

Report From Agency
FINAL REPORT
CLEARINGHOUSE RULE 16-002
CHAPTER PI 34
CHANGES TO PI 34 AS A RESULT OF 2015 WISCONSIN ACT 55

Analysis by the Department of Public Instruction

Statutory authority: 115.28 (7) (a), Stats.

Statute interpreted: 115.28 (7) (a) and 118.191, 118.193, and 118.194, Stats.

The proposed rule will align PI 34 with current statute, which was modified by 2015 Wisconsin Act 55. 2015 Wisconsin Act 55 created three new license types under s. 118.191, 118.193, and 118.194, Stats., which provide for the attainment of an experience-based technical education license, a license based on reciprocity, and an initial license to teach at a Montessori school or program. The proposed rule will make any necessary changes to PI 34 as a result of these statutory changes and establish standards of attainment and procedures for the licensing of teachers under these three new license types.

The hearing notice was published in the February 1, 2016 edition of the Wisconsin Administrative Register. A public hearing was held on February 17, 2016.

The following persons testified at the February 17, 2016 hearing (some also provided written testimony as well):

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Lowell Holtz	Whitnall School District		X	
Peter Christianson	Southeast Wisconsin School Alliance		X	

The following persons submitted written testimony:

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Michael Beranek	Cray Inc.	X		
Linda Sattler	Wisconsin Association of Agricultural Educators	X		
Steve Meyer	Wisconsin Technology Education Association, Inc.	X		
Paul Larson	Representing Self	X		
Laura Feyma	Representing Self	X		
Kevin Knudson	Representing Self	X		
Jeanna James	Representing Self	X		

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Kimberly Houser	Representing Self	X		
Margaret Waite	Representing Self	X		
Leann Hitsman	Representing Self	X		
Amanda Seichter	Representing Self	X		
Todd Poeschel	Representing Self	X		
Collin Kachel	Representing Self	X		
Robert Newton	Representing Self	X		
Gary Hammen	Representing Self	X		
Josh Meissner	Representing Self	X		
Matthew Griffin	Representing Self	X		
James Eastman	Representing Self	X		
Edward Wiegman	Representing Self	X		
Guy Kopp	Representing Self	X		
Steve Hoersten	Representing Self	X		
Robert Karl	Representing Self	X		
Mark Bousheke	Representing Self	X		
Angela Arneson	Representing Self	X		
Rich Hemler	Representing Self	X		
Phillip Bickelhaupt	Representing Self	X		
Carl Hader	Representing Self	X		
Dale Koehler	Representing Self	X		
Ed Levy	Representing Self	X		
Jeron Cassidy	Representing Self	X		
Julia Sherwood	Representing Self	X		
Tim Shock	Representing Self	X		
Pat Lowery	Representing Self	X		
Jerry Hoffman	Representing Self	X		
Jeff Kehoe	Representing Self	X		
Preston Zimmerman	Representing Self	X		
Doug KacKenzie	Representing Self	X		
Francis Steck	Representing Self	X		
Beth Kolodzinski	Representing Self	X		
Dustan Garrigan	Representing Self	X		
Benjamin King	Representing Self	X		
Andrew Blodgett	Representing Self	X		
Chad Bruechert	Representing Self	X		
John Quella	Representing Self	X		
Teresa Duda	Representing Self	X		
Jodi Meyer	Representing Self	X		
Jennifer Bocksell	Representing Self	X		
Eric Andersen	Representing Self	X		
Will Stamper	Representing Self	X		
Todd Bugnacki	Cedarburg School District		X	
Judy Mueller	Franklin Public Schools		X	

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Emily Koczela	Licensure Flexibility in Career and Technical Education		X	
Troy Hamblin	Oak Creek Franklin Joint School District		X	
Pam Casey	Oconomowoc Area School District		X	
Susan Muentert	Pewaukee School District		X	
Deborah Kerr	School District of Brown Deer		X	
Jennifer Sielaff	School District of South Milwaukee		X	
Valley Elliehausen	West Bend School District		X	
Dan Knodl/Alberta Darling	Wisconsin State Legislature		X	
Craig Griffie	Representing Self		X	
James Peter	Representing Self		X	
Laura Olson	Representing Self		X	
Mary Kennedy/Janet Powell/Jeanne Schwass-Long	Wisconsin Association of Family and Consumer Sciences			X
Kathleen Mahoney	Representing Self			X
Bret Iverson	Representing Self			X

