

Clearinghouse Rule 25-008
PROPOSED ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
AMENDING RULES

The scope statement for this rule, SS 105-24, was published in Register No. 826B, on October 28, 2024, and approved by State Superintendent Jill K. Underly, PhD, on November 11, 2024.

The State Superintendent of Public Instruction hereby proposes an order to repeal s. PI 37.01; to amend s. PI 37.02 (2), (3m), (6m) and (7); to repeal and recreate s. PI 37.03; and to create s. PI 37.02 (3d), (3h), and (7m), relating to revisions to grants for National Teacher Certification and Master Educator Licensure.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 115.42, Wis. Stats.

Statutory authority: s. 115.42 (4), Wis. Stats.

Explanation of agency authority:

Under s. 115.42 (4), Wis. Stats., the state superintendent shall promulgate rules for implementing and administering grants for national teacher certification and master educator licensure, including rules for the application process, including necessary documentation, and the selection process for grant recipients.

Related statute or rule: N/A

Plain language analysis:

The proposed rule change is intended to update ch. PI 37 of the Wisconsin Administrative Code by clarifying eligibility requirements for applicants seeking grants for national teacher certification and master educator licensure; establishing the length of grant renewal; aligning the rule with statute, application processing practices, and the form and style specified in the rules procedures manual prepared by legislative council staff and the legislative reference bureau under s. 227.15, Wis. Stats.

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

There are no specific federal regulations governing national teacher certification or master educator licensure, as these requirements are administered by state and independent bodies. Grant funding under this program is administered by Wisconsin statute and administrative code.

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 8, 2024, and did not receive any comments on the statement of scope for the proposed rule.

Comparison with rules in adjacent states:

Illinois: While not explicitly outlined in the Illinois Administrative Code, National Board Certified Teachers (NBCTs) in Illinois are eligible for several financial incentives designed to support and recognize their expertise. One of the main

incentives is a one-time \$3,000 award for NBCTs employed in designated rural and remote school districts. To qualify, educators must be full-time teachers or counselors in Illinois public schools, hold National Board Certification, and work in schools classified as Tier 1 or Tier 2 under the Evidence-Based Funding formula. The incentive is also available to those employed in specific rural or remote districts, as indicated by locale codes.

Additionally, Illinois provides an annual \$3,200 incentive to NBCTs who serve as diverse liaisons, promoting inclusive educational practices for diverse student populations. This incentive is contingent upon available funding. While specific statewide financial incentives for educators holding a Master Educator License are not detailed in the Illinois Administrative Code, many Illinois school districts offer local incentives such as stipends, salary increases, and professional development opportunities for certified educators.

Iowa: While not explicitly outlined in the Iowa Administrative Code, National Board Certified Teachers (NBCTs) in Iowa receive an annual bonus of \$2,500 for the duration of their certification. This stipend is provided through state appropriations and is intended to recognize and reward the expertise of certified teachers. However, if the number of NBCTs exceeds the available funding, the bonus may be prorated by the Iowa Department of Education.

Michigan: Michigan Compiled Laws Section 388.1627m include the statutes governing financial incentives to support and reward educators who achieve National Board Certification (NBC). While not explicitly outlined in Michigan Administrative Rules, teachers who hold National Board Certification are eligible to receive a \$4,000 award. Additionally, teachers working in underprivileged schools, specifically those in Title I buildings, are eligible for an extra \$6,000, bringing the total potential award to \$10,000. The Michigan Department of Education administers these grants through the 27m Recognized Achievement Grant program, providing financial support to NBCTs who meet the eligibility requirements.

Minnesota: While not explicitly outlined in Minnesota Administrative Rules, Minnesota provides annual financial incentives for National Board Certified Teachers (NBCTs). NBCTs who certified after 2018 are eligible to receive \$2,500 annually for five years if they do not teach in a high-poverty school, and \$5,000 annually for five years if they teach in a high-poverty school.

