

Report From Agency
FINAL REPORT
CLEARINGHOUSE RULE 18-060
CHAPTER PI 34
EDUCATOR LICENSES

Analysis by the Department of Public Instruction

Statutory authority: s. 118.19 (18) (bg), Stats.

Statute interpreted: s. 118.19 (18) (bg), Stats.

The proposed rule specifies successful completion of six semesters of experience, for the purpose of receiving a lifetime license. The proposed rule also defines what it means for educators to be regularly employed in education, a condition for maintaining a lifetime license.

The hearing notice was published in the August 13th, 2018, edition of the Wisconsin Administrative Register. A public hearing was held on August 29th, 2018.

No persons provided oral testimony at the August 13th, 2018, hearing on this rule. However, the following persons submitted written testimony:

NAME	ORGANIZATION	IN FAVOR OR GENERALLY IN FAVOR	OPPOSED OR GENERALLY OPPOSED	OTHER
Deanna Schultz	University of Wisconsin-Stout			X
Tom Rheinheimer	Wautoma Area School District	X		
Lourdes Lasanta	Representing Self	X		
Trudy Stachowiak	Wisconsin Association for Education and Rehabilitation of the Blind and Visually Impaired	X		
Jane Charlton	Representing Self	X		
George Goltz	Representing Self	X		
Rafael Gomez	Representing Self			X
Dan Rossmiller	Wisconsin Association of School Boards			X

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

Comments on the Rule

- Some respondents indicate support for the proposed rule as the previous system of continuing education credits resulted in classwork that did not necessarily enhance the teaching credentials of educators; therefore, the proposed rule increases flexibility for all teachers and provides school districts with relief in attracting and retaining staff.

The Department agrees with the above comments citing the need for the proposed rule. As such, no changes are necessary.

- One individual recommends revising the definition of “regularly employed in education” under s. PI 34.041 (1) (b) to eliminate employment in the college setting, and to revise the qualifications to include “prekindergarten to grade 12” so that it is consistent with other sections of the rule. In addition, the respondent recommends adding the completion of an approved mentoring and induction program under s. PI 34.041 (3) (b) as a requirement during an applicant’s 6 semesters of initial teaching prior to obtaining a lifetime license.

The citation above refers to valid experience for the purpose of maintaining a lifetime license. The Department believes that employment in a college setting, specifically within an educator preparation program, should be considered valid experience to maintain a lifetime license. In addition, applicants must also continue to meet the other part of the definition of regular employment in education, which includes providing services directly to students, families, or fellow educators; as such, employment via an educator preparation program meets this requirement. With respect to the mentoring requirement, this recommendation exceeds the Department’s statutory authority and the Department believes approval for mentoring programs is a decision that is best made at the local level. Therefore, no changes are needed.

- One individual requests consideration for the Department to issue lifetime licenses to individuals who have worked over 3 years despite having recently been given a provisional license.

This request exceeds the Department’s statutory authority. Therefore, no changes are needed.

- One individual does not support lifetime licenses for certain professions but recommends orientation and mobility (O&M) instructors should have a renewable license that consists of a requirement by the Department to complete a minimum of 6 credits every five years.

The above request is outside the scope of the proposed rule. A task force has been convened to advise the Department on matters related to O&M licenses and recommendations will be issued at a later time. As such, no changes are needed at this time.

- Another respondent requests that O&M instructors be included in the lifetime license category due to their credentials earned in the field of instruction. However, the individual also requests reconsideration of the requirements governing lifetime licenses since it mandates providing service (“one hour per day per semester or its equivalent”) and could become an issue for educators that take time off for reasons including continuing education, sabbatical, medical reasons, or other situations.

Similar to the comment above. No changes are needed at this time.

- One respondent requested that the rule be changed so that volunteer hours in a school, community agency, or community parent organization may count toward a lifetime license in the case of retired educators or school counselors.

The Department believes its use of the word “employment” in the definition for “regularly employed in education” may be interpreted to apply to individuals who provide volunteer work for an eligible institution. However, the Department believes that this is a decision that is best left to school districts in terms of verifying valid experience for maintaining a lifetime license. As such, no changes are needed at this time.

- One respondent issued the following comments that the Department may consider in revising the proposed rule:

- The language defining “regularly employed in education” under s. PI 34.041 (1) (b) should be revised to include “providing administrative oversight” among the type of work that qualifies as employment in education to parallel the language used in s. PI 34.041 (3) (b) 1. and 2. and clarify application of the rule to administrator license areas.

The change is accepted.

- The language under s. PI 34.041 (3) (b) 1., related to the requirement that 6 semesters of experience must be completed within the term of a tier II provisional license for an individual to receive a lifetime license should be reconsidered. This is due to the fact that while this appears to fall within the Department’s authority to promulgate such a rule, certain exceptions already appear to exist in the current rule (including s. PI 34.029 (5)). In addition, the current language could be misinterpreted to read that an applicant must complete all 6 semesters of experience within the term of a single tier II license, which creates issues to recent graduates who do not immediately find a position in the first semester of their license, or for individuals who leave from a position or who otherwise have a transition between positions during which they are not continuously employed. In addition, the Department could further clarify the circumstances under which experience under a tier I license may count toward the 6 semesters of experience that are required to obtain a tier III license, as s. PI 34.029 (5) already presents one such situation.

The Department accepts the argument that the underlying statutes in s. 118.19 (18) (bg) 2., Stats., may be interpreted to read that if an applicant does not meet the requirements for a lifetime license in the initial term of the tier II provisional license, they may renew their license. As such, the creation of the subsection was provided to allow the Department to determine how someone meets the requirement for the lifetime license if they are unable to complete 6 semesters of experience under the first tier II license under s. 118.19 (18) (bg) 1., Stats., (which provides that the Department can determine how someone meets the six semester requirement by rule) and therefore should not limit sub. 1.

- The respondent suggests that clarifying s. PI 34.041 (4) of the proposed rule may be helpful, in the case of individuals who are adding a new principal license or a new business administrator license, to ensure that the Department’s application of the rule is as clear as possible.

The scenarios laid out by the respondent are possible under the Department’s interpretation of the rule. No changes are needed.

- Because a tier IV license appears to be a type of lifetime license that would also have been affected by some of the changes made by 2017 Wisconsin Act 206, the language found in PI 34.041 (5) (a) of the proposed rule and the corresponding definition of “regularly employed in education” (relating to when a lifetime license becomes invalid due to inactivity) should likely be extended and applied to section PI 34.042 (5) (a).

The change is accepted.

Changes made as a result of oral or written testimony:

- The accepted changes are indicated in the responses to public comments above.

Changes to the analysis or the fiscal estimate:

- Item 10 of the Department’s fiscal estimate will be revised to indicate that the implementation and compliance costs to businesses, local governmental unites and individuals will not be \$10 million or more over any 2-year period, as provided in s. 227.137 (3) (b) 2., Stats. (the Department checked “yes” to this question in error).

Responses to Clearinghouse Report:

2. Form, Style and Placement in Administrative Code:

- The language cited in the report was the product of conversation with, and feedback from, several public and private school groups impacted by the rule. The Department relies on the dictionary definition for “direct services to students” and believes that such language should be broadly applied to cover all types of teaching, pupil services, and administrative services. As such, no changes are needed.

5. Clarity, Grammar, Punctuation and Plainness:

- The change is accepted.