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

Comments on the Rule

- The comments in favor of the rule generally agree with the Department's current prohibition on portability for experience-based technical education ("tech ed") licenses; i.e. that licenses are only valid in the school district that presented the offer of employment. They note that the underlying statute for experience-based licensure was designed for very specific cases in which districts are unable to find a qualified tech ed teacher, not to create a shortcut for skipping a certified teacher education program. Concerns exist surrounding the agreement by a school board for the applicant to complete a curriculum of professional development as part of receiving a license to teach, especially if the licenses could become portable between one school district and another. Portable tech ed licenses will not serve the field if new teachers lack university instruction or pedagogical training unlike other teachers that have traditional training; therefore, the rule should maintain that experience-based tech ed licensure be valid only in the school district that presented the offer of employment to satisfy the intent of the legislation.
- Conversely, those who have indicated opposition to the rule have argued that the Department is exceeding its authority in prohibiting tech ed licensure portability based on the wording of the statutes. The statute was specifically worded to say that after the completion of the original assigned curriculum in the district of initial licensure, a professional license was to be issued, which means a professional license should be readily portable between school districts.
- Comments pointed out that clarification is needed around completion of a professional development plan (PDP) under the new licenses, i.e. if those who obtain this license do not need to complete the same work to maintain their license as teachers who obtained a traditional license, then why would tech ed teachers with a traditional license be required to complete PDPs or take the necessary courses to maintain their license.
- Some comments have indicated opposition to the underlying statutes from which this rule is established, specifically with regard to the possibility of miscellaneous legislation expanding experience-based licensure to cover vocational or agriculture-based subjects.

Agency Response

- With regard to experience-based technical education licenses, the Department maintains that with this particular license it is most appropriate that it remains valid only in the district of original licensure. The Department's interpretation of this legislative intent has been validated by the enactment of 2015 Wisconsin Act 259, which amended the underlying statutes and clarified that this license is not portable. Therefore, the comments opposing this rule are now moot. Licensure in Wisconsin requires candidates to meet a state determined standard for preparation; however, the experience-based license requires a local school board to determine the preparation curriculum required to receive an initial license to teach a technical education subject, and to advance that license to a professional license. Parents in Wisconsin expect that a Department-licensed teacher means that that teacher meets the preparation requirements set by the state. Because the requirements for an experience-based technical education license are set by their local school boards, parents should hold their locally elected officials accountable for the quality of this teacher's preparation. Portability means they will have no recourse if the preparation set by the original district is deemed not adequate in another district; therefore, the Department maintains that the license is only applicable to the original district.

Changes made as a result of oral or written testimony:

- No changes were made.

Changes to the analysis or the fiscal estimate:

- No changes were made.

Responses to Clearinghouse Report:

1. Statutory Authority:

- Upon the submission of the proposed rule to the Rules Clearinghouse, the underlying statutes were unclear with regard to the provisions limiting the validity of the initial and professional licenses to a single employing school district; however, recent changes to the statute now reflect the Department's original understanding of the statutes' intent with the enactment of 2015 Wisconsin Act 259.

2. Form, Style and Placement in Administrative Code:

- Included the designation "(intro.)" in the references to both ss. PI 34.02 and 34.03.
- Inserted the strike-through of the word "To" before the underscoring of the inserted text.
- Used numbering instead of lettering for the subdivisions in s. PI 34.34 (20) (b) and (d).
- Provided a specific deadline by which to submit public comments in the rule summary.

3. Conflict With or Duplication of Existing Rules:

- Clarified the timing of promotion from an initial license to a professional educator license under s. PI 34.244 (c) by stating that the Department may grant a professional educators license if the applicant meets the requirements under s. PI 34.17 (a) to (c).

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

- Inserted references to the statutory provisions that create the new license types in the "statutes interpreted" and "summary of factual data and analytical methodologies" sections of the rule summary.
- Revised the definition of "technology education subject" in s. PI 34.34 (19) (a) 1.

- Corrected the reference to s. 118.193 (2) (a) and (3) (a), Stats. in s. PI 34.34 (20) (e).
- Corrected the reference to s. 118.193 (2) (c) in s. PI 34.34 (20) (g)

5. Clarity, Grammar, Punctuation and Plainness:

- Replaced the term “technical education subject” in s. PI 34.34 (19) (b) and (d) with “technology education subject” per the definition in s. 34.34 (19) (a) 1.

6. Potential Conflicts With, and Comparability to, Related Federal Regulations:

- The federal regulations concerning highly qualified teachers do not apply to the subjects affected by the proposed rule. The provisions regarding highly qualified teachers were removed with the reauthorization of the Elementary and Secondary Education Act, which was signed into law on December 10, 2015. However, highly qualified provisions relating to special education teachers are maintained under the Individuals with Disabilities Education Act and would apply to special education teachers who receive a license based on reciprocity.