

Clearinghouse Rule 25-042

PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AMENDING RULES

The scope statement for this rule, SS 006-25, was published in Register No. 830A3, on February 17, 2025, and approved by State Superintendent Jill K. Underly, PhD, on March 5, 2024.

The State Superintendent of Public Instruction hereby proposes an order to create ss. PI 34.040 (2) (Lg) and (Lr), relating to recognizing national certification for school counselor and school social worker licensure.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: ss. 115.28 (7) (a) and 118.19 (10), Wis. Stats.

Statutory authority: ss. 115.28 (7) (a) and 227.11 (2) (a) (intro.), Wis. Stats.

Explanation of agency authority:

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

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, to be approved by the state superintendent, a teacher preparatory program shall demonstrate that it provides instruction that prepares teachers to teach reading and language arts using science-based early reading instruction, as defined in s. 118.015 (1c) (b), and does not provide instruction on teaching reading and language arts that incorporates 3-cueing, as defined in s. 118.015 (1c) (c), and 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.

Additionally, the Department is required to implement the licensure of pupil services professionals under s. 118.19 (10), Stats., including school counselors and school social workers, as defined in s. 118.19 (10) (a) 2., Wis. Stats. The state superintendent is further required under s. 118.19 (10) (b) 1., Wis. Stats., to conduct a background investigation of each applicant for issuance or renewal of a license or permit, including a license or permit issued to a pupil services professional. Further, under 121.02 (1) (a) 1., Stats., each school board shall ensure that every teacher, supervisor, administrator and professional staff member holds a certificate, license or permit to teach issued by the department before entering on duties for such position. 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 ss. 118.19 (10) and 121.02 (1) (a) 1., Stats.

Related statute or rule:

s. 118.19 (18), Wis. Stats.

Plain language analysis:

The objective of the proposed rule will be to recognize national school counseling and school social work certification for the licensing of school counselors and school social workers under ch. PI 34, Wis. Admin. Code. Specifically, it recognizes certifications from national organizations such as the School Social Work Association of America, the National Association of Social Workers for school social workers, and the National Board for Professional Teaching Standards, the National Board for Certified Counselors, and the American School Counselor Association for school counselors as eligible to receive Tier II licensure.

Summary of, and comparison with, existing or proposed federal regulations:

Because educator licensure in the United States is typically governed by each state and local government, federal regulations are generally silent with respect to the issuance of teacher licenses. As a result, the requirements for licensure vary by state.

Summary of any public comments and feedback on the statement of scope for the proposed rule that the agency received at a preliminary public hearing and comment period held and a description of how and to what extent the agency took those comments into account and drafting the proposed rule:

The Department held a preliminary public hearing and comment period on February 21, 2025, and received comments on the statement of scope for the proposed rule. A summary of comments and the Department's response to those comments are as follows:

- One respondent stated that the administrative rule change would greatly benefit school social workers by creating a clear licensure pathway for those relocating to Wisconsin and increasing the availability of school social workers across the state.

Agency Response: The department agrees. No additional changes are needed.

Comparison with rules in adjacent states:

- **Illinois:** In Illinois, school social workers must obtain a Professional Educator License (PEL) with a School Social Worker Endorsement. While national certification is not a stand-alone pathway, short-term licensure may be available to individuals with a master's degree in social work and a state or national professional certification. Alternatively, candidates can complete a non-degree post-MSW PEL program, which includes a field education component and a minimum of 400 hours of school-based internship, along with two online courses. All paths require passing the School Social Work Content Area exam. For school counselors, a PEL or an Educator License with Stipulations (ELS) and a School Support Personnel Endorsement is required. This involves completing a master's degree in school counseling, a 100-hour supervised practicum, and passing both the School Counselor Proficiency Test and the School Counseling Content Area exam (105 ILCS 5/10-22.24).
- **Iowa:** In Iowa, school social workers must hold a Master of Social Work (MSW) degree and be licensed as a Licensed Master Social Worker (LMSW) or a Licensed Independent Social Worker (LISW) through the Iowa Department of Public Health. National certification is not recognized as a pathway to licensure for school social workers. Similarly, Iowa does not accept national certification as a route to school counselor licensure, instead requiring state-based educational and licensure credentials.
- **Michigan:** In Michigan, school social workers must hold either a Limited Master Social Worker License or a Master Social Worker License issued by the Michigan Department of Licensing and Regulatory Affairs.

Candidates must also have an MSW or an equivalent degree from an accredited institution, including a 500-clock-hour supervised social work practicum (MCL 333.18504). National certification is not part of the licensure pathway for school social workers or school counselors.

- **Minnesota:** Minnesota requires school social workers to hold at least a bachelor's or master's degree in social work and maintain a current social work license through the Minnesota Board of Social Work. School social workers are not required to take content, pedagogy, or basic skills exams (MN Rule 8710.6300). For school counselors, a Tier 2 license can be earned by completing a master's degree in counseling or being enrolled in a school counselor program with at least 24 semester credits in school counseling coursework. No content, pedagogy, or basic skills exams are required for school counselors either (MN Rule 8710.6400).

Summary of factual data and analytical methodologies:

Chapter PI 34 of the Wisconsin Administrative Code governs the licensure of school personnel, including the licensure of school counselors and school social workers. Section 34.040 (2), Wis. Admin. Code, provides clinical pathways as options to receive licensure. Additionally, ss. 34.059 and 34.062 further allow the state superintendent to issue licenses to school counselors and school social workers who complete an approved educator preparation program, receive an institutional endorsement, meet content knowledge requirements, and hold a master's degree in the respective area.

To address critical shortages in these licensing areas, the department proposes to amend ch. PI 34.040 (2), Wis. Admin. Code, to recognize national certification as a qualification to receive a tier II license to work as a school counselor or a school social worker. The proposed rule will extend the same flexibility currently available to nationally certified school psychologists and school nurses under the rule. Without a rule change, the department would be required to implement ch. PI 34, Wis. Admin. Code, as the rules currently exist, and licensing applicants must adhere to existing pathways outlined in the current rule.

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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Legislative Policy Coordinator
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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, at adminrules@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.

RULE TEXT

SECTION 1. PI 34.040 (2) (Lg) and (Lr) are created to read:

PI 34.040 (2) (Lg) *School social worker.* The applicant for a nationally certified school social worker license holds one of the following:

1. A valid national certification as a school social worker by the School Social Work Association of America.
2. A valid credential as a certified school social work specialist issued by the National Association of Social Workers.

(Lr) *School counselor.* The applicant for a nationally certified school counselor license holds one of the following:

1. A valid national board certification as a teacher for school counseling by the National Board for Professional Teaching Standards.
2. A valid national certification as a school counselor by the National Board for Certified Counselors.
3. A valid national certification as a school counselor by the American School Counselor Association.

SECTION 2. EFFECTIVE DATE:

The proposed rules contained in this order shall take effect on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.

Dated this _____ day of _____, 2025

Jill K. Underly, PhD
State Superintendent