

**CERTIFICATE
ORDER ADOPTING RULES OF THE
WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD REPEALING AND
RECREATING RULE RELATING TO CERTIFICATION OF PERSONNEL**

The Wisconsin Technical College System Board proposes an order to repeal and recreate TCS 3 related to Certification of Personnel: Requirements and Procedures. The scope statement for this rule, SS 088-13, was approved by the Governor on July 18, 2013, and published in Register No. 692A on August 14, 2013. The final rule was approved by the Governor on January 15, 2015.

**ANALYSIS PREPARED BY THE
WISCONSIN TECHNICAL COLLEGE SYSTEM BOARD**

1. Statutes interpreted: Wis. Stats. § 38.04 (4)

2. Statutory authority: Wis. Stats. § 38.04 (4) and 38.14(a)

3. Explanation of agency authority: Wis. Stats. § 38.04 (4), Stats., states that the qualifications of educational personnel shall be approved by the technical college system board. Wis. Stats. § 38.14(a), Stats., states that the WTCS Board shall promulgate rules, applicable to all district boards, establishing general district policies and procedures on personnel (and other topics).

4. Related statute or rule: Wis. Stats. § 38.12 (3)(b), Stats.

5. Plain language analysis: The Wisconsin Technical College System (WTCS) recently reviewed Chapter TCS 3 of the Wis. Admin. Code, entitled Certification of Personnel: Requirements and Procedures, to ensure that the process is efficient for both the System and its colleges while maintaining a high quality process that supports the statutory responsibilities of the WTCS Board. TCS 3, which was last amended in 1993, establishes the standards and procedures for implementation of a personnel certification system.

6. Summary of, and comparison with, existing or proposed federal regulations: There are no federal rules regarding certification of technical college personnel.

7. Comparison with rules in adjacent states: Not applicable.

8. Summary of factual data and analytical methodologies: Not applicable.

9. Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: Not applicable.

10. Effect on small business: None

11. Agency contact person: Nancy A. Merrill, Senior Policy Advisor and Federal Relations Officer, Wisconsin Technical College System, 4622 University Avenue, P.O. Box 7874, Madison, Wisconsin 53707-7874, telephone (608) 267-9514, e-mail nancy.merrill@wtcssystem.edu.

12. Place where comments are to be submitted and deadline for submission: Comments were submitted to the agency contact person listed above. Deadline for submission was 5 PM on April 29, 2014. A public hearing was held on April 29, 2014.

PUBLIC HEARING SUMMARY

A public hearing was held on April 29, 2014 and the deadline for comments to be received was 5 PM on April 29, 2014. Five members of the public were present at the hearing with three people testifying and submitting written comments. Two of those who testified opposed the changes, one supported the changes. Two additional people who attended the hearing registered but did not speak (one in favor, one opposed.)

Those who appeared and registered in favor of the proposed changes at the public hearing were: William Patrick Barlow (registered) and Terry Webb (spoke).

Those who appeared and registered against the proposed changes at the public hearing were: Jean Kapinsky (spoke), Leigh Barker (spoke) and Nancy McMahon (registered).

Including the public hearing, a total of 130 comments were received as electronic comments and written letters and testimony at the public hearing. Overall, among the 130 comments, 18 (13.8%) opposed the changes and 112 supported the proposed changes (86.2%). There was widespread support from all across the state. When a reason was given for supporting the proposed changes, two primary factors were cited most often: that the new rules would: 1) reduce administrative burdens in hiring full- and part-time faculty and thus increase efficiency; while at the same time 2) maintain high quality and qualified faculty. We agree that the new requirements strike an appropriate balance between reduced administrative burdens and maintaining high faculty quality.

The most common concern cited by those opposed to the new rule is that eliminating certification requirements for educational administrators other than faculty will hurt educational quality, with 12 people raising this concern. They argue current requirements should be maintained requiring certification for presidents, counselor and librarians and those teaching adult continuing education courses and non-district personnel in K12 and prison settings. We believe the new requirements more consistently and appropriately apply certification requirements to faculty teaching credit courses and as such, they are consistent with regional accreditation requirements.

