

**Report From Agency**  
**FINAL REPORT**  
**CLEARINGHOUSE RULE 10-058**  
**SECTION PI 34.01 (52m)**  
**SCHOOL NURSE CERTIFICATION**

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**Analysis by the Department of Public Instruction**

**Statute interpreted:** s. 115.001 (11), Stats.

**Statutory authority:** ss. 115.001 (11) and 227.11 (2) (a), Stats.

**Explanation of agency authority:**

Section 115.001 (11), Stats., requires the department to prescribe the qualifications for school nurses by rule.

Section 227.11 (2) (a), Stats., gives an agency rule-making authority to interpret the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute.

**Related statute or rule:** N/A

**Plain language analysis:**

2009 Wisconsin Act 160 requires the department to prescribe the qualifications for school nurses by rule. To meet the requirements under the Act, the department is modifying Chapter PI 34, relating to Teacher Education Program Approval and Licenses, by creating a definition of "school nurse" under s. PI 34.01 (52m) and by modifying the school nurse licensing information under s. PI 34.31 (2).

The DPI school nurse license which requires completion of a school nurse practicum and an institutional endorsement, is still an optional license and is not required for a nurse to work in a school. In the past, a school nurse only had to hold a license as a registered nurse under the Department of Regulation and Licensing. The rule will require a school nurse to hold a bachelor's or master's degree in nursing as well.

An individual employed by, or under contract with, a school board, a CESA, a CCDEB, or charter school as a school nurse on January 1, 2011, shall be considered a school nurse, regardless of whether or not that individual holds a bachelor's degree.

To coincide with the Act's effective date, the rule will become effective January 1, 2011.

**Summary of, and comparison with, existing or proposed federal regulations:** N/A

**Comparison with rules in adjacent states:**

Iowa does not have rules relating to the qualification of school nurses.  
 Illinois and Minnesota require a school nurse to be a registered professional nurse with a bachelor’s degree.  
 Michigan requires that a professional school nurse be a registered professional nurse with a bachelor’s degree.  
 Michigan also offers a standard school nurse certificate requiring the applicant to be a registered nurse.

**Summary of factual data and analytical methodologies:**

2009 Wisconsin Act 160 clarifies that a nurse may be employed by a school district without being “certified” by the department but rather “meets the qualifications prescribed by the department.” The DPI school nurse license under s. PI 34.31 (2) requires the applicant to have, in part, a school nursing practicum and an institutional endorsement. This DPI license is optional and is not required for a nurse to work in a school. The Act removes the department’s certification requirement and replaces it with the qualifications for school nurses prescribed by the department in rule. The qualifications specified in this rule will better reflect current practice without reducing the qualifications of the state’s school nurses.

**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)**

Douglas White, Director, Student Services/Prevention and Wellness, (608) 266-5198, [douglas.white@dpi.state.wi.us](mailto:douglas.white@dpi.state.wi.us).

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

The department published a hearing notice in the *Administrative Register* which included this information.

A public hearing to consider the proposed rule was conducted by the department on July 30, 2010, in Madison. Persons were asked to register in favor, generally in favor (except for . . .), against, generally against (except for . . .), or for information only.

**Madison Hearing, July 30, 2010**

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Freddi Adelson	Self	X		
Holly Bauer	Wis Assoc. of School Nurses	X		

<b>NAME</b>	<b>ORGANIZATION</b>	<b>IN FAVOR OR GENERALLY IN FAVOR</b>	<b>OPPOSED OR GENERALLY OPPOSED</b>	<b>OTHER</b>
Robert Benson	Self		X	
Kathleen A. Brockman	Wis Assoc of School Nurses	X		
Kathleen Cullen	Wis Technical College System		X	
Gina Dennik-Champion	Wis Nurses Assoc	X		
Tim Elverman	Milwaukee Area Technical College		X	
Eric Gage	Wis Student (tech college) Government		X	
Linda Krueger	Chippewa Valley Technical College		X	
Dessie Levy	Milwaukee Area Technical College		X	
Kathy Loppnow	Wis Technical College System		X	
Terri Mauel	Self/Wis Assoc of School Nurses	X		
Donna McGinley	Self	X		
Ann Riojas	Wis Assoc of School Nurses	X		
Mary Beth Schall	Self	X		
Rita M. Simon	Wis Assoc of School Nurses	X		
Jacob Weigandt	Madison College Students		X	
Louise Friday Wilson	Wis Assoc of School Nurses	X		

