Report From Agency

FINAL REPORT
CLEARINGHOUSE RULE 20-005
CHAPTER PI 34
EDUCATOR LICENSES

Analysis by the Department of Public Instruction

Statutory authority: s. 115.28 (7) (a) and (c), Stats.

Statute interpreted: s. 115.28 (7) (a) and (c), Stats.

The proposed rule seeks to make changes to ch. PI 34 to conform the rule to changes in statute as a result of 2019 Wisconsin Act 44, including rules around what constitutes satisfactory completion of a course of study that a special education teacher may complete as an alternative to the Foundations of Reading Test (FORT).

The hearing notice was published in the January 27, 2020, edition of the Wisconsin Administrative Register. A public hearing was held on February 24, 2020. No persons testified at the February 24, 2020 hearing.

The following persons submitted written testimony:

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Aaron Johnson	Unity School District	X		
Abby Miller	Representing Self	X		
Adrienne Loh	Representing Self	X		
Aimee Jahns	UW-Whitewater			X
Al Betry	Representing Self	X		
Alan Lindau	School District of Janesville	X		
Amber Reddick	Representing Self	X		
Amy Miller	Representing Self	X		
Andrew Lize	Representing Self	X		
Ann Shanabarger	Representing Self	X		
Antoinette Harris	Milwaukee Teacher Education Center	X		
Ashley Cree	UW-La Crosse	X		
Barbara Barnes	Representing Self			X
Becky Kitchen	Representing Self			X
Betsabe Haddeman	Representing Self			X
Bryan Banasik	Representing Self	X		
Caitlyn Kolehouse	Representing Self	X		
Carol Johnson	Representing Self	X		
Carol Marefka	Representing Self	X		
Carol Zehms	UW-La Crosse	X		

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Cheryl Adams	CESA 9	X		
Cindy Duley	UW-La Crosse	X		
Daisy Delgado	Representing Self			X
Dana Ryan	UW-Parkside	X		
David Handyside	Maranatha Baptist University			X
Dawn Rouse	Representing Self	X		
Deanna Maynard	UW-La Crosse	X		
Debra Faase	St. Norbert College	X		
Deirdre Garcia	School District of Waukesha			X
Destiny Dayton	Representing Self	X		
Dr. Laci Robbins	Milwaukee Teacher Education Center	X		
Elizabeth Alderton	Representing Self	X		
Emily Zoeller	Representing Self	X		
Emma Jeronimus	Carthage College			X
Erin Dentice	Representing Self	X		
Esther Soto	Milwaukee Public Schools			X
Frances Johnson	Representing Self	X		
Gail Peterson	Milwaukee Teacher Education Center	X		
Gerardo Aponte-Safe	UW-La Crosse	X		
Gregory Kramer	UW-Parkside	X		
Heather Klanderman	UW-Stout	X		
Heather Linville	UW-La Crosse	X		
Heidi Masters	UW-La Crosse	X		
Holli O'Keefe	Representing Self	X		
Jacalyn Amant	EduCATE-WI	X		
Jack Pautz	Marian and Concordia Universities			
Jamie Nutter	CESA 3	X		
Jeannette Armstrong	Viterbo University			X
Jeannette Ortiz	Milwaukee Public Schools	X		
Jeffery Baas	Wisconsin Education Association Council			X
Jeffrey Dickert	CESA 7	X		
Jennifer Kuhn	Representing Self	X		
Jennifer McKinney	Representing Self	X		
Jennifer Metzer	Representing Self		X	
Joe Cook	UW-Oshkosh			X
Joni Sorci	Milwaukee Teacher Education Center	X		
Joseph Becker	Milwaukee Teacher Education Center	X		
Joshua Nesja	Representing Self			X
Karin Sconzert	Carthage College	X		

