

GENERAL INFORMATION		
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Rule No. PI 34	Relating to Grade ranges for school administrators and speech-language pathologists	Rule Type Permanent
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SIGNATURE		
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State Superintendent Review <input type="checkbox"/> Approved. <i>Begin Drafting Rule</i> <input type="checkbox"/> Disapproved. <i>Reason for Disapproval</i>	State Superintendent Signature ➤	Date Signed Mo./Day/Yr.
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NARRATIVE		
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1. Finding/nature of the emergency (Emergency Rule only).

N/A

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

The objective of the proposed rule is to make clarifications to the grade ranges in which school administrators and speech-language pathologists are permitted to work in a Wisconsin school.

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

Chapter PI 34 of the Wisconsin Administrative Code contains the rules governing the licensure of school personnel, including school administrators, that is required to supervise and evaluate professional staff in kindergarten through grade 12. When ch. PI 34 was revised in August 2018, administrator licenses were written in error as K-12 licenses. Kindergarten is defined in ch. PI 34 as kindergarten for four and five-year-olds. Under federal law, public schools are required to serve students beginning at age three under the Individuals with Disabilities Education Act. School administrators serve all grades and may also, under state statutes, oversee early childhood or preschool programs. Further, preparation programs currently prepare administrators to serve all grade levels. The proposed rule would clarify licensed administrators are authorized to oversee students or children being served as part of the school's operations. Without a rule, the department would be required to implement ch. PI 34 as the rules currently exist, which could create confusion for applicants and licensees.

Additionally, ch. PI 34 of the Wisconsin Administrative Code contains the rules governing the licensure of school personnel, including speech-language pathologists who may be authorized by holding a tier I, 1-year renewable license or a tier II, 3-year renewable license issued by the department. Speech-language pathologists are currently licensed under ch. PI 34 under a K-12 license. While kindergarten is defined in rule to include four and five-year-old kindergarten, speech-language pathologists are required to serve three-year-olds under the Individuals with Disabilities Education Act if required for evaluation or provision of services. The proposed rule would clarify that speech-language pathologist licensees may teach students in any grade. Without a rule, the department would be required to implement ch. PI 34 as the rules currently exist, and confusion would exist around the ability of speech-language pathologists to serve three-year-olds under the current rule.

4. The statutory authority for the proposed rule.

Under s. 115.28 (7) (a), Stats., the state superintendent is authorized under s. 115.28 (7) (a), Stats., to make rules establishing standards of attainment and procedures for licensing of educators in the state, including administrators:

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, 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.

NARRATIVE (cont'd)

Additionally, under s. 115.28 (7) (c), Stats., the state superintendent has the authority to license and make rules for the examination and licensing of persons, including teachers, employed to provide publicly funded special education and related services, including speech-language pathology services as provided under s. 115.76 (14) (a) 1., Stats.

Under s. 118.19 (11), Stats., the department may promulgate rules establishing requirements for licensure as a school principal. A school principal license shall authorize the individual to serve as a school principal for any grade level.

Under s. 118.19 (18) and s. 118.193 (3), the department may issue administrator licenses.

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 individuals with a speech-language pathologist or administrator license or those seeking a license to work as a speech-language pathologist or a school administrator license.

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.

Under Individuals with Disabilities Education Act, 20 U.S.C. s. 1412 (1) (A) and 34 C.F.R. s. 300.101, public schools are required to serve students beginning at age three.

Further, section 300.34 (a) of the Individuals with Disabilities Education Act regulations includes speech-language pathology services as a related service with respect to educating a child who has a speech or language impairment. Under the 34 C.F.R. s. 300.34 (c) (15), speech-language pathology services include the identification of children with speech or language impairments, diagnosis and appraisal of specific speech or language impairments, referral for medical or other professional attention necessary for the habilitation of speech or language impairments, provision of speech and language services for the habilitation or prevention of communicative impairments and counseling and guidance of parents, children, and teachers regarding speech and language impairments. However, because education in the United States is typically governed by each state and local government, the Act does not address how states administer the licensure of speech-language pathologists as a related service. As such, states are permitted to choose how to license speech-language pathologists who provide services to children with an individualized education plan.
