



## Legislative Fiscal Bureau

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2017

Joint Committee on Finance

Paper #530

### **Eliminate Expiration Dates for Teacher and Administrator Licenses (Public Instruction -- Administrative and Other Funding)**

[LFB 2017-19 Budget Summary: Page 371, #9]

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#### **CURRENT LAW**

Any individual teaching in a public school, including an independent charter school, must hold a license or a permit issued by DPI. A license for an initial educator is valid for five years, after which an educator can apply for a renewable five-year professional teaching license. An administrator license is also valid for a period of five years. A master educator license is an optional 10-year license that may be issued to educators who successfully complete additional requirements. Charter school teaching licenses are valid for three years and renewable for three year periods, and charter school principal licenses are valid for five years and renewable for five year periods. In general, an individual renewing a license must complete professional development requirements and pass a background check conducted by DPI.

#### **GOVERNOR**

Delete \$753,200 PR and 10.0 PR positions in 2017-18 and \$1,004,100 PR in 2018-19 from base level funding of \$3,698,400 PR by eliminating expiration dates for teaching and administrator licenses issued by DPI. Specify that any initial teaching license, professional teaching license, master educator license, or administrator's license issued by DPI beginning on the effective date of the bill would have no expiration date. Any initial teaching license, professional teaching license, master educator license, or administrator's license issued by DPI that is valid and current on the effective date of the bill would have no expiration date, and DPI could not require an individual who holds such a license to renew the license. Expiration dates for charter school teaching or administrator licenses would also be eliminated.

Require school boards to conduct a background investigation of each individual who holds

a teaching or administrator's license and who is employed by the school board at least once every five years after the initial background check conducted by DPI at the time of the individual's initial application for a license. The investigations would be conducted with the assistance of the Department of Justice beginning on the effective date of the bill. Allow a school board to contract with DPI to conduct the background investigation.

## **DISCUSSION POINTS**

1. K-12 school personnel education and licensing requirements are established under Chapter PI 34 of Wisconsin Administrative Code. PI 34 provides standards for higher educational institutions that prepare professional school personnel and defines standards and license stages for elementary and secondary teachers, administrators, and pupil services professionals. Under PI 34, each license is issued for a specific range of childhood development based on a pupil's age, including early childhood, middle childhood, early adolescence, and adolescence, for a particular subject area, and for either regular or special education.

2. PI 34 provides for three stages of licenses for teachers, administrators, and pupil services personnel: (a) an initial educator license; (b) a professional educator license; and (c) a master educator license. An initial educator license is valid for a period of five years and is non-renewable. An individual with an initial educator license may apply for a professional educator license, which can be renewed for an indefinite number of five-year periods, after completing a professional development plan and obtaining at least three years of teaching experience. A master educator license is a voluntary 10-year license that is issued to an educator who has completed a national board certification based on a rigorous assessment process, or a Wisconsin master educator assessment process if the individual teaches a subject for which national board certification is not available. State law gives the State Superintendent authority to establish fees for licenses and permits sufficient to fund administrative costs for teacher licensure. Currently, initial and professional educator licenses cost \$125 at the time of initial licensure or license renewal, or \$175 for out-of-state educators applying for their first Wisconsin license, and master educator licenses cost \$250.

3. Wisconsin first required teachers to obtain state-issued licenses in 1937. At that time, licenses had no expiration date, and were valid for the lifetime of the holder unless the license was revoked by the State Superintendent. Beginning in 1962, the lifetime license was valid only if the license holder remained active in the teaching profession. Educators were required to teach at least 90 days in a single school year out of a five-year period for their license to remain valid. After five years of inactivity, a license would be declared invalid and the license holder would need to acquire six semester credits or the equivalent before the license could be renewed. Another change was made in 1964, under which new teachers were issued a three-year renewable license, and only qualified for a lifetime license upon the successful completion of six semesters of teaching experience.

4. A professional growth requirement was first instituted for licensed administrators and pupil service professionals beginning in July, 1980, and for teachers beginning in July, 1983. The change required license holders to complete six semester credits prior to renewing their license. As a

result of these changes, lifetime licenses were no longer issued, although lifetime licenses issued previously continue to be valid as long as the license holder remains active in the teaching profession. Beginning with licenses issued in 2004, a professional development plan was required for license renewal. The professional development plan requires the license holder to identify a goal and use evidence to document professional development and its impact on pupil learning.

5. Under current practice, an educator who was first licensed after 2004 is required to complete a professional development plan prior to license renewal, while an educator who was licensed prior to 2004 may choose between completing six semester credits or a professional development plan. To be eligible to be counted towards the professional development requirements, coursework must be provided by an institution of higher education accredited by an agency recognized by the U.S. Department of Education. Additionally, the course must meet the following requirements: (a) is directly or substantively related to one or more of the license holder's licenses; (b) enhances the license holder's professional competence; and (c) is related to the Wisconsin educator standards, which define best practice for educators in the state.

