

**Wisconsin Department of Public Instruction
STATEMENT OF SCOPE
FOR ADMINISTRATIVE RULES**

GENERAL INFORMATION

Rule No.: PI 34

Relating to: Changes to Lifetime Licenses as a result of 2017 Wisconsin Act 206

Rule Type: Emergency and Permanent

NARRATIVE

Pursuant to *Coyne v. Walker*, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope for this rule. *Coyne v. Walker*, 368 Wis.2d 444.

1. Finding/nature of the emergency (Emergency Rule only).

2017 Wisconsin Act 206 requires the Department to define, by administrative rule, "successful completion of six semesters of teaching, administrating, or pupil services experience," for the purpose of qualifying for a lifetime license. Act 206 also requires the Department to define, by administrative rule, "regularly employed in education," for the purpose of maintaining a lifetime license. An emergency rule is needed to administer these changes in advance of the Department issuing new lifetime licenses for which many educators are likely now eligible and to ensure clarity on the requirement for maintaining a lifetime license. Without an emergency rule, the Department has no standard by which to assess whether an individual's experience was successful or whether an individual is regularly employed in education to issue or invalidate lifetime licenses.

2. A description of the objective of the proposed rule.

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.

3. A description of the existing policies and new policies included in the proposed rule and an analysis of policy alternatives.

2017 Wisconsin Act 59, the 2017-19 biennial budget, made several changes to the teacher licensure process, including the elimination of renewal requirements and the creation lifetime licenses without an expiration date. The Act also provided that the Department may issue a lifetime license to an individual who obtained a provisional license and if the individual has successfully completed semesters of teaching, administrating, or pupil services experience. Since Act 59 was enacted, 2017 Wisconsin Act 206 added a requirement for the Department to promulgate rules that define successful completion of six semesters of experience in order to qualify for lifetime licenses. Act 206 also required the Department to define regular employment in education for the purpose of maintaining a lifetime license. As such, there are no policy alternatives because the Department is required to promulgate a rule regarding lifetime licenses.

4. The statutory authority for the proposed rule.

118.19 Teacher certificates and licenses; administrator and pupil services professional licenses.

(18) (bg) 1. The department may issue a lifetime license under this subdivision to an individual who obtained a provisional license under par. (a) or (bc) if the individual has successfully completed 6 semesters of teaching, administrating, or pupil services experience, as defined by the department by rule.

2. An individual who does not successfully complete 6 semesters of teaching, administrating, or pupil services experience, as defined by the department by rule, within the 3-year term of a provisional license issued under par. (a) or (bc) may apply to renew the provisional license. There is no limit to the number of times an individual may renew a provisional license under par. (a) or (bc).

5. An estimate of the amount of time agency employees will spend developing the proposed rule and of other resources needed to develop the rule.

The amount of time needed for rule development by department staff and the amount of other resources necessary are indeterminate.

6. A description of all of the entities that will be affected by the proposed rule.

This rule change could impact public schools, including charter schools, private schools and educator preparation programs, as well as individuals who hold a teaching license or those seeking a lifetime teaching license under s. 118.19 (18) (bg), Stats.

7. A summary and preliminary comparison of any existing or proposed federal regulation that addresses or is intended to address the activities to be regulated by the proposed rule.

N/A

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses).

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Contact Information

Carl Bryan

Policy and Budget Team

Telephone: (608) 267-9127

E-mail: adminrules@dpi.wi.gov