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Katy Casey	Representing Self			X
Kelli Chelberg	College of Menominee Nation	X		
Kerry Kretchmar	Carroll University	X		
Kevin Mason	UW-Stout	X		
Kim Jacobson	Alverno College	X		
Kimber Wilkerson	UW-Madison	X		
Kimberly Martinez	UW-Stout	X		
Kristen Braatz	Concordia University		X	
Kristin Kail	Representing Self	X		
Kristine Lize	Representing Self	X		
Kym Buchanan	UW-Stevens Point	X		
Lana Collet-Klingenberg	UW-Whitewater	X		
Lauren Villagomez	College of Menominee Nation	X		
Leslie Rogers	UW-La Crosse			X
Linda Hensel	Concordia University			
Linda Maitrejean	EduCATE -WI	X		
Linzy Hudson	Carroll University	X		
Lonnie Anderson	Milwaukee Public Schools	X		
Lori Schams	Representing Self	X		
Mariah Kluck	St. Norbert College	X		
Marissa Porter	Representing Self	X		
Mary Klehr	Representing Self	X		
MaryBeth Petesch	UW-Oshkosh			X
Matthew Collins	CESA 9	X		
Megan Krueger	Representing Self	X		
Melanie Cruz	Carthage College	X		
Michael Nelmark	Racine Unified School District	X		
Miguel Rodriguez	Racine Unified School District			X
Nicole Colon	Representing Self	X		
Nicole Knox	Representing Self	X		
Nora Robles	Representing Self	X		
Patricia Rieman	Carthage College	X		
Peggy James	UW-Parkside	X		
Priscilla Bort	Representing Self	X		
Rebecca Leibiger	Representing Self	X		
Rebecca Marine	Representing Self	X		
Richard Lind	Lind Educational Consulting LLC	X		
Rick Stewart	Representing Self	X		
Ryan Burojer *	Representing Self			X
Ryan Buroker *	Representing Self			X
Sara Allaire	Representing Self	X		
Sara Anton	Representing Self	X		
Sara Esch	Representing Self	X		
Sara Jozwik	Representing Self			X

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Savannah Dattolo	Carthage College	X		
Shannon Prince	UW-Parkside	X		
Sharon Becker	Representing Self	X		
Stacey Boehm	Representing Self		X	
Stacey Skoning	UW-Oshkosh	X		
Suzanne Purpero	Milwaukee Teacher Education Center	X		
Tammy Mentch	Racine Unified School District	X		
Tessa Neigum	Representing Self	X		
Theresa Marsicek	Representing Self	X		
Wanda Routier	Concordia University	X		
Xavier Maldonado	Milwaukee Public Schools	X		
Yashi Bhatt	Representing Self	X		
Yazmin Duran	Representing Self			X
Zhe An	UW-Madison	X		

** = Comments were not germane to the substantive content of the proposed rule.*

INDIVIDUAL RESPONDENTS	ORGANIZATIONS REPRESENTED	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
117	28	91 (77.8%)	3 (2.6%)	21 (17.9%)

Summary of public comments relative to the rule and the agency's response to those comments:

- Those respondents in favor of the rule spoke to the barrier that the FORT exam creates for special education teachers. In their opinion, special education teachers often struggle to meet the federal and state requirements to become fully licensed in the amount of time that teachers in other areas are not required to meet. As the rule implements an alternative pathway for special education teachers to become fully licensed, these respondents advocate for rule changes which maintain similar rigor in the course of study that can be taken in lieu of the FORT exam. They also emphasize that the course of study should reflect the most recent research in the areas of literacy instruction and ask for trust in educational institutions to design a rigorous course of study that meets the requirements under 2019 Wisconsin Act 44.

  Agency Response: The changes in statute as a result of 2019 Wisconsin Act 44 require that a special education teacher must complete a course of study that demonstrates competence in the following five reading areas: phonemic awareness, phonics, vocabulary, reading comprehension, and fluency. The proposed rule is designed to implement changes in statute. No changes are needed.

- Various respondents in favor of the rule argued for expanding the rule to include other types of teaching licenses, including alternatives to licensure for the following areas: bilingual and ESL teachers, elementary and early childhood teachers, teachers graduating with a bachelor's degree, and all teachers seeking initial licensure generally and are subject to current law FORT requirements. Respondents believe that the standardized nature of the FORT exam is not an effective indicator of literacy instruction for teachers at any level, citing the level of difficulty, stress, and financial commitment to taking the FORT exam which has become a barrier for prospective teachers. Finally, some respondents note how the FORT requirement impacts teachers who use English as a

second language, believing that the standardized nature of the FORT exam is discriminatory toward those groups in practice and actually hinders efforts to create a more diverse supply of teachers.

Agency Response: The change to the underlying statutes as a result of 2019 Wisconsin Act 44 only permits special education teachers to take a course of study as an alternative pathway to initial licensure as an alternative to the FORT exam. The requested change is outside the scope of the proposed rule; therefore, no changes are needed.

- Some respondents submitting testimony argued that the FORT exam should only be required for individuals who are seeking to obtain a 316 reading teacher license, add-on licenses, or a license to work as an ESL specialist. Some also suggest that the FORT exam should not be tied to obtaining licensure, but required by school districts that are seeking high levels of reading proficiency of their teaching candidates.