6. Charter schools, including independent charter schools, are required by law to ensure that all of the school's instructional staff hold a license or permit to teach issued by DPI. Under 2013 Act 20, DPI is required to grant a charter school teaching license to any person who has a bachelor's degree and demonstrates that the person is proficient in the subjects that he or she intends to teach. Proficiency can be demonstrated by having a major or minor in those subject areas or through an exam. The license authorizes the person to teach those subjects in a charter school, and is valid for three years and renewable for three-year periods. There are no professional development requirements for renewing a charter school teaching license. DPI indicates that charter schools are not required to have a principal, but if they choose to have someone in that role, that individual must hold an administrator license issued by DPI.

7. Teacher and administrator licensing is overseen by the teacher education, professional development, and licensing team at DPI. In 2016-17, \$3,698,400 PR is budgeted in the appropriation for personnel licensure, teacher supply, information and analysis, and teacher improvement. DPI is required by law to lapse 10% of revenue from licensing of school and library personnel each year to the general fund, an amount estimated to total \$387,900 in 2016-17. Currently, 26.2 FTE positions are authorized under the appropriation. Of those, 3.2 positions work on other teams, and 2.0 positions are currently vacant. The remaining staff includes a director, an assistant director, 9.0 education specialists, 8.0 education consultants, and 2.0 technology services professionals.

8. Data compiled by DPI indicates that in calendar year 2016, staff processed approximately 17,300 new license applications and 26,100 license renewals, including licenses for administrators, teachers, pupil services staff, and other staff. In addition to processing applications for new or renewal licenses, the team is responsible for the following duties: (a) processing emergency licenses; (b) providing information about options for licensure, license renewal, and professional development to school districts, current license-holders, and individuals applying or thinking about applying for a license; (c) evaluating and approving educator preparation programs and preparing an annual report on the state's programs; (d) conducting an annual license audit of all

school districts to ensure that school staff are appropriately licensed; (e) collecting data related to teaching in Wisconsin, such as teacher shortage areas, and completing federal reporting requirements; and (f) working on various other programs, such as the Wisconsin improvement project teacher internship program and the teacher loan forgiveness program.

9. As part of the process of issuing or renewing a license, DPI staff conducts background checks of all school staff. DPI indicates that several information sources are used to conduct the investigations, including the following: (a) criminal arrest and conviction records maintained by the Department of Justice (DOJ); (b) court record summaries maintained by the consolidated court automation programs; (c) an FBI fingerprint check conducted through DOJ; (d) the state and national sex offender registries; and (e) the state caregiver misconduct registry. Additionally, DPI checks Department of Transportation databases when issuing or renewing a license to teach driver's education classes. State law defines circumstances under which a license must be denied, including certain felony convictions or delinquency in paying taxes or court-ordered child support.

10. Under the bill, educators and administrators in public schools, including charter schools, would no longer need to obtain renewal of their licenses. An initial license issued to a new educator or administrator would have no expiration date. As a result, there would be no ongoing professional development requirements for these individuals.

11. The bill would eliminate 10.0 positions from the teacher education, professional development, and licensing team, in addition to \$753,200 PR in 2017-18 and \$1,004,100 PR in 2018-19 to reflect decreases in license renewal fee collections. The 10% lapse to the general fund would be reduced by an estimated \$80,500 in 2017-18 and \$100,800 in 2018-19 relative to the lapse amount budgeted for 2016-17. DOA indicates that this funding reduction is based on an assumption that the work load reduction attributable to the proposal would equal approximately 10.0 FTEs, and calculating the associated funding reduction based on an average of the salaries, fringe benefits, and other personnel costs for education consultants and education specialists.

12. Under the bill, funding in the appropriation for educator licensing would total \$3,065,600 PR in 2017-18 and \$2,870,900 PR in 2018-19. Based on data from previous years, DPI estimates that revenues from fees for initial educator and administrator licenses and those renewals that would still be required under the bill could total \$2,767,000 annually over the biennium. Therefore, it would appear that DPI would have sufficient budget authority in its educator licensing appropriation to accept and expend anticipated fee revenue. However, revenue may vary from year to year based on the number of individuals completing educator licensing programs, the number of educators moving to Wisconsin from other states, and other factors. If actual revenue is less than the appropriation, an overdraft would occur for this PR appropriation (where expenditures exceed available revenues), but if actual revenue exceeds the appropriation, DPI would be required to submit a s. 16.515 request to the Committee to increase its budget authority.

13. DPI staff conducted a time analysis to calculate the estimated reduction in workload that would result from issuing lifetime educator and administrator licenses. Based on 2012-13 data, it is estimated that DPI staff spend approximately 23.3 minutes processing each license renewal application. Taking into account the number of renewal applications processed by DPI staff in calendar year 2016, the reduction in workload attributable to the Governor's proposal would be

equivalent to approximately 3.0 to 5.0 FTE positions. It is estimated that salaries, fringe benefits, and other personnel costs for each position is equal to approximately \$78,700, so funding associated with 5.0 FTE positions would total approximately \$393,500 annually. Therefore, the Committee may wish to consider reducing DPI's position authority and funding by 5.0 FTEs and \$393,500 PR annually, rather than the amount reflected in the bill [Alternative B2].

