

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 98-038**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]**

#### **2. Form, Style and Placement in Administrative Code**

In s. PI 3.03 (12) (a) (intro.), “shall” should replace “must.”

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

In s. PI 3.03 (12) (a) (intro.), “a school district organized under ch. 119, Stats.,” should be substituted for “an urban school district in a city of the first class.” This cross-reference will clarify the provision. [Also see s. PI 3.03 (12) (c) 2.] Also, this change will delete the reference to “urban” which is confusing since there is no definition of an “urban school district” in the statutes or administrative rules.

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. Section PI 3.03 (12) (a) (intro.) states that a teacher must provide evidence of meeting the competencies listed in s. PI 3.03 (12) (a) 1. to 9. The rule should state to whom the evidence must be provided. More importantly, it is not clear what constitutes the evidence. Section PI 3.03 (12) (c) states that evidence may be “verified” by one of three different entities, but does not indicate what constitutes evidence of having met the competency. Minimally, it appears that s. PI 3.03 (12) (c) should be reworded to state either that evidence of successfully meeting the competencies in par. (a) “shall be provided” by one of the listed entities, or that the competencies required under par. (a) “shall be verified” by one of the listed entities. (If the first of these two alternatives is used, then it appears that the state superintendent will need to make

an independent evaluation regarding whether the competencies have been attained by the applicant.)

Also, what is “(a) Wisconsin approved program”? Should a cross-reference to ch. PI 4 be included? What is “(a)n independent agency recognized by the state superintendent”? How will the public know what has been “recognized”?

b. Section PI 3.03 (12) (a) (intro.) states that a licensed teacher who is “employed” in an urban school district in a city of the first class may apply for an urban education license. When must this person be employed in the urban school district? As drafted, it appears that the person would only need to be employed in an urban school district at the time he or she applies for the license. In other words, he or she would not be required to be employed at the time he or she obtains the competencies or for any particular length of time. Is this the intended result?

c. In s. PI 3.03 (12) (a) 1., “pupils” should be substituted for “learners.” Also, by referring to “all learners,” is it intended to mean all pupils in grades prekindergarten through 12 or only subsets of those pupils? Similarly, the reference to “learning” in s. PI 3.03 (12) (a) 7. should be expanded to indicate whose learning would be enhanced (e.g., learning by pupils). In s. PI 3.03 (12) (a) 9., “pupils” should be substituted for “learners.”

d. In s. PI 3.03 (12) (a) 5., “hands-on” should be substituted for “hand-on.”

e. In s. PI 3.03 (12) (a) 6., “stakeholders” should be replaced with a word or phrase describing the types of persons intended; the use of jargon should be avoided in administrative rules. Also, in that subdivision, the comma should be deleted following “guardians.”

f. Can the phrase “a system of growth and inquiry,” in s. PI 3.03 (12) (a) 9. be replaced by a clearer description?

g. Section PI 3.03 (12) (b) appears to be meaningless. The first half of the sentence, relating to recognition of the holder as competent in the abilities listed in par. (a), is implicit in the requirements of par. (a). The second portion of the sentence appears to be meaningless since, presumably, anybody with those competencies may practice them in a school regardless of whether they hold the license.

h. Section PI 3.03 (12) (e) could be clarified to indicate that the license is not required “to teach in a public elementary or secondary school.” Also, should a provision be included to indicate that the license does not authorize a person to teach in an elementary or secondary school; a valid license meeting the other requirements of s. PI 3.05 and the applicable level (subch. III, ch. PI 3) and subject area (subch. IV to VII, ch. PI 3) requirements is required to teach in the public schools.

i. In s. PI 3.05 (4), it appears that “or” should be substituted for “and.”

j. Since a title is not a substantive part of a rule, the date in the title of s. PI 3.05 (4) should also be used in the text; e.g., “For a person who initially obtained a license prior to July 1, 1985, adequate preparation . . . .”