Report From Agency

FINAL REPORT
CLEARINGHOUSE RULE 15-029
CHAPTER PI 37
GRANTS FOR NATIONAL TEACHER CERTIFICATION AND MASTER LICENSURE

Analysis by the Department of Public Instruction

Statutory authority: 115.42, Stats.

Statute interpreted: 115.42, Stats.

The proposed rule change modifies PI 37 as a result of the 2013-15 budget, 2013 Wisconsin Act 20. 2013 Wisconsin Act 20 created s. 115.42 (1) (a) 5., Stats., which provides an additional requirement, that an applicant must have a rating of "effective" or "highly effective" in the applicable educator effectiveness system, in order to receive a grant for national teacher certification or master educator licensure. 2013 Wisconsin Act 20 also created s. 115.42 (2) (d), Stats., which states that in any of the 9 years following receipt of a grant, if the grant recipient fails to maintain a rating of "effective" or "highly effective" in the applicable educator effectiveness system, as determined by the department, he or she is not eligible for a grant in that school year. The change aligns the rule with statute and defines "effective" or "highly effective," as used in s. 115.42, Stats.

A list of the persons who appeared or registered for or against the proposed rule at a public hearing:

The hearing notice was published in the April 27, 2015 edition of the Wisconsin Administrative Register. A public hearing was held on May 8, 2015.

The following persons testified at the May 8, 2015 hearing (some also provided written testimony as well):

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Lynn Grimm	School District of Menominee Falls		x	
Jim Nitz	School District of Menominee Falls		x	
Jennifer Murphy	Representing Self		x	
Wendy Sondrol	Wisconsin National Board Network		x	

The following persons submitted written testimony:

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Betsy Kippers	Wisconsin Education Association Council		x	
Matt Flynn	School District of Beloit			x
Kari Morey	Representing Self		x	
Paul Wiegel	Representing Self		x	
Meg Graham	Mukwonago Area School District		x	

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
JoAnn Miller	CESA 8			x
Brian Wopat	Representing 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:

Summary of public comments

Comments on the Rule

1. It is believed that the Department's understanding of initial applicability is inconsistent with the initial applicability provisions that are adopted by the Joint Finance Committee and reflected in the 2013-15 state budget. The new requirement should apply to those persons who first receive an initial grant in the 2014-15 school year, not to those persons who received an initial grant prior to the 2014-15 school year who are receiving follow-on grants.

2. The language in the proposed administrative rules is unclear regarding whether a license-holder would be disqualified from receiving one year's grant, or all remaining years' grants, if in one year a teacher received a rating lower than "effective." The Joint Finance Committee specifically addressed this issue by specifying that a master educator or national teacher license holder who received a rating lower than "effective" would not be eligible for a grant that year, but who received an "effective" or "highly effective" rating in a subsequent year could again receive a grant beginning in that year.

3. National Board certification is a professional development opportunity for continuous learning and growth. Concerns exist that if the state continues to attach additional requirements to receiving National Board certification, educators may be prevented or discouraged from pursuing this type of certification.

4. It is unclear how an "effective" or "highly effective" rating compares for National Board certified educators across content areas, given that students are not necessarily tested in specialty areas on state exams, such as art or music, but are tested in the core subjects in a way that may have an impact on a teacher's evaluation.

5. Professional practice should not be tied to educator effectiveness as it pertains to National Board certification. The professional gains made by those who obtain their National Board certification is alone worthy of recognition and financial incentive as it pertains to quality educator training and recruitment.

6. The educator effectiveness system is too new of a system to link the financial incentives for National Board certification to an evaluation model. The requirements for achieving National Board certification should be the standard for educator effectiveness.

Suggestions on the Rule

1. Modify the proposed administrative rules to first apply to those awarded an initial grant in the 2014-15 school year. This would be consistent with the Joint Finance Committee-approved provision on initial applicability that is reflected in the 2013-15 state budget.

2. Modify the proposed administrative rules to allow an educator who receives a disqualifying rating of lower than "effective" in one year to once again qualify for a grant if he or she receives an "effective" or "highly effective" rating in a subsequent year. This would be consistent with the Joint Finance Committee-approved provision that is reflected in the 2013-15 state budget.

3. Flexibility should remain in order for educators to pursue a National Board certification in their professional development plans.

Agency response

Regarding comments concerning the connection between educator effectiveness and grants for National Board certification, the proposed rule change is needed to align PI 37 with the statutory changes in the 2013-15 budget, which provides an additional requirement that an applicant must have a rating of "effective" or "highly effective" in the applicable educator effectiveness system in order to receive a grant for national teacher certification or master educator licensure. The change aligns the rule with statute and defines "effective" or "highly effective," as used in s. 115.42, Stats.

Changes made as a result of oral or written testimony:

Revised the initial applicability provisions under ss. PI 37.03 (1) (a) 4. and (2) (a) 4. per Section 9334 of 2013 Wisconsin Act 20, as referenced in public comment, for persons who received an initial grant in the 2014-15 school year or thereafter.

Changes to the analysis or the fiscal estimate:

No changes were made.

Responses to Clearinghouse Report:

1. Statutory Authority

a. Updated PI 37.03 (1) (a) 2. and (2) (a) 2. to reflect grant eligibility for a teacher employed in a tribal school as provided by s. 115.42 (1) (a) 2. and (2) (a) 2., Stats.

b. The suggestions under this section refer to changes which exist outside the stated scope of the proposed rule changes; therefore, no changes with regard to this section are being made.

2. Form, Style and Placement in Administrative Code

a. Revised the rule text to amend and create individual provisions of ch. PI 37 rather than to repeal and recreate. Modified the introductory clause to recognize all changes indicated in the rule text.

b. Because the proposed rule amends ch. PI 37 rather than repeals and recreates, renumbering the subsections in this section is not necessary.

c. Because the proposed rule amends ch. PI 37 rather than repeals and recreates, conforming the style of the rule to the style prescribed in the Administrative Rules Procedures Manual in this section is not necessary.

d. This information will be provided in guidance to the field.

4. Adequacy of References to Related Statues, Rules and Forms

a. Included references to related statutes regarding educator effectiveness, including 115.415 and 120.12 (2m) (a), Stats., in the rule analysis.

b. Because the proposed rule amends ch. PI 37 rather than repeals and recreates, notes relating to the availability of other documents as provided by the current ch. PI 37 are still present.

5. Clarity, Grammar, Punctuation and Plainness

a. In the last sentence of the plain language analysis, replaced the word “statue” with “statute.”