pi037_EmR0813.pdf **Public Instruction – Revises Ch. PI 37 – EmR0813**

ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
ADOPTING EMERGENCY RULES

The state superintendent of public instruction hereby renumbers PI 37.02 (1), (2), and (3); amends ch. PI 37 (title), PI 37.01, PI 37.03, PI 37.04, and PI 37.05; and creates PI 37.02 (1), (2), (3), (7), and (8), relating to grants for national teacher certification and master educator licensure.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: Section 115.42, Wis. Stats.
Statutory authority: Section 115.42 (4), Wis. Stats.

Explanation of agency authority:
Section 115.42 (4), Wis. Stats., requires the department to promulgate rules to implement and administer this program, including all of the following:

- The application process, including necessary documentation.
- The selection process for grant recipients.
- The number of times that a teacher may be exempt from continuing professional education requirements.

Related statute or rule:
Chapter PI 34, Wis. Admin. Code.

Plain language analysis:
There are two ways an individual may receive a grant under the national teacher certification or master educator licensure program under s. 115.42, Stats.:

- Through a national process by obtaining a national certificate issued by the National Board for Professional Teaching Standards (NBPTS).
- Through a state process by completing the Wisconsin master educator assessment process.

Previous language under s. 115.42, Stats., allowed only persons certified through the national process to be awarded grants of up to $2,000 for the first year and $2,500 annually for nine years thereafter if certain conditions were met. 2007 Wisconsin Act 20, the biennial budget bill, modified s. 115.42, Stats., to allow persons receiving master educator licenses through the state process to also receive the grants. In addition, the Act provided an incentive to grant recipients to work in high poverty schools. Finally, the Act allows master educators through the state process to be exempt from continuing education requirements as are teachers certified through the national process.

To reflect statutory language, Chapter PI 37, Wis. Admin. Code, relating to Grants for National Teacher Certification, is being modified to: 1) allow master educators that have completed the Wisconsin master educator assessment process to receive a grant under the program, 2) allow master educators receiving licenses through the state process or teachers certified through the national process to receive $5,000 (rather than $2,500) if they work in a school in which at least 60 percent of the pupils enrolled are eligible for free or reduced-price lunch, and 3) allow master educators receiving licenses through the state process to be exempt from continuing education requirements.

The rules are also being modified to clarify that:

- The term “teacher” includes school psychologists, school counselors, and school social workers who are not under contract as an administrator.
- A teacher must be working as an instructor, school psychologist, school counselor, or school social worker for a minimum of 40 percent full-time equivalency for at least 180 days in a school year to qualify for a grant.

- A teacher may renew his or her 10-year national board certification or Wisconsin master educator license and continue receiving a grant under this program.

The provisions allowing teachers who have completed the state process to receive grants under this program first applies to persons who were licensed as Wisconsin master educators by the department on or after July 1, 2005.

The provision allowing teachers to receive $5,000, rather than $2,500, if employed in high poverty districts first applies to persons applying for a grant on or after July 1, 2007.

The provision requiring an applicant to work 40 percent full-time equivalency for at least 180 days in a school year first applies to persons applying for a grant on or after July 1, 2008.

Summary of, and comparison with, existing or proposed federal regulations: None.

Comparison with rules in adjacent states:

Michigan and Minnesota - do not have rules relating to grants for national board certified teachers or state certified master educators.

Iowa - As of December 31, 2007, funds will no longer be available to new candidates. However, Iowa did provide a grant program to national board certified teachers (NBCTs) prior to that date. NBCTs that received the grant will be able to complete the 10 year grant process. To be eligible, an applicant must meet all of the following:

- The individual is a national board certified (NBC) teacher.
- The individual is a teacher.
- The individual is employed by a school district in Iowa.
- The individual receives a salary as a classroom teacher.
- The individual completes the application process.
- The individual has not received an NBC annual award for more than ten years.

The initial award is for one-half of the reimbursement fee charged by the NBPTS, or a prorated amount, if funds are not available.