The second most commonly cited concern by those opposed to the change is that the changes will create variations in hiring and qualifications for staff at different colleges by eliminating statewide minimum standards. The nine people raising this issue were concerned that a lack of statewide standards may limit the ability of students to seamlessly transfer credits between the WTCS and 4-year institutions. The System believes that the proposed changes actually strengthen statewide standards by clarifying minimum hiring and professional development standards and better ensuring compliance with national accreditation standards that have, in the past, been linked to credit transfer questions.

The third most common concern, raised by seven people, was that elimination of the State Certification Committee hurts the credibility and objectivity of certification by removing state-level oversight. On the contrary, the System believes that the new rule appropriately places the major responsibility for certification at the college level while strengthening standards for documenting credentials prior to teaching and for establishment of a Faculty Quality Assurance System that includes consistent standards for professional development, recruitment and hiring, and performance evaluation. The proposed new rule maintains the authority for System-level review of college compliance with the rule.

RESPONSE TO THE LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS

The Legislative Council staff recommendations were largely technical in nature related to numbering of sections and formatting of rule and clarifying language for consistency. The recommended changes were accepted in full.

FINAL REGULATORY FLEXIBILITY ANALYSIS AND ECONOMIC IMPACT REPORTS

Attached.

TEXT OF NEW RULE

SECTION 1. Chapter TCS 3 is repealed and recreated to read:

CHAPTER TCS 3

Certification of Personnel Requirements and Procedures

TCS 3.01	Purpose and Applicability
TCS 3.02	Definitions
TCS 3.03	District Documentation of Instructor Credentials
TCS 3.04	Instructor Requirements
TCS 3.05	Faculty Quality Assurance System
TCS 3.06	Review of district compliance

TCS 3.01 Purpose and application. (1) PURPOSE. The purpose of this chapter is to establish standards and procedures pursuant to s. 38.04(4)(a), Stats., for the approval of minimum requirements for district educational personnel who provide instruction in courses that apply to a degree or adult basic education.

(2) APPLICABILITY. This chapter applies to all district instructors teaching courses that apply to a degree or adult basic education. It does not apply to instructors teaching adult continuing education or community service/avocational courses listed under aid code 42, 47 or 60, as defined in the Wisconsin technical college system educational services manual as follows: aid code 42 applies to general adult educational offerings that contribute to basic education, citizenship and community safety for the general public; aid code 47 occupational adult applies to

educational offerings with a definite vocational/technical objective designed to either provide future employment or upgrade individuals in their present occupations; and aid code 60 applies to educational offerings that are leisure-time, self-enrichment activities including arts, crafts, games, hobbies, sports, recreation, and foreign language conversation.

TCS 3.02 Definitions. In this chapter:

- (1) "Academic instructor" means a person teaching one or more courses in academic subjects such as mathematics, social science, English, communications, and science where the knowledge and skills taught are obtained by the instructor through collegiate preparation.
- (2) "Accredited" means official recognition as a public or private educational institution by an accrediting agency recognized by the U.S. department of education.
- (3) "Board" means the Wisconsin technical college system board.
- (4) "Currency" means ongoing engagement in assigned occupational or academic area or areas that ensure instructors meet the most recent standards of practice for professions associated with their assigned content areas.
- (5) "Director" means the person appointed as the system president by the board under s. 38.04(2), Stats.
- (6) "District" means a technical college district established under ch. 38, Stats.
- (7) "District board" means the district board in charge of the technical colleges of a district.
- (8) "District director" means the person employed by a district board under s. 38.12(3)(a)1, Stats.
- (9) "Employed full-time" means employed by a district as an academic or occupational instructor in a position that qualifies as full-time according to district policy or standards.
- (10) "Employed part-time" means employed by a district as an academic or occupational instructor in a position that qualifies as part-time according to district policy or standards.
- (11) "Faculty Quality Assurance System" means the system used to ensure compliance under this chapter.
- (12) "Higher Learning Commission" means the independent corporation that accredits degree-granting post-secondary educational institutions in the north central region, thereby granting accredited institutions membership in the commission and in the north central association.
- (13) "Occupational instructor" means a person employed by a district to teach one or more courses that are vocational, technical or apprentice-related in nature and that apply toward a degree.
- (14) "Postsecondary degree granting institution" means a public or private educational institution awarding an associate, baccalaureate, or graduate degree.
- (15) "Required occupational experience" means occupational experience that is documented by a district director's or designee's reference check.
- (16) "Subject matter expert" means an individual with scientific, technical, or other specialized knowledge in a specific subject matter, profession or field of study exhibited by or obtained through knowledge, skill, experience, training, education, or a combination thereof.

