

# PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION ADOPTING EMERGENCY RULES

The scope statement for this rule, SS 064-15, was published in Register No. 716A1, on August 3, 2015, and approved by State Superintendent Tony Evers, on August 17, 2015. 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*, 2015 WI App 21, 361 Wis.2d 255.

The state superintendent of public instruction hereby proposes to amend s. PI 34.02 and 34.03; and to create ss. 34.34 (19) and (20); relating to changes to PI 34 as a result of 2015 Wisconsin Act 55.

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## ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

**Statute interpreted:** 115.28 (7) (a), Stats.

**Statutory authority:** 115.28 (7) (a), Stats.

### Explanation of agency authority:

**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, 118.192, 118.193, 118.194, and 118.195; 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.

**Related statute or rule:** N/A

### Plain language analysis:

The proposed rule will align PI 34 with current statute, which was modified by 2015 Wisconsin Act 55. 2015 Wisconsin Act 55 created three new license types under s. 115.28 (7) (a), Stats., providing for the attainment of an experience-based technical education license, a license based on reciprocity, and an initial license to teach at a Montessori school or program. The proposed rule will make any necessary changes to PI 34 as a result of these statutory changes and establish standards of attainment and procedures for the licensing of teachers under these three new license types.

**Summary of, and comparison with, existing or proposed federal regulations:** N/A

**Comparison with rules in adjacent states:** N/A

### Summary of factual data and analytical methodologies:

The proposed rule will make any necessary changes to PI 34 as a result of 2015 Wisconsin Act 55 with respect to the new license types provided under 115.28 (7) (a).

**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: (including email and telephone)**

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**Place where comments are to be submitted and deadline for submission:**

Comments should be submitted to Carl Bryan, Department of Public Instruction, 125 S. Webster Street, P.O. Box 7841, Madison, WI 53707-7841 or at [Carl.Bryan@dpi.wi.gov](mailto:Carl.Bryan@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.

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**SECTION 1. PI 34.02 is amended to read:**

**PI 34.02 Teacher standards.** Except as otherwise provided in this chapter, ~~To~~ receive a license to teach in Wisconsin, an applicant shall complete an approved program and demonstrate proficient performance in the knowledge, skills, and dispositions under all of the following standards:

**SECTION 2. PI 34.03 is amended to read:**

**PI 34.03 Administrator standards.** Except as otherwise provided in this chapter, ~~To~~ receive a license in a school administrator category under s. PI 34.32, an applicant shall complete an approved program in school administration and demonstrate proficient performance in the knowledge, skills, and dispositions under all of the following standards:

**SECTION 3. PI 34.244 is created to read:**

**34.244 Montessori license.**

- (a) The department shall grant an initial educator license to teach at a Montessori school or program if an applicant meets the requirements of s. 118.194 (1), Stats. The level of the license issued under this paragraph shall be based on the levels approved by the accredited Montessori training program that the applicant completed.
- (b) A license issued under par. (a) is valid for 5 years and is not renewable.
- (c) After the expiration of an initial license issued under par. (a), the department may grant a professional educator license to teach at a Montessori school or program in the levels approved by the accredited Montessori training program if the applicant meets the advancement requirements of a professional educator license under s. PI 34.17 (4).

**SECTION 4. PI 34.34 (19) and (20) are created to read:**

**(19) EXPERIENCE-BASED TECHNICAL EDUCATION LICENSE.**

**(a)** In this subsection:

1. “Technology education subject” means a subject referred to in the technology education content areas included in the Wisconsin Student Standards for Technology and Engineering.
2. “Technology-related occupation” means an occupation that directly relates to a technology education subject.

**(b)** An initial license to teach a technical education subject shall be issued to an applicant who does all of the following:

1. Meets the minimum requirements of s. 118.191(2), Stats.
2. Enters into an agreement with the school board of the school district in which the applicant has received an offer of employment that requires the applicant to complete a curriculum in professional development training during the term of the initial license, as determined by that school board. The applicant shall include a copy of this agreement with the application to the department for the license.

**(c)** An initial license issued under par. (b) shall be issued for a 3-year period and is only valid in the school district that presented the offer of employment.

**(d)** Upon expiration of the initial license issued under par. (b), the department shall issue the educator a 5-year professional teaching license, valid only in the school district that presented the original offer of employment, to teach a technical education subject if all of the following apply:

1. The applicant is eligible for a teaching license under this subsection.
2. The applicant has completed the curriculum agreed to under par. (b) 2. to the satisfaction of the school board of the school district where the applicant teaches.
3. The applicant submits to the department evidence of completion of the curriculum agreed to under par. (b) 2.

**(e)** The requirements in s. PI 34.18 (2) shall apply to all subsequent renewals of the license issued under par. (d).

**(f)** For purposes of s. 118.191 (6), Stats., an application under this subsection is considered received by the department if all sections are completed and payment of the applicable fee is submitted.

**(20) LICENSE BASED ON RECIPROCITY.**

**(a)** The department shall grant an initial educator license to an individual who meets the requirements of s. 118.193 (2), Stats. A license issued under this paragraph is valid for 5 years and is nonrenewable.

**(b)** The department shall grant a professional educator license to an individual who received a license under par. (a) and submits evidence to the department of all of the following:

- a. Meeting the advancement requirements under s. PI 34.17 (4).
- b. Meeting the requirements under s. PI 34.16 (1).
- c. Meeting the testing requirements under s. PI 34.15 (2) (a) 3. a.
- d. Meeting the testing requirements under s. 118.19 (14), Stats., if applicable.

**(c)** The department shall grant an initial educator administrator license to an individual who meets the requirements of s. 118.193 (3), Stats. A license issued under this paragraph is valid for 5 years and is nonrenewable.

**(d)** The department shall grant a professional educator administrator level license to an individual who received a license under par. (c) and submits evidence to the department of all of the following:

- a. Meeting the advancement requirements under PI 34.17 (4).
- b. Meeting the requirements under s. PI 34.32.

c. Meeting the testing requirements under s. 118.19 (14), Stats., if applicable.

(e) The department shall determine that a license from another state is in good standing under ss. 118.19 (2) (a) and 118.19 (3) (a), Stats., if the license is current and the individual is not under investigation by the proper license authority of that state for any reason.

(f) The department shall determine that an applicant meets the teaching requirement under s. 118.193 (2) (b), Stats., if the applicant engaged in full-time teaching, as defined under s. PI 34.01 (20), for at least one year.

(g) The department shall determine that an applicant meets the offer of employment requirement under s. 118.19 (2) (c) and (3) (c), Stats., if the employment is in the subject area of the applicant's licensure and the offer of employment is for regular employment as defined in s. PI 34.01 (48).

(h) A license under this section is not available to anyone who holds or has held an equivalent educator or administrator license issued by the department.

## **SECTION 5. STATEMENT OF EMERGENCY:**

### **FINDING OF EMERGENCY**

The Department of Public Instruction finds an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

The licensure changes provided by 2015 Wisconsin Act 55 have become effective July 14, 2015 and an emergency rule is needed to administer these changes.

## **SECTION 6. EFFECTIVE DATE:**

The proposed rules contained in this order shall take effect upon publication in the official state newspaper, as provided in s. 227.24 (1) (c), Stats.