An eligible teacher who received NBC certification prior to May 1, 2000, will receive an annual award of up to $5,000 or a prorated amount for a period of ten years or until the teacher's total state annual award amount reaches $50,000. An eligible teacher who received NBC certification after May 1, 2000 will receive an annual award of up to $2,500 or a prorated amount for a maximum of ten years. An otherwise eligible teacher who possesses a teaching contract that is less than full-time shall receive an award prorated to reflect the type of contract (i.e. half-time, quarter-time, etc.).

It is unclear as to whether Iowa has a state master educator certification process.

Illinois – Requires persons holding a certificate issued by the NBPTS to apply for a master certificate. Holders of an Illinois master certificate who are employed for no less than the equivalent of half of the school year as a teacher or school counselor in a public school setting are eligible for a $3,000 stipend. If funding is limited, this amount may be prorated and grant awards may be prioritized. Holders of an Illinois master certificate shall be eligible for an annual incentive payment for each year during which:

- He or she holds a certificate issued by the NBPTS.
- He or she is employed by a school district or other public entity providing early childhood, elementary, or secondary education.
- He or she works no less than the equivalent of half the school year.

Additional incentives are provided for applicants that meet further requirements such as providing at least 60 hours of mentoring to classroom teachers.

Illinois does not have a state master educator certification process.

Summary of factual data and analytical methodologies:

The intent of awarding grants under this program is to encourage teachers to obtain this rigorous certification and apply the knowledge gained to help pupils directly through classroom instruction and pupil services. It has never been the intent to award funds simply because an individual holds a master educator license or national board certificate.

In its 2007-09 biennial budget request, the department requested that the national teacher certification grant program be expanded to allow teachers receiving master educator licenses through the state process to receive the same grants as those teachers receiving licenses through national certification. To address the needs of high poverty schools that have difficulty attracting highly qualified teachers, the department also proposed to double the amount awarded ($5,000, rather than $2,500) to persons applying for continuing grants under s. 115.42 (2), Stats., if those persons are employed in a school in which at least 60 percent of the school's pupil population is eligible for free or reduced-price lunch under 42 USC 1758 (b).

To encourage individuals to become state certified master educators, the department created a pilot program for FY06 and FY07 to pay up to $2,000 to each applicant who successfully completed the process. Applicants that completed the Wisconsin assessment process received a Wisconsin Master Educator License and received an "initial" grant from the department using federal Title II-A, Elementary and Secondary Education Act funds. Because those funds were limited and not available for long-term obligation, these individuals did not receive "continuing" grants of $2,500. These individuals should be rewarded for participating in the pilot program and receive the $2,500 (or $5,000) grant for nine years just as future Wisconsin master educators will receive these funds. Therefore, an initial applicability section was included in the law (and the rule) to clarify the grant program applies to those master educators who were licensed by the department on or after July 1, 2005.

2007 Wisconsin Act 20 included these provisions in the law and the rule is now being modified to reflect those changes.

The rules are also being modified to clarify that:

- A teacher must be working as an instructor for a minimum of 40 percent full-time equivalency for at least 180 days in a school year to qualify for a grant. This provision will require teachers to be employed as teachers to be eligible to receive a grant.
- The term "teacher" includes school psychologists, school counselors and school social workers who are not administrators. The Wisconsin master educator assessment process offers licensure in areas not currently offered under the NBPTS, including school administration categories and school psychologists, school counselors, and school social workers. The legislature wanted the program to be expanded to "teachers" but not to "school administration categories." Because individuals with non-administrative school psychologist, counselor, and social worker licenses directly serve pupils, the department asserts they should be included in the category of teachers for purposes of these grants.
- A teacher may renew his or her 10-year national board certification or Wisconsin master educator license and continue receiving a grant under this program. The certification of first round national board certified teachers will expire next year. This provision will clarify that they may re-apply for grants if they renew their national certification. Subsequent national board certified teachers or Wisconsin master educator licensed teachers would be eligible to receive a grant upon renewal of their certification or license.