Additionally, in Minnesota, educators who complete a master's degree program in their licensure field may qualify for a nonrefundable credit. This credit is designed to support teachers pursuing advanced education in their teaching area.

Summary of factual data and analytical methodologies:

Chapter PI 37 of the Wisconsin Administrative Code establishes the rules and procedures for awarding grants to applicants seeking to obtain national board certification or master educator licensure. Under the program, educators certified by the National Board for Professional Teaching Standards or licensed as Wisconsin Master Educators can apply for a grant equal to the costs of obtaining or renewing their credential, not to exceed \$2,000. Additionally, applicants may receive an annual grant of \$2,500, or \$5,000 for applicants employed in a school where 60 percent or more students qualify for free or reduced-price lunch under 42 USC 1758 (b) (1), for up to nine years if they maintain their credential and maintain a rating of effective or highly effective in the educator effectiveness system under s. 115.415, Wis. Stats. The rule provides that the state superintendent shall review applications and awards grants based on the applicant's compliance with the applicable criteria specified under s. PI 37.03, Wis. Admin. Code.

The current rule needs updating to align with statutory requirements concerning the length of the school year and to address ambiguities for grant applicants, particularly regarding eligibility and licensing requirements for seeking a grant, the length of grant renewal, and limits on renewing grant applications. Further, the definitions in the rule require revisions to reflect current statute and practices regarding what constitutes a teacher and the employing school's evaluation practices for the purpose of receiving a grant. Finally, the rule needs to be updated to conform with the form and style specified in the rules procedures manual prepared by legislative council staff and the legislative reference bureau. The proposed rule is designed to update ch. PI 37, Wis. Admin. Code, to create greater clarity for applicants seeking a grant under this program and to better align with statutory requirements. Absent a rule change, the department would be required to continue to implement the rule as written, which may result in confusion and conflicts with current statutory requirements.

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: (including email and telephone)

Carl Bryan
Legislative Policy Coordinator
Wisconsin Department of Public Instruction
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(608) 266-3275

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

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 37.01 is repealed.

SECTION 2. PI 37.02 (2) is amended to read:

PI 37.02 (2) “Employed as a teacher” means ~~a person~~ an individual working as a teacher for a minimum of 40 percent full-time equivalency for ~~at least 180 days in a~~ the duration of the school year.

SECTION 3. PI 37.02 (3d) and (3h) are created to read:

PI 37.02 (3d) “Obtain” means to be granted national board certification in a subject area or issued a tier IV master educator license under subchs. VI or VII of ch. PI 34.

PI 37.02 (3h) “Private school” has the meaning given in s. 115.001 (3r), Stats.

SECTION 4. PI 37.02 (3m), (6m), and (7) are amended to read:

PI 37.02 (3m) “Rating of effective or highly effective” means ~~a score of greater than or equal to 2.5 in both the educator practice outcome summary and the student outcomes summary or, if the person has not had an initial rating in the educator effectiveness system, the person is in the process of being evaluated for a rating in the educator effectiveness system~~ the evaluator in the educator effectiveness system assessed the educator’s practice as meeting the criteria for a rating of three or above on a four-point scale in over half of the components for the educator practice rubric and the criteria for a rating of three or above on a four-point scale in over half of the rubric components for student outcomes.

(6m) “Student outcomes summary” means the evaluation score based on ~~upon~~ measures of student performance under s. 115.415 (2) (a), Stats.

(7) “Teacher” means properly licensed ~~persons~~individuals delivering instruction directly to pupils; or school psychologists, school counselors, or school social workers. -“Teacher” does not include ~~a person~~individuals working under a contract as an administrator.

SECTION 5. PI 37.02 (7m) is created to read:

PI 37.02 (7m) “Tribal school” has the meaning given in s. 115.001 (15m), Stats.