*The following persons submitted written testimony:*

<b>NAME</b>	<b>ORGANIZATION</b>	<b>IN FAVOR OR GENERALLY IN FAVOR</b>	<b>OPPOSED OR GENERALLY OPPOSED</b>	<b>OTHER</b>
Paul Akert	Self	X		
Lori Anderson	UW Wisconsin Madison School of Nursing	X		
Judith Aubey	Self	X		
Trisha August	Self	X		
Melanie Baehr	Self			X
Mary Jo Baisch	Self	X		
Chistine Baker	Self	X		
Claudia C. Bartz	Self			X
Mary Jo Beining	Self	X		
Polly Benish	Self	X		
Rosemary E. Berger Barb Bendall Diana Hoffman Lisa Jensen Toni Zastrow Lynn Zaspel	Fort Health Care			X

<b>NAME</b>	<b>ORGANIZATION</b>	<b>IN FAVOR OR GENERALLY IN FAVOR</b>	<b>OPPOSED OR GENERALLY OPPOSED</b>	<b>OTHER</b>
Sarah Borchert Mary Hunt				
Nicole Berndt	Self			X
Tara Beuscher	Self	X		
Martha Dewey Bergren	National Assoc. of School Nurses	X		
Susan Bietila	Self	X		
Amy Bigjohn	Self	X		
Marla Blom	Self	X		
James A. Bockeloh	Self	X		
Diane Bosovich	Self	X		
Beth Brower	Self	X		
Michael Burke	Milwaukee Area Technical College			X
Bonnie Campbell	Self	X		
Margaret Carew	Self	X		
Bridget Carnahan	Self	X		
Bette Carr	Self	X		
Maria Arenas Cary	Self			X
Linda Christian	Self			X
Elly McGraw Chybowski	Self			X
John Clark, PhD	Mid-State Technical College		X	
Lee Clay	Self		X	
Lauren Coleman	Self			X
Ann E. Conway	Self	X		
Ann Cook	Self	X		
Nancy H. Crowley	Self		X	
Theresa G. Daane	Self			X
Kathy Dahl	Self	X		
Michele De'Brabant	Self	X		
Hanneke Deeken	Self	X		
Kathleen Demien	Self			X
Mary Lou Devlin	Self			X
Paulette DiVall	Self			X
Jennifer Doering, PhD	Self	X		
Rosemary P. Dolatowski	Self	X		
Teresa Du Chateau	Self	X		
Rebecca Ecker	Self	X		
Mary E. Fazio	Self			X
Marina Flores-Cavins	Self	X		
Seth Foldy Margaret Schmelzer	Wis Department of Health Services	X		

<b>NAME</b>	<b>ORGANIZATION</b>	<b>IN FAVOR OR GENERALLY IN FAVOR</b>	<b>OPPOSED OR GENERALLY OPPOSED</b>	<b>OTHER</b>
Morna Foy	Wis Technical College System			X
Erry Fulwiler	Self		X	
Ellen Garner	Self	X		
Laurie K. Glass	Self	X		
Marcee Gohr	Self	X		
Susan Esser-Greenberg	Self	X		
Diane Graebner	Self			X
Kathy Graham	Self	X		
Pamela L. Guthman	Self	X		
Diane J. Hamilton	Self	X		
Paula Haus	Self	X		
Bonnie Heindel	Self	X		
Tonya Hess Lucas Kuhlow Dean Floreani Catherine Peek	Gateway Technical College			X
Eugenie Hildebrandt	Self	X		
Vickie Hinds	Milwaukee Chapter National Black Nurses Assoc, Inc.			X
Brenda Holman	Self	X		
Valerie Hon	Portage Community School District	X		
Sharon Hulce	Self			X
Jane Imholte	Self	X		
Gary Jechorek	Self	X		
Cynthia Johnson	Self	X		
Michelle Kaczorowski	Self	X		
Lori Kawleski	Self	X		
Lisa Kein	Self	X		
Mary Kelroy-Skelton	Self			X
Charlene Kizior	Self	X		
Sandy Koch	Self	X		
Betty Koepsel	Self	X		
Jean M. Koltunski	Self	X		
Valerie Krueger	Self		X	
Heather Krumnow	Self	X		
Brenda Krupa	Self	X		
Mike Lanser	Lakeshore Technical College			X
Mary Beth Larscheidt	Self			X
Twyla Lato	Self	X		