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)

Tammy Huth, Assistant Director, Teacher Education, Professional Development and Licensing, (608) 266-1788 or tammy.huth@dpi.wi.gov.

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

The department will publish a hearing notice in the *Administrative Register* which will include this information.

SECTION 1. Chapter PI 37 (title) is amended to read:

Chapter PI 37
GRANTS FOR NATIONAL TEACHER CERTIFICATION OR MASTER EDUCATOR LICENSURE

SECTION 2. PI 37.01 is amended to read:

PI 37.01 Purpose. Under s. 115.42, Stats., the state superintendent shall award grants to eligible applicants who are certified by the national board for professional teaching standards or licensed by the department as a master educator under s. PI 34.19. This chapter sets forth criteria and procedures for awarding grants under this program. This chapter also specifies continuing professional education exemptions for national board certificate holders and master educator license holders.

SECTION 3. PI 37.02 (1), (2), and (3) are renumbered PI 37.02 (4), (5), and (6).

SECTION 4. PI 37.02 (1), (2), (3), (7) and (8) are created to read:

PI 37.02 (1) "Department" means the Wisconsin department of public instruction.
(2) "Employed as a teacher" means a person working as a teacher for a minimum of 40 percent full-time equivalency for at least 180 days in a school year.
(3) "National board certification" or "national board certificate" means a certificate issued by the national board for professional teaching standards.
(7) "Teacher" means properly licensed persons delivering instruction to pupils; or school psychologists, school counselors, or school social workers. Teacher does not include a person working under a contract as an administrator.
(8) "Wisconsin master educator" means a teacher who has completed the Wisconsin master educator assessment process and is licensed under s. PI 34.19.

SECTION 5. PI 37.03, PI 37.04, and PI 37.05 are amended to read:

PI 37.03 Grants for national board certification. (1) ELIGIBILITY. (a) Annually by June 30, a person meeting all of the following requirements may apply to the state superintendent for a grant in the amount equal to the costs of obtaining or renewing a national board certification or Wisconsin master educator license that are borne by the person, not to exceed $2,000:
1. The person is certified by the national board for professional teaching standards or licensed as a Wisconsin master educator.
2. The person is licensed as a teacher by the state superintendent or employed as a teacher in a private school located in this state.
3. The person is employed as a teacher in this state.
(b) ~~Persons~~ Except as provided under par. (c), persons receiving a grant under par. (a) may apply annually by June 30 in each of the 9 school years following the school year in which he or she received the grant to the state superintendent for a $2,500 grant if the person satisfies all of the following requirements:
1. The person maintains his or her national board certification ~~by the national board for professional teaching standards~~ or Wisconsin master educator license.
2. The person maintains his or her license as a teacher by the state superintendent or remains employed in a private school located in this state.
3. The person remains employed as a teacher in this state.

(c) The amount of each grant under par. (b) shall be $5,000 in any school year in which the recipient is employed as a teacher in a school in which at least 60 percent of the pupils enrolled are eligible for a free or reduced-price lunch under 42 USC 1758 (6).
(2) APPLICATION REQUIREMENTS. A person applying for a grant under this chapter shall provide the state superintendent with all of the following information:
(a) A certified copy of the applicant's national board certificate or Wisconsin master educator license.
(b) A ~~letter~~ form provided by the department verifying employment from the employing public or private school administrator or his or her designee indicating that the applicant is employed as a teacher in this state.
(c) Verification that the applicant is employed as a teacher in a school in which at least 60 percent of the pupils enrolled are eligible for a free or reduced price lunch under 42 USC 1758 (6), if applicable.
Note: PI 1678, Employment Verification for National Teacher Certification by NBPTS or Wisconsin Master Educator License by WMEAP, may be obtained at no charge from the Department of Public Instruction, P.O. Box 7841, Madison, WI 53707-7841 or by going to the department's web site at http://dpi.wi.gov/tepdl/nbtopics.html or http://dpi.wi.gov/tepdl/wmeap.html.

