

# **PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION REVISING PERMANENT RULES**

The scope statement for this rule, SS 136-15, was published in Register No. 720A2, on December 14, 2015, and approved by State Superintendent Tony Evers, on January 5, 2016. Pursuant to *Coyne v. Walker*, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope for this rule. *Coyne v. Walker*, 2015 WI App 21, 361 Wis.2d 255.

The State Superintendent of Public Instruction hereby proposes to amend ss. PI 34.28 (3) (a) and (c) 1. to 3., PI 34.29 (3) (a) and (c) 1. to 3., PI 34.33 (1) (c) (intro.) and (6) (c) 4.; and to create ss. PI 34.01 (18m) and (27) and (53m); relating to updating PI 34 license titles.

The rules are being adopted under s. 227.16 (2) (b), Stats., which provides that rulemaking does not need to be preceded by notice and public hearing if the proposed rule brings an existing rule into conformity with a statute that has been changed.

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## **ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION**

**Statute interpreted:** ch. PI 11, Wis. Admin. Code

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

**Explanation of agency authority:**

**115.28 General duties.** The state superintendent shall:

(7) Licensing of teachers.

(a) License all teachers for the public schools of the state; make rules establishing standards of attainment and procedures for the examination and licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.191, 118.192, 118.193, 118.194, and 118.195; prescribe by rule standards, requirements, and procedures for the approval of teacher preparatory programs leading to licensure, including a requirement that, beginning on July 1, 2012, and annually thereafter, each teacher preparatory program located in this state shall submit to the department a list of individuals who have completed the program and who have been recommended by the program for licensure under this subsection, together with each individual's date of program completion, from each term or semester of the program's most recently completed academic year; file in the state superintendent's office all papers relating to state teachers' licenses; and register each such license.

**Related statute or rule:** N/A

**Plain language analysis:**

Chapter PI 11 of the Wisconsin Administrative Code was recently updated to align the terminology and definitions for children with disabilities used under federal law. The purpose of this rule is a technical change to align the license titles, provided in PI 34, with the new terminology in PI 11 with respect to intellectual disabilities and specific learning disabilities.

**Summary of, and comparison with, existing or proposed federal regulations:** N/A

**Comparison with rules in adjacent states:** N/A

**Summary of factual data and analytical methodologies:**

This proposed technical change is needed to align certain license titles in PI 34 with the new special education terminology provided under Wis. Admin. Code Chapter PI 11, relating to children with disabilities.

**Anticipated costs incurred by private sector:**

There is no expected cost to the private sector as a result of this rule.

**Effect on small business:**

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

**Agency contact person: (including email and telephone)**

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**Place where comments are to be submitted and deadline for submission:**

As provided in s. 227.16 (2) (b), Stats., there is no requirement that a public hearing be held for this rule because the proposed rule brings an existing rule into conformity with a statute that has been changed. However, if the Department receives a petition under s. 227.16 (2) (e), Stats., within 30 days following publication of the Notice of Submittal of Rules to the Legislative Council Rules Clearinghouse in the *Administrative Register*, the Department may not proceed with the proposed rule until after it has given notice and held a public hearing under ss. 227.17 and 227.18, Stats. If a petition is received, the Department will publish a hearing notice in the *Administrative Register* which will provide information on the deadline for the submission of comments.

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**SECTION 1. PI 34.01 (18m) is created to read:**

**(18m)** “Emotional Behavior Disability” has the meaning set forth in s. PI 11.36 (7) (a).

**SECTION 2. PI 34.01 (27) is created to read:**

**(27)** “Intellectual Disability” has the meaning set forth in s. PI 11.36 (1) (a).

**SECTION 3. PI 34.01 (53m) is created to read:**

**(53m)** “Specific Learning Disability” has the meaning set forth in s. PI 11.36 (6) (a).

**SECTION 4. PI 34.28 (3) (a) and (c) 1. to 3. are amended to read:**

**(a)** A license under this subsection allows the holder to teach in a program serving pupils who ~~are identified as~~ have a specific learning disability, cognitively disabled intellectual disability or emotionally disturbed emotional behavior disability.

**(c)**

1. ~~Cognitive~~ Intellectual disabilities.
2. ~~Emotional disturbance~~ Emotional behavior disabilities.
3. ~~Learning~~ Specific learning disabilities.

**SECTION 5. PI 34.29 (3) (a) and (c) 1. to 3. are amended to read:**

(a) A license under this subsection allows the holder to teach in a program serving pupils who ~~are identified as~~ have a specific learning disability, cognitively disabled intellectual disability or emotionally disturbed emotional behavior disability.

(c)

1. ~~Cognitive~~ Intellectual disabilities.
2. ~~Emotional disturbance~~ Emotional behavior disabilities.
3. ~~Learning~~ Specific learning disabilities.

**SECTION 6. PI 34.33 (1) (c) (intro.) and (6) (c) 4. are amended to read:**

(c) *Assistive technology.* A license in assistive technology may be issued to a person who holds a license in deaf or hard of hearing, visually impaired, occupational therapy, physical therapy, speech and language pathology, ~~emotional disturbance~~ emotional behavior disabilities, cognitively intellectual disabilities, specific learning disabilities, early childhood special education or cross categorical special education and who has completed a concentration in assistive technology including all the following:

(6) (c)

4. ~~Learning~~ Specific learning disabilities.

**SECTION 7. EFFECTIVE DATE:**

The proposed rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016

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Tony Evers, PhD  
State Superintendent