

Wisconsin Department of Public Instruction

**STATEMENT OF SCOPE
FOR ADMINISTRATIVE RULES**

GENERAL INFORMATION

Rule No.: PI 34

Relating to: Revisions to licensing of pupil services professionals

Rule Type: Permanent

NARRATIVE

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

N/A

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

The proposed rule amends chapter PI 34 of the Wisconsin Administrative Code with respect to clarifying and creating flexibility around licensing rules for pupil services professionals, which include school counselors, school nurses, school psychologists, and school social workers.

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

The proposed rule will address the following revisions with respect to the licensing rules for pupil services professionals:

A license issued under s. PI 34.059 authorizes an individual to work as a school counselor. Current rule requires provisional license candidates to hold a master's degree in school counseling and receive institutional endorsement from their preparation program. Institutional endorsement demonstrates a candidate's completion of required coursework and competency in the pupil services standards based on the satisfaction of at least one of the following requirements: a 3.0 GPA in their program, completion of a theme-based portfolio, or demonstrating content mastery through achieving a passing score on a standardized school counseling exam. Since the rules were promulgated, the Department has identified flexibilities to the rule which will attract candidates to work in Wisconsin and remove barriers to the profession. As such, the Department proposes a rule change which will allow students with a bachelor's

degree who are enrolled in a preparation program and have satisfied the requirement for receiving institutional endorsement to be granted a Tier I license with stipulations license to begin work as a school counselor. Additionally, the Department proposes clarifying the rule to accept school counselor licensure from other states as a pathway to obtaining a license to work as a school counselor in Wisconsin. Without a rule change, the Department would be required to implement rule as they currently exist and applicants would only be able to obtain school counselor licensure through existing pathways.

Additionally, a license issued under s. PI 34.060 authorizes an individual to work as a school nurse. Under the rule, applicants must in part complete a school nurse practicum in an approved preparation program and receive an institutional endorsement as a condition for licensure. The National Board for Certification of School Nurses confirms competency in the specialty and those reaching this certification to use the credential NCSN. Since the rules were promulgated, the Department has identified flexibilities to the rule which will to continue to provide public assurance of school nurse competency while removing barriers to the profession. As such, the Department proposes to allow national certification as an alternative pathway to licensure while bestowing the title and credentials of Licensed School Nurses (LSN) to any registered nurse who applies for the school nurse license issued by the Department. The Department also proposes technical changes which will further align this rule to statute and current agency practice. Without a rule change, the Department would be required to implement rule and statute as they currently exist and applicants would only be able to obtain school nurse licensure through existing pathways.

Further, a license issued under s. PI 34.061 authorizes an individual to work as a school psychologist. The National Association of School Psychologists accredits school psychology preparation programs, including all preparation programs for school psychologists in Wisconsin. However, 33 states use the Nationally Certified School Psychologist (NCSP) credential as a pathway for school psychologist licensure and nine states allow maintenance of the NCSP for license renewal. Since the rules were promulgated, the Department proposes amending its rules around the licensure of school psychologists in order to recruit and retain high quality school psychologists. The Department proposes clarifying its rule to accept NCSP accreditation from individuals who are certified as a school psychologists from other states as a pathway to licensure as a school psychologist in Wisconsin. Without a rule change, the Department would be required to implement PI 34 as the rules currently exist and applicants would be required to obtain licensure as a school psychologist through existing pathways.

Finally, a license issued under s. PI 34.062 authorizes an individual to work as a school social worker. Under current rule, applicants must in part complete the requirements of an approved preparation program and hold a master's degree in social work (MSW). Since the rules were promulgated, the Department has identified revisions to the rule which will ensure clarity and efficiency in the licensing process for school social workers while adding to the pool of candidates for school districts. As such, the Department proposes to streamline and clarify the licensing process for the following: 1) individuals who hold a bachelor's degree in social work who wish to work in a school as a part of their practicum experience while enrolled in a MSW program, 2) individuals who completed the requirements of a school social worker preparation program in a different state, and 3) individuals that hold an MSW but have not completed their practicum experience in a school. Without a rule change, the Department would be

required to implement PI 34 as the rules currently exist and applicants would be required to obtain licensure as a school social worker under existing rule.

4. The statutory authority for the proposed rule.

The state superintendent is authorized to promulgate rules for the certification of school nurses under s. 115.28 (7m), Stats.:

115.28 General duties. The state superintendent shall:

(7m) Certification of school nurses. Certify school nurses, make rules for the examination and certification of school nurses and file in the state superintendent's office all papers relating to school nurses certification and register each such certification.

Additionally, the Department is required to implement the licensure of pupil services professionals under s. 118.19 (10), Stats. Under s. 227.11 (2) (a) (intro.), Stats., “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation.” See also, *Wisconsin Ass'n of State Prosecutors v. Wisconsin Employment Relations Comm'n*, 2018 WI 17, ¶ 42 (“statutory mandates are also statutory authorizations, and authorization of an act also authorizes a necessary predicate act.”) (internal quotation marks omitted). As such, a rule is required to establish criteria and procedures for the licensing of pupil services professionals under s. 118.19 (10), Stats.

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 local education agencies and individuals seeking a pupil services professional license under s. 118.19 (10), 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.

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