

Clearinghouse Rule 25-016

PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AMENDING RULES

The scope statement for this rule, SS 118-24, was published in Register No. 828A4, on December 23, 2024, and approved by State Superintendent Jill K. Underly, PhD, on January 23, 2025.

The State Superintendent of Public Instruction hereby proposes an order to amend s. PI 34.040 (2) (n) 2.; and to create s. PI 34.001 (9m), relating to the definition of good standing under ch. PI 34.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 115.28 (7) (a), Wis. Stats.

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

Explanation of agency authority: The state superintendent is authorized under s. 115.28 (7) (a), Wis. Stats., to promulgate rules establishing the standards of attainment and procedures for the licensing of educators in the state:

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, 118.1915, 118.192, 118.193, 118.194, 118.195, and 118.197; prescribe by rule standards, requirements, and procedures for the approval of teacher preparatory programs leading to licensure, including a requirement that, to be approved by the state superintendent, a teacher preparatory program shall demonstrate that it provides instruction that prepares teachers to teach reading and language arts using science-based early reading instruction, as defined in s. 118.015 (1c) (b), and does not provide instruction on teaching reading and language arts that incorporates 3-cueing, as defined in s. 118.015 (1c) (c), and 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: The proposed rule creates a uniform definition for “good standing,” as applied to tier I charter school principal licenses and tier II licenses based on reciprocity, under ch. PI 34, Wis. Admin. Code. The definition provides that the license is active and not expired, not under investigation, suspended, revoked, or surrendered by the licensing authority for any reason, is without deficiencies, conditions, or stipulations, and otherwise is not in a status that in any manner restricts the use of the license.

Summary of, and comparison with, existing or proposed federal regulations: Because educator licensure in the United States is typically governed by each state and local government, federal regulations are generally silent with respect to the issuance of teacher licenses. As a result, the requirements for licensure 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 January 10, 2025, and did not receive any comments on the statement of scope for the proposed rule.

Comparison with rules in adjacent states: The states neighboring Wisconsin vary in their requirements for educator licensure, with differences in whether “good standing” is explicitly required:

Illinois: Illinois offers reciprocity to those holding a “valid, comparable” out-of-state license. A “valid, comparable certificate or license” means a current (not expired) certificate or license endorsed in the specific content area and grade levels for which Illinois licensure is sought that is equivalent to an Illinois Professional Educator License. (Il. Admin. Code 25.25 (c) (1), 105 ILCS 5/21B-35(b-5)) The term, “good standing” does not appear in Il. Admin. Code ch. 25 - Educator Licensure or Il. Stat. ch. 105 - Schools.

Iowa: Iowa permits applicants seeking licensure based on reciprocity to hold a valid or expired license from another state (but not a temporary, emergency or substitute license or certificate). (IAC 282-13.5(2)(a)(1)) The term, “good standing” does not appear in IAC ch. 13 - Issuance of Teacher Licenses and Endorsements.

Michigan: An applicant who has completed an approved out-of-state teacher preparation program including student teaching can submit an application to be evaluated for certification as can an applicant who has completed an alternative route teacher certification and holds a valid or expired standard certificate. This is not applicable to applicants who have temporary, preliminary, or interim teaching certificates from other states, countries, or federally recognized Indian tribes. (Teacher Certification Code R 390.1130, MCL 380.1531 - Revised School Code) The term “good standing” does not appear in either of these provisions.

Minnesota: An applicant may obtain a Tier 3 license in Minnesota if they hold a bachelor's degree, completed a state-approved teacher preparation program, and hold or held a professional teaching license in good standing from another state, with two years of teaching experience in the content area and passing scores on applicable content and pedagogy exams. (MN Rules 8710.0313, subp. 2)

Summary of factual data and analytical methodologies: Chapter PI 34 of the Wisconsin Administrative Code contains the rules governing the licensure of school personnel, including those holding a tier I license to work as a non-virtual charter school principal. Under the rule, an applicant must hold a principal license from another state that is in good standing and has completed at least three years of full-time classroom teaching. However, the rules governing this license do not specify what is meant by good standing.

Additionally, ch. PI 34 contains the rules governing the licensure of school personnel holding a tier II license based on reciprocity. To be eligible for the license, the applicant must meet the requirements for a teaching or administrator license under ss. 118.193 (2) or (3), Wis. Stats.; have a valid, current license from another state in good standing; and demonstrate at least one year of full-time teaching or administrative experience as outlined in ss. 118.193 (2) (b) or (3) (b), Wis. Stats. Section PI 34.040 (2) (n) 2., Wis. Admin. Code, provides that, for the purpose of this license, “good standing” means that the license is valid, current, and the individual is not under investigation by the state’s licensing authority for any reason. However, the rules defining “good standing” under this license are insufficient as the definition does not include licenses from other states that have stipulations, discipline, or conditions attached to them.

As a result, the proposed rule creates a consistent definition under s. PI 34.001, Wis. Admin. Code, that specifies what is meant by “good standing” for an applicant to receive a license to teach in Wisconsin, specifically as applied to tier I charter school principal licenses and tier II licenses based on reciprocity. The definition provides that the license is active and not expired, not under investigation, suspended, revoked, or surrendered by the licensing authority for any reason, is without deficiencies, conditions, or stipulations, and otherwise is not in a status that in any manner restricts the use of the license. Without a rule change, the department will implement ch. PI 34 as the rules currently exist, and applicants for licensure may face confusion as a result.

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: Carl Bryan
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Place where comments are to be submitted and deadline for submission: Comments should be submitted to Carl Bryan 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 34.001 (9m) is created to read:

PI 34.001 (9m) “Good standing” means that a license is active and not expired, not under investigation, suspended, revoked, or surrendered by the licensing authority for any reason, is without deficiencies, conditions, or stipulations, and otherwise is not in a status that in any manner restricts the use of the license.

SECTION 2. PI 34.040 (2) (n) 2. is amended to read:

PI 34.040 (2) (n) 2. The applicant’s license issued by another state is in good standing. ~~In this subdivision, “good standing” means the license is valid, current, and the individual is not under investigation by the licensing authority for any reason.~~

SECTION 3. 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