SECTION 6. PI 37.03 is repealed and recreated to read:

PI 37.03 Grants for national board certification and Wisconsin master educator licensure.

(1) INITIAL REIMBURSEMENT.

(a) Eligibility. An individual meeting all of the following requirements may apply to the state superintendent for a grant for reimbursement of their costs of obtaining national board certification or master educator licensure:

1. The applicant is certified by the national board for professional teaching standards or licensed as a Wisconsin master educator under sec. PI 34.042.
2. The applicant is licensed as a teacher by the state superintendent or employed as a teacher in a private school or tribal school located in this state.
3. The applicant is employed as a teacher in this state in the area in which they are nationally certified or hold a Wisconsin master educator license under PI 34 subch. VI or VII.
4. If the applicant is required to be evaluated under ss. 115.415 and 121.02 (1) (q), Stats., they received a rating of effective or highly effective in the educator effectiveness system on their most recent evaluation. If an applicant is employed at a private or tribal school, the private or tribal school verifies the educator is effective or highly effective.
5. The applicant is not receiving a concurrent grant under PI 37.03 in the same school year.

(b) Amount. The reimbursement grant under this subsection shall be of an amount equal to the cost of obtaining certification or licensure under par. (1) (a) that are borne by the individual, not to exceed \$2,000.

(c) Documentation. Receipts submitted for reimbursement must meet all the following requirements:

1. Be submitted electronically as part of the initial grant application.
 2. Include the applicant’s name, date of expense, verification that the applicant incurred the expense, the amount, and the payee.
 3. Clearly account for and substantiate all costs described in the application.
- (d) Timing.** The applicant must submit the documentation required under par. (c) and sub. (3) to the superintendent for initial reimbursement during the school year in which the applicant meets the requirements under par. (1) (a).

(2) ANNUAL GRANTS.

(a) Eligibility. In each of the 9 school years after receipt of an initial reimbursement grant under sub. (1), individuals who received a grant under sub. (1) are eligible to apply to the state superintendent for an annual grant if they satisfy all of the following requirements:

1. The applicant maintains their national board certification or tier IV Wisconsin master educator license.
2. The applicant maintains their license as a teacher by the state superintendent or remains employed in a private school or tribal school located in this state.
3. The applicant remains employed as a teacher in this state in the area in which they are nationally certified or hold a Wisconsin master educator license under PI 34 subch. VI or VII.
4. If the applicant is required to be evaluated under ss. 115.415 and 121.02 (1) (q), Stats., they received a rating of effective or highly effective in the educator effectiveness system on their most recent evaluation. If an applicant is employed at a private or tribal school, the private or tribal school verifies the educator is effective or highly effective.
5. The applicant is not receiving a concurrent grant under PI 37.03 in the same school year.

(b) Amount.

1. Except as provided in par. (b) 2., the amount of each annual grant awarded under sub. (2) (a) shall be \$2,500.
2. The amount of each annual grant under par. (2) (a) shall be \$5,000 in any school year in which the recipient is employed as a teacher in a school in which at least 60 percent of the pupils enrolled satisfy the income eligibility criteria for a free or reduced-price lunch under 42 USC 1758 (b) (1), based on the prior school year’s certified data.

(c) Timing. The completed application, district verification and all supporting documentation for an annual grant must be submitted to the department before the end of the school year in which the grant will be awarded.

- (3) APPLICATION REQUIREMENTS.** An educator applying for initial reimbursement or an annual grant under this chapter shall provide the state superintendent with all of the following information:
- (a)** A certified copy of the applicant's national board certificate is required if verification is not publicly available through the national board.
 - (b)** A completed application provided by the department with supporting documentation.
 - (c)** A form provided by the department and completed by the public, private or tribal school administrator or their designee verifying the applicant's employment as a teacher in this state and in the subject area in which they have obtained national board certification or tier IV master educator licensure.

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 _____, 2025

Jill K. Underly, PhD
State Superintendent