

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<b>1. Type of Estimate and Analysis</b> <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	<b>2. Date</b> 12/8/2017
<b>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)</b> PI 34, Teacher Education Program Approval and Licenses	
<b>4. Subject</b> Stakeholder workgroup revisions to licensure (permanent rule)	
<b>5. Fund Sources Affected</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	<b>6. Chapter 20, Stats. Appropriations Affected</b>
<b>7. Fiscal Effect of Implementing the Rule</b> <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
<b>8. The Rule Will Impact the Following (Check All That Apply)</b> <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses ( <b>if checked, complete Attachment A</b> )	
<b>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).</b> There are no required implementation and compliance costs borne by businesses and local governmental units as a result of this permanent rule. It should be noted that license application fees for individuals are \$125, but as a result of the change to lifetime licenses under 2017 Wisconsin Act 59 (the 2017-19 biennial budget), it is expected that the cost of compliance over an individual's lifetime will result in a savings relative to current law, since the \$125 fee will cover the lifetime license. Due to Act 59, license applicants will be expected to pay a nominal fee complete a background check every five years in order to cover the costs associated with implementing the background check. Individual behavior will depend on personal needs and cannot be determined. Therefore, the estimate of implementation and compliance costs is indeterminate.	
<b>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>11. Policy Problem Addressed by the Rule</b> Changes to the administrative rule that governs educator licensing, PI 34, are the result of significant input from a diverse set of stakeholders throughout the state. The changes also implement new statutory language related to licensure as a result of the most recent biennial budget, 2017 Wisconsin Act 59. The proposed rule changes are meant to make the licensing process more understandable and increase flexibility, while maintaining high-quality staff in Wisconsin schools. Key aspects of the proposed rule are: <ul style="list-style-type: none"><li>● <b>Updates, clarifies and makes consistent the program approval process for both traditional and alternative route programs.</b> The new rule creates a standard, streamlined approach to approving educator preparation programs, while ensuring these programs provide our educators with high quality, rigorous training. (Subchapters II-IV).</li><li>● <b>Simplifies the licensing process.</b> The new rule creates a tiered approach to educator licensing, which will allow educators to obtain a license fitting their unique training and experience. (Subchapter V). Under this approach:<ul style="list-style-type: none"><li>○ Tier I licenses are of limited duration and authorization, allowing school districts to meet short-term or specialized needs.</li></ul></li></ul>	

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- Tier II licenses are provisional licenses which allow new educators, out-of-state license holders, and other highly qualified individuals to start the progression to a life license.
- Tier III licenses are life licenses for long-term educators.
- Tier IV licenses are optional master educator life licenses for educators who meet additional rigorous requirements for quality and effectiveness.
- **Consolidates subject areas.** The new rule will provide districts more flexibility in staffing their schools by preparing educators to teach entire subject areas rather than just specialized subjects (e.g., science, social studies, music – Subchapter VI)
- **Adds flexibility.** The new rule allows highly-qualified license holders to add additional license areas, giving them access to new opportunities and helping school districts fill high demand assignments. (Subchapter IX)
- **Makes the educator misconduct process fairer and more efficient, effective, and transparent.** The new rule provides the Department of Public Instruction with additional tools to address educator misconduct, including license suspensions and reprimands. The new rule also adds transparency by requiring the Department to post final decisions in all misconduct cases, giving schools and parents additional information. (Subchapter X)
- **Creates clarity.** The new rule uses standardized, simplified language and structure to make the rule clearer, more understandable, and shorter. As a result, the new rule is approximately two-thirds as long as the old rule.

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12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.

The Professional Standards Council for Teachers is authorized under s. 115.425, Wis. Stats., and advises the State Superintendent of Public Instruction on matters pertaining to the licensure of teachers. In its advisory capacity, the Professional Standards Council reviews and makes recommendations for administrative rules related to teacher preparation, licensure and regulation. Beginning in April 2015, the PSC conducted a review and began the development of a strategic plan for addressing school staffing challenges in Wisconsin with the goal of developing, supporting, and retaining teachers.

A leadership group was convened by the Department to address school staffing challenges and was composed of a diverse set of stakeholders throughout the state to provide feedback and policy recommendations. This group was represented by individuals from various groups, including the Wisconsin Association of School Boards, the Wisconsin Association of School District Administrators, the Wisconsin Association of School Personnel Administrators, the Association of Wisconsin School Administrators, the Wisconsin Education Association Council, the Wisconsin Council of Administrators of Special Services, the University of Wisconsin System, the Wisconsin Association of Colleges for Teacher Education, and the Wisconsin Association of Independent Colleges and Universities. The leadership group recommended strategies to address school staffing needs, including fewer licenses with greater flexibility, easing the licensing process for out-of-state license holders, reducing the testing burden, and expanding pathways into the profession. Some of their recommendations were used in the development of this rule.

During the development of this rule, other groups were contacted for feedback, such as the Wisconsin State Reading Association and Wisconsin Association of Supervision and Curriculum Development.

A public hearing was held on Emergency Rule 1711 on July 6<sup>th</sup>, 2017, and the public was invited to provide comment in order to guide the development of this permanent rule. Additionally, the Department contacted school districts and educators regarding licensure changes as a result of 2017 Wisconsin Act 59 that will be implemented in this rule package.

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13. Identify the Local Governmental Units that Participated in the Development of this EIA.

None.

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14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

**Local:**

The proposed rule will create additional flexibility in the teacher licensing process for individuals seeking a teaching license by developing alternative pathways to licensure and reducing the regulatory burden on applicants and the employing school district. It will create flexibility for school districts because the changes will result in less time and resources directed to staff recruitment compared to the status quo. School districts may need to adjust their practices with respect to the provisions allowing districts to sponsor certain individuals to complete necessary professional development requirements in order to earn a Tier 3 lifetime license. This option is dependent on school district needs, and the Department is unable to predict how many school districts would utilize this pathway to licensure.