<b>NAME</b>	<b>ORGANIZATION</b>	<b>IN FAVOR OR GENERALLY IN FAVOR</b>	<b>OPPOSED OR GENERALLY OPPOSED</b>	<b>OTHER</b>
Mark Lausch	Madison Area Technical College		X	
Kristi Lawrence	Self	X		
Diane Lindh	Self	X		
Mary Klarer Logemann	Self	X		
Sally Lundeen	Self	X-		
Mary Lyke	Self	X		
Patrice Lynam	Self	X		
Barbara Brancel Maley	Self	X		
Kathy Marcy	Self	X		
Christopher J. Matheny	Self			X
Susan A. May	Self			X
Emily McGinley	Self	X		
Wendy McGuire	Self	X		
Julia M. McKnight	Self	X		
Tia C. Medley	Self			X
Debra Meinke	Self	X		
Eileen Mirsberger	Self	X		
Karen J. Morris	Self	X		
M. Kathleen Murphy	Self	X		
Carol Naze	Self	X		
Carla Nierengarten	Self			X
Becky O'Neill	Self	X		
Kerrie Paupore	Self	X		
Kathleen S. Pearce	Self			X
Barbara Peterson	Self			X
Toni Pinkowski	Self	X		
Sue Pohlkamp	Self			X
Julie Pompos	Self			X
Ed Possing	Self			X
Marlene Priewe	Self	X		
Paul C. Proulx and Lori A. Weyers	Northcentral Technical College		X	
H. Jeffrey Rafn	Northeast Wisconsin Technical College		X	
Ike Rebout	Student Government Western Tech College			X
Richard C. Recktenwald, Jr	Self			X
Susan Resch	Self			X
Mary B. Reynolds	Self	X		
Kelly Richards	Self			X

<b>NAME</b>	<b>ORGANIZATION</b>	<b>IN FAVOR OR GENERALLY IN FAVOR</b>	<b>OPPOSED OR GENERALLY OPPOSED</b>	<b>OTHER</b>
Rebecca Richards	Self	X		
Cindy Roach	Self			X
Patricia A. Robinson, PhD	Fox Valley Technical College		X	
Sally Roepe	Self	X		
Marijo Rommelfaenger	Self	X		
Judy Sargent	Self			X
Rachel F. Schiffman	Self	X		
Patricia Schmeling	Self	X		
Doris Schoneman	Self	X		
Jo Schoohs	Self	X		
Anita E-B Schubring	Self			X
Rosanne M. Schulz	Self	X		
Lindsay Shoemaker	Self	X		
Bonnie Siegel	Self	X		
Michelle Simpson	Self	X		
Diane Skewes	Gateway Technical College		X	
Lori Soderberg	Self	X		
Julie Sonnenberg	Self	X		
Michelle Stearns	Self			X
Susan P. Stroupe	Self	X		
Lillie M. Sullivan	Self	X		
Kristen R. Swanson	Self	X		
Rebecca Swenson	Self			X
Theresa A. TeSelle	Self	X		
Mary Thompson	Self			X
Erin M. Thornley	Madison Area Technical College		X	
Becky L. Tollers	Self			X
Ruth Tripp	Self			X
Mary Jo Turner	Self	X		
Lisa Tuszka	Self	X		
Kenneth E. Urban	Nicolet Area Technical College			X
Karen Van Handel	Self	X		
Cindy Vandenberg	Self	X		
Pang C. Vang	Self			X
Tammy Voss	Self	X		
Nancy Vrabc, Phd Sandra Stearns Mary Ann E. Pebler Kay Tupala Carrie Thompson	Wisconsin Technical College System			X

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Linda Londre Antonio Re Katie Garrity Sharon Frazier Kathy Van Eerden Mary E. Moss Barbara J. Dodge, PhD Lenore Mangles Ruth Wheaton Cox Patricia Formanek				
Judith A. Walker, PhD	Self			X
Karen E. Wertanen	Self	X		
Deborah J. Werth	Appleton Area School District	X		
Joan Wilk	Self	X		
Denise Wirth	Self			X
Karen Witt	Self	X		
Susan Wollmer	Self	X		
Barbara J. Wolf	Self			X
Shirley J. Yaeger	Self			X
Wendy L. Zimmerman	Self	X		

**Summary of public comments relative to the rule, the agency’s response to those comments, and changes made as a result of those comments:** The department received a large amount of written testimony that did not clearly state a position on the rule.

