



2023 ASSEMBLY BILL 534

October 18, 2023 - Introduced by Representatives SHELTON, MYERS, C. ANDERSON, ANDRACA, MADISON, J. ANDERSON, BALDEH, CLANCY, JOERS, NEUBAUER, RATCLIFF, SINICKI and SUBECK, cosponsored by Senators LARSON, SMITH, ROYS, HESSELBEIN, AGARD, SPREITZER and CARPENTER. Referred to Committee on Regulatory Licensing Reform.

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

Analysis by the Legislative Reference Bureau

With certain exceptions, this bill requires that, beginning on July 1, 2025, teachers and administrators 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 and administrators 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

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required to be licensed by DPI. There are no current law requirements regarding who may teach or be employed as an administrator at SNSP schools.

The bill provides an exception for a teacher who teaches only courses in rabbinical studies and for an administrator at a private school that prepares and trains pupils attending the private school in rabbinical studies. In addition, the bill provides a grace period for a teacher or administrator who has been teaching or employed as an administrator for at least the five consecutive years immediately preceding July 1, 2025, which allows the teacher or administrator to apply for a temporary, nonrenewable waiver of the 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:

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

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

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

115.7915 (2) (i) 1. Except as provided in subd. 3., beginning on July 1, 2025, all of the eligible school's teachers have a teaching license or permit issued by the

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department, except that a teacher employed by the eligible school who teaches only courses in rabbinical studies is not required to hold a license or permit to teach issued by the department.

2. Except as provided in subd. 3., beginning on July 1, 2025, all of the eligible school's administrators have an administrator's license issued by the department.

3. Any teacher or administrator employed by the eligible school on July 1, 2025, who has been teaching or employed as an administrator for at least the 5 consecutive years immediately preceding July 1, 2025, and who does not satisfy the requirements under subd. 1. or 2. on July 1, 2025, applies to the department on a form prepared by the department for a temporary, nonrenewable waiver from the requirements under subd. 1. or 2. The department shall promulgate rules to implement this subdivision, including the form of the application and the process by which the waiver application will be reviewed. The application form shall require the applicant to submit a plan for satisfying the requirements under subd. 1. No waiver granted under this subdivision is valid after July 1, 2030.

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

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

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

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

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

118.19 (1c) (b) (intro.) A faculty member of an institution of higher education may teach in a public high school, including a charter school that operates only high school grades, in a private school participating in a parental choice program under s. 118.60 or 119.23 that operates only high school grades, or in a private school participating in the program under s. 115.7915 that operates only high school grades without a license or permit from the department if the faculty member satisfies all of the following:

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

118.19 (3) (a) No license to teach in any ~~public~~ school may be issued unless the applicant possesses a bachelor's degree including such professional training as the department by rule requires, except as permitted under par. (b) and ss. 115.28 (17) (a), 118.191, 118.1915, 118.192, 118.193, 118.194, and 118.197. Notwithstanding s. 36.11 (16), no teacher preparatory program in this state may be approved by the state superintendent under s. 115.28 (7) (a), unless each student in the program is required to complete student teaching consisting of full days for a full semester following the daily schedule and semester calendar of the cooperating school or the

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equivalent, as determined by the state superintendent. No license to teach in any ~~public~~ school may be granted to an applicant who completed a professional training program outside this state unless the applicant completed student teaching consisting of full days for a full semester following the daily schedule and semester calendar of the cooperating school or the equivalent, as determined by the state superintendent. The state superintendent may grant exceptions to the student teaching requirements under this paragraph when the midyear calendars of the institution offering the teacher preparatory program and the cooperating school differ from each other and would prevent students from attending classes at the institution in accordance with the institution's calendar. The state superintendent shall promulgate rules to implement this subsection. If for the purpose of granting a license to teach or for approving a teacher preparatory program the state superintendent requires that an institution of higher education be accredited, the state superintendent shall accept accreditation by a regional or national institutional accrediting agency recognized by the U.S. department of education or by a programmatic accrediting organization.

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

118.19 (3) (b) The state superintendent shall permanently certify any applicant to teach Wisconsin native American languages and culture who has successfully completed the university of Wisconsin-Milwaukee school of education approved Wisconsin native American languages and culture project certification program at any time between January 1, 1974, and December 31, 1977. ~~School districts shall~~ A school district, the governing body of a private school participating

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in a parental choice program under s. 118.60 or 119.23, or the governing body of a private school participating in the program under s. 115.7915 may not assign individuals certified under this paragraph to teach courses other than Wisconsin native American languages and culture, unless they qualify under par. (a).

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

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

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

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

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

118.191 **(2)** (b) Notwithstanding s. 118.19 (7) to (9), the department shall grant an initial teaching license to teach a vocational education subject to an

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individual who is eligible for licensure under s. 118.19 (4) and (10), who scores at least 100 points on the point system under sub. (5m), of which at least 25 points are from sub. (5m) (a) 1. and at least 25 points are from sub. (5m) (a) 2., and who agrees to complete during the term of the license a curriculum determined by the school board of the school district, by the governing body of the private school participating in a parental choice program under s. 118.60 or 119.23, or by the governing body of the private school participating in the program under s. 115.7915 in which the individual will teach.

