

Clearinghouse Rule 24-077

PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AMENDING RULES

The scope statement for this rule, SS 086-23, was published in Register No. 814B, on October 30, 2023, and approved by State Superintendent Jill K. Underly on November 28, 2023.

The State Superintendent of Public Instruction hereby proposes an order to repeal s. PI 34.042 (2) (b) 2.; to consolidate, renumber and amend s. PI 34.042 (2) (b) (intro.) and 1.; and to repeal and recreate s. PI 34.042 (3), relating to changes to rules governing assessment teams for tier IV master educator licenses.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: ss. 115.28 (7) (a) and 118.19 (1), Wis. Stats.

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

Explanation of agency authority:

Under 118.19 (1), Wis. Stats., any person seeking to teach in a public school, including a charter school, or in a school or institution operated by a county or the state shall first procure a license or permit from the department. Under s. 115.28 (7) (a), Wis. Stats., the superintendent of public instruction shall 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, Wis. Stats.

Related statute or rule:

N/A

Plain language analysis:

Chapter PI 34 of the Wisconsin Administrative Code contains the rules governing educator licensure, including the requirements for obtaining a tier IV master educator license. Under the current rule, the assessment team shall meet all of the following requirements: 1) be composed of 3 educators who have the same or similar job responsibilities and may also include a school board member; 2) be nominated by professional organizations and be approved by the state superintendent; and 3) successfully completed training provided by the department. The proposed rule seeks to amend ch. PI 34 of the Wisconsin Administrative Code with respect to the provisions governing assessment teams and the licensure approval process for tier IV master educator licenses under s. PI 34.042.

Summary of, and comparison with, existing or proposed federal regulations:

Because educator preparation in the United States is typically governed by each state and local government, federal regulations are generally silent with respect to the preparation of student teachers. As a result, the requirements for teacher preparation programs vary by state.

Summary of any public comments and feedback on the statement of scope for the proposed rule that the agency received at a preliminary public hearing and comment period held and a description of how and to what extent the agency took those comments into account and drafting the proposed rule:

The Department held a preliminary public hearing and comment period on November 9, 2023, and did not receive any comments on the statement of scope for the proposed rule.

Comparison with rules in adjacent states:

Illinois: Under Ill. Admin. Code tit. 23 § 25.805, professional development activities for renewing Professional Educator Licenses (PEL) must be conducted through approved providers and meet specific criteria from Section 21B-45(d) of the Illinois School Code. Educators earn one hour of professional development credit per hour of activity, unless specified otherwise. Licensees with a National Board for Professional Teaching Standards (NBPTS) master teacher designation must complete 60 clock hours of professional development every five years. If their NBPTS certification is not valid at renewal, they must fulfill all standard professional development requirements. Administrators with this designation must also adhere to additional requirements. Renewal of NBPTS certification results in automatic renewal of the master teacher designation, but if the certification is not renewed, the designation expires.

Iowa: Iowa Admin. Code r. 282.13.8 permits the issuance of a Master Educator License (Tier 3) to an applicant who holds or is eligible for a standard license, has a master's degree, and successfully completed five years' teaching experience. There is no assessment team.

Michigan: Mich. Admin. Code R. 390.1137 permits the superintendent of public instruction to issue an advanced professional teaching certificate to applicants who meet the following criteria: holding a professional teaching certificate or an equivalent life, continuing, or permanent certificate; meeting at least one of these conditions—holding national board certification, completing a superintendent-approved teacher leader training or preparation program, or having been named Michigan teacher of the year; and receiving the required ratings on annual year-end evaluations as specified in sections 1249 and 1531k of the revised school code.

Minnesota: There are no comparable rules governing master educator licenses in Minnesota.

Summary of factual data and analytical methodologies:

Chapter PI 34 of the Wisconsin Administrative Code contains the rules governing educator licensure, including the requirements for obtaining a tier IV master educator license. Under the current rule, the superintendent may issue a tier IV master educator license to an applicant who, in part, receives a recommendation from an assessment team for tier IV licensure. The assessment team shall meet all of the following requirements: 1) be composed of 3 educators who have the same or similar job responsibilities and may also include a school board member; 2) be nominated by professional organizations and be approved by the state superintendent; and 3) successfully completed training provided by the department. Further, the assessment team shall base its recommendation for tier IV licensure on the following: 1) a formal assessment process of the applicant demonstrates that the applicant has mastered the applicable standards under subch. II of ch. PI 34. The assessment process shall be comparable to the national board for professional teaching standards process and be approved by the state superintendent; and 2) the applicant demonstrates exemplary professional performance through video or on-site observation by the assessment team.

Since the rules were promulgated, the department has identified changes to the rules governing assessment teams to facilitate a streamlined process for recommending tier IV master educator licensure. The proposed rule specifies that an assessment team recommending the applicant for a tier IV license shall base its decision on a formal assessment process of the applicant demonstrating they have mastered the applicable standards under subch. II of ch. PI 34 and the assessment process shall be comparable to the national board for professional teaching standards process and approved by the state superintendent. Additionally, the proposed rule specifies that the assessment team for recommending tier IV master educator licenses must consist of three members, with at least one member holding the same license as the portfolio of the applicant at a tier II level or higher with at least five years of professional experience and similar job responsibilities as the applicant. The other members may be educators holding a valid teacher, pupil services, or administrator license at the tier II level or higher, and optionally a school board member with at least one year of experience as a school board member. Finally, all assessment team members must be approved by the state superintendent and have completed department-provided training. The effect of the proposed rule is a streamlined process by which assessment teams may review and

provide recommendations for tier IV master educator licensure. Without a rule change, the department would be required to implement ch. PI 34 as the rules currently exist.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:

N/A

Anticipated costs incurred by private sector:

N/A

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:

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Wisconsin Department of Public Instruction
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Place where comments are to be submitted and deadline for submission:

Comments should be submitted to Carl Bryan, Department of Public Instruction, at adminrules@dpi.wi.gov. The Department will publish a hearing notice in the *Administrative Register* which will provide information on the deadline for the submission of comments.

RULE TEXT

SECTION 1. PI 34.042 (2) (b) (intro.) and 1. are consolidated, renumbered PI 34.042 (2) (b) and amended to read:

PI 34.042 (2) (b) An assessment team recommends the applicant for a tier IV license. The assessment team shall base its decision on all of the following: 1. A formal assessment process ~~of~~ whereby the applicant demonstrates that the applicant has mastered all of the applicable standards under subch. II. The assessment process shall be comparable to the national board for professional teaching standards process and be approved by the state superintendent.

SECTION 2. PI 34.042 (2) (b) 2. is repealed.

SECTION 3. PI 34.042 (3) is repealed and recreated to read:

PI 34.042 (3) ASSESSMENT TEAM. The assessment team under par. (2) (b) shall meet all of the following requirements:

(a) The assessment team shall be composed of 3 members who meet all of the following requirements:

1. At least one assessment team member shall be an educator who meets all of the following requirements:

a. Holds a valid teacher, pupil services, or administrator license at the tier II level or higher.

b. Has the same license as the portfolio of the applicant.

c. Has or had the same or similar job responsibilities as the applicant.

d. Has at least 5 years of successful professional experience under a teaching, pupil services, or administrator license.

2. Other members may be educators who hold a valid teacher, pupil services, or administrative license under this chapter at the tier II level or higher.

3. The assessment team may also include up to one school board member with at least one year of experience as a school board member.

(b) The assessment team members shall be approved by the state superintendent and have successfully completed training provided by the department.

SECTION 4. 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 _____, 2025

Jill Underly, PhD
State Superintendent