  Agency Response: Current statutes require that the Department may not issue an initial teaching license to teach in grades kindergarten to 5 or in special education, an initial license to work as a reading teacher, or an initial license to work as a reading specialist, unless the applicant has passed the FORT exam, or in the case of special education teachers, completed a course of study as an alternative to the FORT exam. The requested change is outside the scope of the proposed rule; therefore, no changes are needed.

- One respondent advocated for requiring the FORT exam only when teachers are seeking licensure renewal as a means of keeping current with best practices in literacy instruction.

  Agency Response: Current statutes require that the Department may not issue an initial teaching license to teach in grades kindergarten to 5 or in special education, an initial license to work as a reading teacher, or an initial license to work as a reading specialist, unless the applicant has passed the FORT exam. The alternative pathway to licensure as a result of 2019 Wisconsin Act 44 is only available to special education teachers. The requested change is outside the scope of the proposed rule; therefore, no changes are needed.

- Some respondents requested consideration for changes to the course of study that a special education teacher could complete as an alternative to the FORT exam, including: 1) requiring students to take developmental literacy and disciplinary literacy classes taught by someone who has a 316 reading teacher or 317 reading specialist license or a degree in the reading field; and 2) requiring that the course of study should require specific content, pedagogy, and methods of evaluation for a special education teacher to meet the requirements for licensure.

  Agency Response: The 316 reading teacher license prepares an educator to provide reading services to students and not to provide professional development for teachers. Therefore, requiring this license would not provide the level of expertise required to prepare special education teachers under statute. The 317 reading specialist license is already included in the rule because it is designed for educators who provide professional development to teachers with regard to reading. The content required in the course of study is already determined by statute to include the five areas of reading and is reviewed as part of the Department's annual review of educator preparation programs. No changes are needed.

- Alternatively, one respondent argued that narrowing the language of the proposed rule to specify instructional content, feedback and coaching requirements, methods of instruction, and/or assessment methods would greatly minimize the capability of educator preparation programs to continue with their current courses of study or to implement innovative licensure programs in special education.

Agency Response: The requirement for the course of study is already laid out in statute. Narrowing the rule beyond the requirements already laid out in statute is outside of the Department's authority. Therefore, no changes are needed.

- Some respondents requested expanding the definition of an "expert of reading instruction," as part of the coaching and feedback component of the course of study that can be taken as an alternative to the FORT exam, to include the following: 1) individuals that are employed in a university setting to train Wisconsin educators, have graduate credit hours in literacy, and conduct and publish literacy research, but hold a license in reading from another state, and 2) special education faculty or individuals with advanced degrees in special education who have expertise in literacy instruction. The rule as written appears to exclude both instances and could limit the range of instructional strategies and supports that are taught to special education teachers.

  Agency Response: The first request is already addressed in current rule language. No changes are needed with regard to this request. However, the Department agrees with the request to include special education faculty who hold a master's degree or higher with a concentration in literacy in the definition for an expert of reading instruction. This change is accepted.

- One respondent requested that the portfolio of work component be defined so that educator preparation programs and students can have clear guidelines for meeting the alternative requirement to obtaining initial licensure.

  Agency Response: Statutes require that the applicant for initial special education licensure must complete a portfolio of work that demonstrates competency in the five areas of reading, which include phonemic awareness, phonics, vocabulary, reading comprehension, and fluency. Narrowing the rule beyond the requirements already laid out in statute is outside of the Department's authority. No changes are needed.

- Finally, the comments against the rule argued that the FORT exam is important for all students seeking to obtain initial licensure as a teacher in Wisconsin schools. The respondent believed that a test like the FORT exam ensures that teachers are ready to teach reading according to current practice and removing the test could result in a lowering of standards for teachers.

  Agency Response: The changes made to statute as a result of 2019 Wisconsin Act 44 create another pathway for special education teachers to obtain initial licensure by taking a course of study as an alternative to the FORT exam. The proposed rule is designed to implement those changes in statute. No changes are needed.

Changes made as a result of oral or written testimony:

- Amended the rule to include special education faculty who hold a master's degree or higher with a concentration in literacy in the definition for an expert of reading instruction.

Changes to the analysis or the fiscal estimate:

No changes were made.

Responses to Clearinghouse Report:

No changes were recommended. No changes were made as a result.