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

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

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

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

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

118.191 (4) Upon the expiration of the 3-year term of an initial teaching license issued under sub. (2), the department shall issue to the license holder a professional teaching license to teach the technical education subject or vocational education subject if the individual successfully completed the curriculum that the

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individual agreed to under sub. (2), as determined by the school board of the school district, by the governing body of the private school participating in a parental choice program under s. 118.60 or 119.23, or by the governing body of the private school participating in the program under s. 115.7915 that established the curriculum. The department shall indicate on a professional teaching license issued under this subsection that the license was obtained under the experience-based licensure program under this section.

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

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

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

118.60 (2) (a) 6. a. Except as provided in subd. 6. c. and d., all of the private school's teachers have a teaching license issued by the department or a bachelor's degree or a degree or educational credential higher than a bachelor's degree, including a ~~masters~~ master's or doctorate, from a nationally or regionally accredited institution of higher education. This subd. 6. a. does not apply after June 30, 2025.

SECTION 16. 118.60 (2) (a) 6. b. of the statutes is amended to read:

118.60 (2) (a) 6. b. All of the private school's administrators have at least a bachelor's degree from a nationally or regionally accredited institution of higher education or a teaching license or administrator's license issued by the department. This subd. 6. b. does not apply after June 30, 2025.

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SECTION 17. 118.60 (2) (a) 6m. of the statutes is created to read:

118.60 (2) (a) 6m. a. Except as provided in subd. 6m. c., beginning on July 1, 2025, all of the private school's teachers have a teaching license or permit issued by the department.

b. Except as provided in subd. 6m. c., beginning on July 1, 2025, all of the private school's administrators have an administrator's license issued by the department.

c. Any teacher or administrator employed by the private school on July 1, 2025, who has been teaching or employed as an administrator for at least the 5 consecutive years immediately preceding July 1, 2025, and who does not satisfy the requirements under subd. 6m. a. or b. on July 1, 2025, applies to the department on a form prepared by the department for a temporary, nonrenewable waiver from the requirements under subd. 6m. a. or b. The department shall promulgate rules to implement this subd. 6m. c., including the form of the application and the process by which the waiver application will be reviewed. The application form shall require the applicant to submit a plan for satisfying the requirements under subd. 6m. a. or b. No waiver granted under this subd. 6m. c. is valid after July 1, 2030.

SECTION 18. 118.60 (2) (c) 3. of the statutes is created to read:

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

SECTION 19. 118.60 (2) (c) 4. of the statutes is created to read:

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118.60 (2) (c) 4. Notwithstanding par. (a) 6m., an administrator of a private school participating in the program under this section that prepares and trains pupils attending the school in rabbinical studies is not required to hold an administrator's license issued by the department.

SECTION 20. 119.23 (2) (a) 6. a. of the statutes is amended to read:

119.23 (2) (a) 6. a. Except as provided in subd. 6. c., all of the private school's teachers have a teaching license issued by the department or a bachelor's degree or a degree or educational credential higher than a bachelor's degree, including a ~~masters~~ master's or doctorate, from a nationally or regionally accredited institution of higher education. This subd. 6. a. does not apply after June 30, 2025.

SECTION 21. 119.23 (2) (a) 6. b. of the statutes is amended to read:

119.23 (2) (a) 6. b. All of the private school's administrators have at least a bachelor's degree from a nationally or regionally accredited institution of higher education or a teaching license or administrator's license issued by the department. This subd. 6. b. does not apply after June 30, 2025.

SECTION 22. 119.23 (2) (a) 6m. of the statutes is created to read:

119.23 (2) (a) 6m. a. Except as provided in subd. 6m. c., beginning on July 1, 2025, all of the private school's teachers have a teaching license or permit issued by the department.

b. Except as provided in subd. 6m. c., beginning on July 1, 2025, all of the private school's administrators have an administrator's license issued by the department.

c. Any teacher or administrator employed by the private school on July 1,

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2025, who has been teaching or employed as an administrator for at least the 5 consecutive years immediately preceding July 1, 2025, and who does not satisfy the requirements under subd. 6m. a. or b. on July 1, 2025, applies to the department on a form prepared by the department for a temporary, nonrenewable waiver from the requirements under subd. 6m. a. or b. The department shall promulgate rules to implement this subd. 6m. c., including the form of the application and the process by which the waiver application will be reviewed. The application form shall require the applicant to submit a plan for satisfying the requirements under subd. 6m. a. or b. No waiver granted under this subd. 6m. c. is valid after July 1, 2030.

SECTION 23. 119.23 (2) (c) 3. of the statutes is created to read:

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

SECTION 24. 119.23 (2) (c) 4. of the statutes is created to read:

119.23 (2) (c) 4. Notwithstanding par. (a) 6m., an administrator of a private school participating in the program under this section that prepares and trains pupils attending the school in rabbinical studies is not required to hold an administrator's license issued by the department.

SECTION 25. Effective dates. This act takes effect on the day after publication, except as follows:

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(1) TEACHER LICENSURE IN CERTAIN PRIVATE SCHOOLS. The treatment of s. 118.19 (1), (1b), (1c) (b) (intro.), and (3) (b) takes effect on July 1, 2025.

(END)