14. Under the bill, DPI would no longer perform background checks on teachers, administrators, or other school staff after they receive their initial license. Instead, the bill would require school districts to conduct background checks of teachers and administrators employed by the district at least once every five years. Transferring the responsibility to conduct background checks from DPI to school districts could place an additional burden on districts. Additionally, under the bill, while a school district could contract with DPI to complete the background check, no funding would be provided to school districts for the cost of contracting with DPI or conducting the background checks. Under current law, the license renewal fee includes the cost of the background check.

15. Under the bill, Milwaukee Public Schools (MPS) and independent charter schools would not be included in the requirement to conduct background checks of teachers and administrators at least once every five years. Without a legislative modification, principals and teachers at MPS and at independent charter schools would not be required to undergo background checks after receiving their initial license. Therefore, the Committee may wish to modify the bill to include MPS and independent charter schools in the background check requirement [Alternative A2].

16. In errata materials submitted to the Committee, the administration requested a technical correction that would allow DPI to use its teacher licensure appropriation to collect and expend any fees associated with contracting with school districts to conduct background checks. The bill allows school districts to contract with DPI to conduct background checks, but a modification would be required to allow DPI to collect or expend revenues associated with such a contract.

17. Some might argue that, given the important role of teachers, administrators, and other school staff, their professional license requirements should not be less than other professions that also require licensure. In Wisconsin, most other professions are licensed by the Department of Safety and Professional Services. Business and health professionals, such as cosmetologists, dentists, or real estate agents, typically require license renewals every two years. Licenses for individuals in trade professions, such as welders, electricians, or plumbers, must be renewed every one to four years. Renewal requirements vary, but may include license renewal fees, continuing education requirements, signature of a supervisor, or achieving a minimum score on a test.

18. It could be argued that new educators in particular benefit from additional requirements to ensure that they are successful before granting a lifetime license. Under the bill, a lifetime license would be granted prior to the educator or administrator's employment in a school district. For example, under the lifetime licenses awarded by DPI between 1964 and 1983, new teachers were issued a three-year renewable license, and qualified for a lifetime license only after successfully completing six semesters of teaching experience. The Committee may wish to consider

a similar requirement for new educators and administrators. Under this approach, a provisional three-year license could be granted, which after renewal would be valid for the lifetime of the holder [Alternative A3].

19. On the other hand, it could be the case that the professional development requirements for license renewal may not be necessary, given that the educator effectiveness (EE) evaluation system also requires teachers and principals to meet professional development goals. Under the EE system, teachers and principals develop a goal for their teaching practice and identify measures used to determine if the goal is met. However, other school staff do not participate in the EE system, including pupil services professionals or school administrators such as superintendents. Therefore, under the bill, school district employees in these categories would not be required to complete any professional development or evaluation after receiving their initial license.

20. DPI indicates that in 2016-17, approximately 30 school districts are participating in a DPI pilot program that allows educators to use their EE plan for license renewal if they choose to do so. Principals and teachers in districts participating in the pilot program are required to submit their application for license renewal and their license renewal fee, but are not required to complete additional credits or a professional development plan if they successfully complete the requirements under the EE system. DPI indicates that it intends to expand the renewal flexibility statewide in 2017-18, and as a result, additional professional development requirements would no longer be required for school staff who participate in the educator effectiveness system. Therefore, the Committee could consider deleting the Governor's proposal. Under this approach, it is anticipated that teachers and principals would no longer be required to complete professional development requirements under the license renewal process if they successfully completed an EE plan, but DPI would still conduct background checks and renew licenses [Alternative A4 and B3].

## **ALTERNATIVES**

### **A. Lifetime Licenses and Background Checks**

1. Approve the Governor's recommendation to eliminate expiration dates for educator and administrator licenses and require school boards to conduct background investigations of educators and administrators at least once every five years, with a technical amendment that would allow DPI to collect and expend fees from school districts associated with staff background checks.

2. Modify the Governor's recommendation to include Milwaukee Public Schools and independent charter schools in the requirement to conduct background investigations of educators and administrators at least once every five years.

3. Modify the Governor's recommendation to specify that provisional three-year licenses would be granted for new educators, administrators, and pupil services professionals. A lifetime license could only be granted after the completion of six semesters of successful experience, as certified by a school board.

4. Delete provision. Under this alternative, the current requirements for license renewal would still apply.

## B. Funding and Position Adjustment

1. Approve the Governor's recommendation to delete \$753,200 PR and 10.0 PR positions in 2017-18 and \$1,004,100 PR in 2018-19 from base level funding of \$3,698,400 PR associated with the elimination of expiration dates for educator and administrator licenses.

ALT B1	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
PR	- \$1,757,300	- 10.00	\$0	0.00

2. Modify the funding and position authority in the bill by 5.0 FTE and \$359,700 PR in 2017-18 and \$610,600 PR in 2018-19 to reflect DPI estimates of workload reductions under the proposal.

ALT B2	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
PR	- \$787,000	- 5.00	\$970,300	5.00

3. Delete provision. Under this alternative, DPI would retain its current funding and position authority for teacher licensure.

ALT B3	Change to Base		Change to Bill	
	Funding	Positions	Funding	Positions
PR	\$0	0.00	\$1,757,300	10.00

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