PI 37.04 Exemption from continuing education requirements. (1) (a) A person holding national board certification ~~as of July 1, 2000 shall be granted~~ or a Wisconsin master educator license under s. PI 34.19 ~~and~~ shall be exempt from meeting the continuing professional education credit requirements under s. PI 34.19 (5) as long as the national board certification or Wisconsin master educator license is effective.
(b) For persons seeking ~~an~~ a national board certification exemption under par. (a), the effective date of a state license shall coincide with the effective date of the national board certification.
(2) A person who applies for and completes the process for national board certification or Wisconsin master educator assessment shall renew his or her state license upon its expiration but he or she is exempt from meeting the continuing professional education credit requirements under s. PI 34.18 (2) regardless if he or she receives the national certification or Wisconsin master educator license.
Note: A certificate issued by the National Board for Professional Teaching Standards and a Wisconsin master educator license is effective for 10 years.

PI 37.05 Review of applications and awarding of grants. The state superintendent shall review the applications submitted under this chapter and shall award grants if the applicant meets all of the criteria specified under s. PI 37.03.
Note: Additional information regarding the National Board for Professional Teaching Standards may be obtained by contacting the board at ~~26555 Evergreen Road, Suite 400, Southfield, MI 48076; (248) 351−4444~~ 1525 Wilson Boulevard, Suite 500, Arlington, VA 22209; (703) 465-2700; Website: www.nbpts.org.
PI−1669-Initial, National Teacher Certification by NBPTS Initial Reimbursement Grant Application, may be obtained at no charge from the Department of Public Instruction, P.O. Box 7841, Madison, WI 53707−7841 or by going to the department's web site at http://dpi.wi.gov/tepdl/nbtopics.html.
PI-1669-Annual, National Teacher Certification by NBPTS Annual Grant Application, may be obtained at no charge from the Department of Public Instruction, P.O. Box 7841, Madison, WI 53707−7841 or by going to the department's web site at http://dpi.wi.gov/tepdl/nbtopics.html.
PI-1669B-Annual, National Teacher Certification by NBPTS Annual Grant Application, may be obtained at no charge from the Department of Public Instruction, P.O. Box 7841, Madison, WI 53707-7841 or by going to the department's web site at http://dpi.wi.gov/tepdl/nbtopics.html.
PI-1677-Initial, Master Educator License by WMEAP Initial Reimbursement Grant Application, may be obtained at no charge from the Department of Public Instruction, P.O. Box 7841, Madison, WI 53707-7841 or by going to the department's web site at http://dpi.wi.gov/tepdl/wmeap.html.
PI-1679-Annual, Master Educator License by WMEAP Annual Grant Application, may be obtained at no charge from the Department of Public Instruction, P.O. Box 7841, Madison, WI 53707-7841 or by going to the department's web site at http://dpi.wi.gov/tepdl/wmeap.html.
Additional information regarding Wisconsin incentives may be obtained by contacting the Department of Public Instruction Teacher Education and Licensing, P.O. Box 7841, Madison, WI 53707−7841; (608) 266−1879.

SECTION 6. INITIAL APPLICABILITY.

(1) The treatment of SECTION 5, PI 37.03 (1) (a) and (b), first applies to persons who were licensed as Wisconsin master educators by the department of public instruction on or after July 1, 2005.

(2) The treatment of SECTION 5, PI 37.03 (1) (c), first applies to persons applying for a grant on or after July 1, 2007.
(3) The treatment of SECTION 4, PI 37.02 (2), first applies to persons applying for a grant on or after July 1, 2008.

FINDING OF EMERGENCY

The Department of Public Instruction finds that an emergency exists and that the adoption of an emergency rule is necessary for the immediate preservation of the public welfare. The facts constituting the emergency are as follows:

The new provisions modifying the grants for the national teacher certification program under 2007 Wisconsin Act 20, the biennial budget bill, took effect October 27, 2007. In order to establish the new application criteria and procedures to award grants to eligible applicants in the 2007-08 school year, emergency rules must be in place as soon as possible.

The rules contained in this order shall take effect upon publication as an emergency rule pursuant to the authority granted by s. 227.24, Stats.