TCS 3.03 District documentation of instructor credentials. Prior to being assigned to teach any course, a person employed by a district as an academic or occupational instructor shall provide all of the following to the district director or designee:

- (1) Official transcripts of undergraduate and graduate credits from accredited postsecondary degree granting institutions to document compliance with educational requirements under this chapter.
- (2) Copies of professional or occupational licenses required by a state or federal agency for employment in the occupation or profession.
- (3) Verification from accredited postsecondary degree granting institutions of appropriate teaching experience.
- (4) Verification of required occupational experience for occupational instructors.

TCS 3.04 Instructor requirements. (1) Each academic and occupational instructor shall meet applicable requirements established by the higher learning commission and federal and state licensing requirements.

(2) Each occupational instructor shall have a minimum of 2 years (4,000 hours) of occupational experience in a target job for the program or programs being taught, of which at least 1 year (2,000 hours) shall be within 5 years prior to the date of appointment. One year (2,000 hours) of related occupational experience may be waived if the occupational instructor has at least 2 years of post-secondary teaching experience in the appropriate occupational field within 5 years prior to the date of appointment. Two years of post-secondary teaching experience means 8 semesters of part-time teaching or 4 semesters of full-time teaching at an accredited post-secondary degree granting institution.

(3) An exception to the occupational experience requirements under sub. (2) may be granted by the district director or designee for any of the following:

- (a) Emergency staffing situations;
- (b) Pending credentials;
- (c) Specialized expertise or renowned qualifications of candidate;
- (d) Emerging fields; and
- (e) Lack of candidate availability.

(4) An occupational experience exception under sub. (3) shall only be allowed if a plan is approved by the district director or designee to ensure the occupational instructor granted the exception complies with occupational experience requirements within the time period specified pursuant to s. TCS 3.05(2).

TCS 3.05 Faculty Quality Assurance System. Each district shall provide annual reports as required by the director on its activities to maintain a faculty quality assurance system that includes all of the following:

(1) District recruitment and hiring procedures for academic and occupational instructor positions that include all of the following:

- (a) Demonstrate efforts to achieve a diverse instructor population;

- (b) Include subject matter expert participation in the development of each new instructor position;
 - (c) Comply with all state and federal laws;
 - (d) Comply with board policy on criminal background checks;
 - (e) Verify prospective employee qualifications; and
 - (f) Address onboarding for new employees through providing a district employee handbook or standard operating practice and the Wisconsin technical college system mission, vision and strategic direction.
- (2) professional development plans for each academic and occupational instructor that include all of the following:
- (a) identifies how the instructor will complete all director-approved competencies within 3 years of the date of employment if employed full-time or within 5 years of the date of employment if employed part-time.
 - (b) ensures the instructor maintains currency in their assigned content area(s). The district director or designee shall establish a process to maintain currency of academic and occupational instructors.
 - (c) fulfills occupational experience requirements within the time period specified by the district director or designee for an occupational instructor hired pursuant to an occupational experience exception under s. TCS 3.04(3).
 - (d) complies with all other requirements and policies set forth by the Wisconsin technical college system state board or director.
- (3) a performance evaluation system for each full-time academic or occupational instructor that includes all of the following:
- (a) documentation that the instructor and the instructor's supervisor discussed and set instructor goals;
 - (b) data measures that will be used to assess instructor performance; and
 - (c) an employee development or performance improvement plan.
- (4) a process for evaluating academic and occupational instructors who are less than full-time.
- (5) a plan that provides peer coaching or mentoring for all academic and occupational instructors.

TCS 3.06 Review of district compliance. The director or designee shall review district compliance with the requirements established in this chapter under ss. TCS 3.03, 3.04, and 3.05 at least once every 3 years.

SECTION 2. Effective date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.