**Background –**

There are three typical educational paths to registered nursing – a bachelor’s of science degree in nursing (BSN), an associate degree in nursing (ADN), and a diploma. BSN programs, offered by colleges and universities, take about 4 years to complete. ADN programs, offered by technical colleges, take about 2 years to complete. Diploma programs, administered in hospitals, last 3 years but are no longer available. Individuals who complete a bachelor’s degree receive more training in areas such as communication, leadership, and critical thinking, all of which are becoming more important as nursing practice becomes more complex. Additionally, bachelor’s degree programs offer more clinical experience in nonhospital settings.

**Comments in support –**

Several school districts (Madison, Milwaukee, Green Bay, Racine, etc.) already require school nurses to have the BSN as the minimum educational preparation.

Requiring the BSN is consistent with the recommendations of the National Association for School Nurses (NASN), Wisconsin Nurses Association, and the American Academy of Pediatrics and is supported by the Wisconsin Department of Health Services.

There are 25 states that currently require nurses to hold a bachelor's degree for becoming certified as a school nurse.

Additional comments in support are listed below.

### **Comments in opposition –**

**Comment** – There is a national effort to undermine the ADN degree. This will have a chilling effect on ADN programs and will adversely affect employment opportunities, in particular, for nurses of color in Wisconsin.

**Discussion** – It is not the department's intent to undermine ADN programs or employment opportunities for nurses of color.

School nursing is a specialized area of nursing practice that occurs in a non-health-care, community-based setting. It is a highly independent role without a medical provider on site. Registered nurses with a bachelor's degree are prepared for positions in both inpatient and community settings and for moving into leadership responsibilities. Baccalaureate prepared nurses possess knowledge of health promotion, disease prevention, and risk reduction as well as illness and disease management and are prepared to assist individuals, groups, and communities to prevent disease and achieve optimum levels of wellness. School nurses are the health care expert within the school, assessing the overall system of care and developing a plan for assuring that health needs are met and taking a leadership role in the development and evaluation of school health policies.

Wisconsin public health nurses are mandated to have a bachelor's degree in nursing. School nurses provide public health nursing in schools and consequently should have the same education requirements as their counterparts in the community health. A BSN nurse receives additional education and training in public health curriculum including: public health curriculum in epidemiology, emergency preparedness, disease prevention and promotion, communicable disease and immunization management. These competencies are not found in the curriculum of a 2-year degree or ADN program.

**Changes** – None.

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**Comment** – Wisconsin's technical colleges graduated 1,357 ADN nurses in 2009. ADN graduates pass the same board examinations and licensing requirements as bachelor's degree graduates at equal or better percentage rates. There is no data that suggests there is any significant distinction in professional competency or in health and safety issues among Wisconsin nurses based on the underlying degree earned.

**Discussion** – As the health care of students becomes more complex and high-tech, there is a growing body of evidence that a more highly-educated nursing workforce results in improved patient safety and higher-quality, more cost-effective health care. Increasing numbers of students live in poverty or in homes where a language other than English is spoken. They often lack access to health care. For some children, contact with a school

nurse is the only consistent access to a health care professional that they have. Students bring complex health needs to school (asthma, attention problems, serious food or insect sting allergies, diabetes). School nurses have increasingly been asked to provide services to students with chronic conditions and students recovering from surgery, acute illnesses, and injuries.

As stated above, school nurses provide public health nursing in schools and consequently should have the same education requirements as their counterparts in the community health. A BSN nurse receives additional education and training in public health curriculum including: public health curriculum in epidemiology, emergency preparedness, disease prevention and promotion, communicable disease and immunization management. These competencies are not found in the curriculum of a 2-year degree or ADN program.

