachers have a teaching license issued by the department or a bachelor's
21 degree or a degree or educational credential higher than a bachelor's degree,
22 including a ~~masters~~ master's or doctorate, from a nationally or regionally accredited
23 institution of higher education. This subd. 6. a. does not apply after June 30, 2022.

24 **SECTION 16.** 118.60 (2) (a) 6m. of the statutes is created to read:

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1 118.60 (2) (a) 6m. a. Except as provided in subd. 6m. b., beginning on July 1,
2 2022, all of the private school's teachers have a teaching license or permit issued by
3 the department.

4 b. Any teacher employed by the private school on July 1, 2022, who has been
5 teaching for at least the 5 consecutive years immediately preceding July 1, 2022, and
6 who does not satisfy the requirements under subd. 6m. a. on July 1, 2022, applies to
7 the department on a form prepared by the department for a temporary,
8 nonrenewable waiver from the requirements under subd. 6m. a. The department
9 shall promulgate rules to implement this subd. 6m. b., including the form of the
10 application and the process by which the waiver application will be reviewed. The
11 application form shall require the applicant to submit a plan for satisfying the
12 requirements under subd. 6m. a. No waiver granted under this subd. 6m. b. is valid
13 after July 1, 2027.

14 **SECTION 17.** 118.60 (2) (c) 3. of the statutes is created to read:

15 118.60 (2) (c) 3. Notwithstanding par. (a) 6m., a teacher employed by a private
16 school participating in the program under this section who teaches only courses in
17 rabbinical studies is not required to hold a license or permit to teach issued by the
18 department.

19 **SECTION 18.** 119.23 (2) (a) 6. a. of the statutes is amended to read:

20 119.23 (2) (a) 6. a. Except as provided in subd. 6. c., all of the private school's
21 teachers have a teaching license issued by the department or a bachelor's degree or
22 a degree or educational credential higher than a bachelor's degree, including a
23 masters or doctorate, from a nationally or regionally accredited institution of higher
24 education. This subd. 6. a. does not apply after June 30, 2022.

25 **SECTION 19.** 119.23 (2) (a) 6m. of the statutes is created to read:

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1 119.23 (2) (a) 6m. a. Except as provided in subd. 6m. b., beginning on July 1,
2 2022, all of the private school's teachers have a teaching license or permit issued by
3 the department.

4 b. Any teacher employed by the private school on July 1, 2022, who has been
5 teaching for at least the 5 consecutive years immediately preceding July 1, 2022, and
6 who does not satisfy the requirements under subd. 6m. a. on July 1, 2022, applies to
7 the department on a form prepared by the department for a temporary,
8 nonrenewable waiver from the requirements under subd. 6m. a. The department
9 shall promulgate rules to implement this subd. 6m. b., including the form of the
10 application and the process by which the waiver application will be reviewed. The
11 application form shall require the applicant to submit a plan for satisfying the
12 requirements under subd. 6m. a. No waiver granted under this subd. 6m. b. is valid
13 after July 1, 2027.

14 **SECTION 20.** 119.23 (2) (c) 3. of the statutes is created to read:

15 119.23 (2) (c) 3. Notwithstanding par. (a) 6m., a teacher employed by a private
16 school participating in the program under this section who teaches only courses in
17 rabbinical studies is not required to hold a license or permit to teach issued by the
18 department.

19 **SECTION 21. Effective date.**

20 (1) TEACHER LICENSURE IN CERTAIN PRIVATE SCHOOLS. The treatment of s. 118.19
21 (1), (1b), (1c) (b) (intro.), and (3) (b) takes effect on July 1, 2022.

22 (END)