**State:**

The Department will need to adjust its practices with respect to issuance of licenses under this rule, including the implementation of background checks every five years for license holders. The implementation costs as a result of this proposed rule are minimal and it is assumed such costs may be covered by fees associated with license and background check applications. All other changes as a result of this rule will be absorbed by the Department with existing resources.

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15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

In order to address staffing difficulties in school districts, the proposed rule makes changes to existing administrative code to make the teacher licensing process more amenable to school district staffing needs. The proposed rule also makes the licensing process more transparent and increases flexibility for applicants and employing school districts while maintaining quality in Wisconsin schools. Additionally, provisions in the rule related to the educator misconduct process will be more efficient, effective, and transparent. Without this rule, statute and rule will not be consistent and the Department will not be in compliance with its requirement under 2017 Wisconsin Act 59 to promulgate rules related to licensure.

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16. Long Range Implications of Implementing the Rule

The proposed rule will make the teacher licensing process more flexible, thereby helping address staffing needs in school districts.

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17. Compare With Approaches Being Used by Federal Government

Because education in the United States is typically governed by each state and local government, federal regulations are generally silent with respect to teacher licensure. As a result, the requirements for teacher licensure are regulated by and vary by state. However, under 34 CFR 300.156 (c), a special education teacher in the state who teaches elementary school, middle school, or secondary school must have obtained full state certification as a special education teacher, or passed the state special education teacher licensing examination and holds a license to teach in the state as a special education teacher, has not had licensure requirements waived on an emergency, temporary, or provisional basis, and holds at least a bachelor's degree. "Full state certification," according to federal regulations for the purpose of special education teachers, includes participating in an alternate route to certification as a special education teacher if the alternate route includes: 1) high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction, before and while teaching; 2) participation in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers or a teacher monitoring program; 3) functions as a teacher only for a specified period of time not to exceed three years; and 4) satisfactory progress toward full certification. The proposed rule makes necessary changes to make the teacher

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licensing process more flexible and efficient while complying with existing federal regulations related to the qualifications of special education teachers.

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18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

- **Illinois** (Illinois Compiled Statutes 105 ILCS 5/21B-5): The Illinois State Board of Education expects all of its certified teachers to complete a state-approved teacher preparation program and have at least a bachelor's degree. While the minimum degree requirement for Illinois teachers is a bachelor's degree, some of these programs are at the graduate level. License applicants graduated from an out-of-state teacher preparation program are recognized by the Illinois Department of Education if it has been approved by that state's Department of Education, or if it leads to a teaching certificate or license in that state. License applicants who graduated from a foreign college or university must have their foreign credentials evaluated and converted to fit the American credits/courses standard to receive licensure.
  - **Iowa** (Iowa Administrative Code Chapter 282.13): The Iowa Board of Educational Examiners requires that, in order to be eligible for a teaching license in Iowa, graduates from Iowa institutions must meet the following requirements: 1) A baccalaureate degree from a regionally-accredited institution; 2) Completion of a state-approved teacher preparation program in Iowa, including the required assessments; and 3) Recommendation for licensure from the designated recommending official where the program was completed. Graduates from out-of-state institutions must meet the following requirements: 1) A baccalaureate degree from a regionally-accredited institution; 2) completion of a state-approved teacher preparation program, including the coursework requirements for a content area teaching endorsement, coursework in pedagogy, and a student teaching or internship placement, completed for college semester credit through a regionally-accredited institution; 3) Recommendation for licensure from the designated recommending official where the program was completed; 4) Valid or expired license from another state; and 5) Completion of the required Iowa assessments (not required if the applicant completed their teacher preparation program prior to January 1, 2013, or if the applicant has three years or more teaching experience on a valid license in another state). Applicants who have completed certain nontraditional programs may or may not be eligible for licensure in Iowa.
  - **Michigan** (Michigan Administrative Code Section R 390.1101-390.1216): The Michigan Department of Education Office of Professional Preparation Services requires that applicants pursuing certification via a traditional route should hold a bachelor's degree, complete a state-approved teacher preparation program, and earn passing scores on the state-required tests. The traditional route to certification leads to the issuance of a provisional certificate, Michigan's initial teaching certificate for new teachers. After successfully completing three years of teaching experience and continuing education, those holding an initial certificate may upgrade to a Professional Education Certificate. Highly effective and qualified teachers may then move up to the third tier of certification, the Advance Professional Education Certificate. Provisional and interim certificates to teach are available for applicants who are pursuing alternative pathways to licensure.
  - **Minnesota** (Minnesota Administrative Rules Chapter 8710): The Minnesota Board of Teaching requires all applicants for teacher licensure in the state to graduate from a state-approved teacher preparation program and hold a minimum of a bachelor's degree, as well as demonstrated completion of a human relations course, which is included in all Minnesota approved teacher preparation programs. Teacher preparation programs completed outside of Minnesota may count if the program is equivalent to that of an approved Minnesota teacher preparation program. If the applicant did not complete a teacher preparation program in one of the states with a reciprocal licensing agreement, the applicant must also complete an approved human relations course in order to be licensed in the state. Applicants who have completed an online teacher preparation program will be recognized as long as the program is regionally accredited, approved by the state in which it is offered, be a field for which Minnesota offers licenses, and include a supervised practicum and student teaching. Graduates of foreign teacher preparation programs must have their credits evaluated by a member agency of the National Association of Credential Evaluation Services.
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