**Changes** – None.

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**Comment** – Instead of requiring a bachelor’s degree, the rule should require that a school nurse be a licensed RN in good standing without regard to the degree earned but with specific and appropriate training, professional competencies and professional experiences deemed necessary to be a school nurse.

**Discussion** – That is the intent of the rule. A bachelor’s degree will ensure the school nurse has specific and appropriate training, professional competencies and professional experiences. If specific training, competencies and experiences were listed individually in the rule, a school board would have to review the transcripts of each person applying for a school nurse position to determine his or her eligibility. This would add an unnecessary burden to a school board.

**Changes** – None.

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**Comment** – It is unclear what, if any, credentials an individual must have to be grandfathered as a school nurse. For instance, can an LPN be grandfathered as a school nurse or does there have to be a minimum requirement?

**Discussion** – The school nurse under this provision would have to be a registered nurse licensed under ch. 441, Stats., or in a party state, as defined in s. 441.50 (2) (j) per the former statutory definition of school nurse under s. 115.001 (11), Stats.

**Changes** – None.

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**Comment** – What if there aren’t enough nurses with BSNs to fill the need?

**Discussion** – In 2009, the department surveyed school nurses regarding their educational preparation. With an estimated 80 percent of school nurses responding, 93 percent have a bachelor’s, master’s or doctorate degree; and only 5 percent had an associate degree in nursing. Thus, it appears a shortage should not be an issue.

**Changes** – None.

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**Comment** – There is concern that the school nurse bachelor’s degree requirement would make hiring nurses in smaller school districts even more difficult.

**Discussion** – A 2009 DPI survey shows that only 5 percent of school nurses in Wisconsin have an associate degree in nursing. These nurses, if still working in the school January 1, 2011, will be allowed to continue working as a school nurse. Most school districts already require school nurses to have a BSN. Further, many small school districts contract with a county health board or CESA to provide nursing services for their schools.

**Changes** – None.

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**Comment** – Representatives of one technical college testified that they were pleased when the school nurse bachelor’s degree requirement was removed from 2009 Senate Bill 414 and are disheartened to see this language in the department’s rule.

**Discussion** – In Senator John Lehman’s January 27, 2010 testimony to the Senate Committee on Education regarding Senate Bill 414, he said

We, along with DPI, have worked with the technical colleges to craft language that would amend the bill to put the qualifications of school nurses into the rule process rather than in statute. The technical colleges have agreed to proposed rule language that would require a school nurse to have a bachelor’s degree from a nursing program that is approved by the board of nursing or accredited by the Commission on Collegiate Nursing Education and that includes preparation in public health nursing or community health nursing.

The reasoning behind this requirement is that school nurses are asked to do far more than standard clinical work in a setting where they are likely the only medical professional present. Workplace demands call for proper public health training, which is obtained through a baccalaureate program.

**Changes** – None.

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**Comment** – It was suggested that additional school district recruiting requirements and procedures for school nurses be specified in the rule.

**Discussion** – The rule defines school nurse and specifies school nurse certification requirements. It would not be appropriate to specify recruiting requirements in this rule.

***Changes to the analysis and rule made as a result of oral or written testimony:***

A nurse can receive a master’s degree in nursing without receiving a bachelor’s degree in nursing using a “direct route” education experience. Thus, the department is modifying s. PI 34.01 (52 m) to clarify that a school nurse means a person who is a registered nurse licensed under s. 441.06, Stats., or in a party state, as defined in s. 441.50 (2) (j), Stats., and has a bachelor’s or master’s degree from a nursing program . . .

Also, the grandfathering provision under s. PI 34.01 (52m) has been modified to clarify that a school nurse employed on (instead of on or before) January 1, 2011 may continue serving as a school nurse.

*Changes to the fiscal estimate:* None.

*Responses to Clearinghouse Report:*

2. Form, Style and Placement in Administrative Code:

a. The reference to (REVISOR INSERT DATE) has been deleted and replaced with “on January 1, 2011” as that is the date the rule will become effective.

b. Recommendation accepted, changes made.

c. Recommendation accepted, changes made.

**FINAL REGULATORY FLEXIBILITY ANALYSES**

Summary of Final Regulatory Flexibility Analysis:

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114(1)(a), Stats.

Summary of Comments:

No comments were reported.