

Clearinghouse Rule 22-012

PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION REVISING PERMANENT RULES

The scope statement for this rule, SS 104-21, was published in Register No. 791A4, on November 22, 2021, and approved by State Superintendent Jill K. Underly on December 9, 2021.

The State Superintendent of Public Instruction hereby proposes an order to renumber and amend s. PI 34.029 (2) (c); to amend s. PI 34.029 (1r), (2) (b), (3), (4), and (5) (intro.); to repeal and recreate s. PI 34.029 (5) (a) to (c); and to create s. PI 34.029 (1r) (b), (2) (c) 3., and (5) (d), relating to tier I, 3-year school district-sponsored licenses with stipulations.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

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

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

Explanation of agency authority:

The state superintendent is authorized under s. 115.28 (7) (a), Stats., to make rules establishing standards of attainment and procedures for licensing of teachers 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, 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 objective of the proposed rule is to amend ch. PI 34 of the Wisconsin Administrative Code with respect to the department's Tier I, 3-year school district-sponsored license with stipulations. The revisions include but are not limited to the following clarifications:

1. The written evidence required by the state superintendent for approval under s. PI 34.029 (2) (c) and (5) (a) and (b).
2. The length of time after the expiration of the license within which an individual must submit written evidence for approval.
3. The validity of the license if the applicant leaves the employment of the sponsoring district.
4. The ability to issue another Tier I, 3-year school district-sponsored license with stipulations to an applicant if requested by another school district.

5. The use of national standards or content guidelines in the department's review process for issuing Tier II or III licenses.
6. Early completion of a Tier I, 3-year school district-sponsored license with stipulations requirements and relationship to a Tier III license.
7. Timelines for submission of required materials for advancement to a Tier II or III license.
8. The status of the license in the year of experience in the employing district, CESA, or residential school.
9. The ability to receive a Tier I, 3-year school district-sponsored license with stipulations to teach alternative education under s. PI 34.077.

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

Under 34 CFR § 300.156(c)(2)(i)(C), teachers who are not fully licensed are prohibited from teaching special education students for more than three years.

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 in drafting the proposed rule:

The Department held a preliminary public hearing and comment period on December 3, 2021 and did not receive any comments on the statement of scope for the proposed rule.

Comparison with rules in adjacent states:

There are no comparable rules governing school district-sponsored licensure in adjacent states.

Summary of factual data and analytical methodologies:

Chapter PI 34 of the Wisconsin Administrative Code contains the current rules governing the licensure of school personnel, including rules around receiving a Tier I, 3-year school district-sponsored license with stipulations. Section PI 34.029 authorizes a license holder to teach in a subject area or grade level other than the subject area or grade level covered by the license holder's valid Tier II, III, or IV license and only authorizes the license holder to teach in the school district, CESA, or residential school which requested the license. Under the rule, licensees are permitted to add additional licenses through work done with their employing school district and upon submission of evidence the applicant is proficient to the state superintendent or an approved educator preparation program. Since the rule was promulgated in August 2018, the Department has identified further points of clarification within the rule which are intended to create transparency for license applicants and to clarify licensing requirements, licensing processes, and application timelines. Without a rule change, the Department will be required to implement rules for educator licensure as they currently exist in PI 34 and applicants for educator licenses may face unclear guidance on license requirements as a result.

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)

Carl Bryan
Administrative Rules Coordinator
Wisconsin Department of Public Instruction
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(608) 266-3275

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 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 34.029 (1r) is amended to read:

PI 34.029 (1r) AUTHORIZATION. ~~(a)~~ Except as provided in par. (b), a license issued under this section authorizes the license holder to teach in a subject area or grade level other than the subject area or grade level covered by the license holder's valid tier II, III, or IV license. A license issued under this section only authorizes the license holder to teach in the school district, CESA, or residential school which requested the license under sub. (2) (c).

SECTION 2. PI 34.029 (1r) (b) is created to read:

PI 34.029 (1r) (b) A license issued under this section does not authorize the license holder to teach in the following subject areas:

1. Speech-language pathology under s. PI 34.0475.
2. Deaf and hard of hearing under s. PI 34.050.
3. Blind and visual impairment under s. PI 34.051.
4. American Indian language license under s. PI 34.055.
5. American Indian history, culture, and tribal sovereignty license under s. PI 34.056.
6. Adaptive physical education under s. PI 34.075.
7. Alternative education program under s. PI 34.077.
8. Bilingual-bicultural education under s. PI 34.078.
9. Driver education under s. PI 34.080.

NOTE FOR LRB PUBLICATION: CR 22-005, pending at the time of the filing of this rule, renumbers speech-language pathology under s. PI 34.047 (3m) and (4) to be s. PI 34.0475.

SECTION 3. PI 34.029 (2) (b) is amended to read:

PI 34.029 (2) (b) The applicant has at least one year of full-time, properly licensed teaching experience in the employing school district, CESA, or residential school under a tier II, III, or IV license.

SECTION 4. PI 34.029 (2) (c) is renumbered PI 34.029 (2) (c) (intro.) and amended to read:

PI 34.029 (2) (c) The district administrator of the employing school district or director of the employing CESA or residential school submits a written request to the state superintendent to issue the license. The written request shall provide assurances ~~that~~ of the following:

1. ~~the~~ The employing school district, CESA, or residential school will provide appropriate professional development and supervision to assist the applicant in becoming proficient in the license program content guidelines or national standards for the new ~~subject area or grade level~~ teaching license. The employing school district, CESA, or residential school may partner with an approved program to ensure the applicant attains proficiency in the content guidelines or national standards.

SECTION 5. PI 34.029 (2) (c) 2. is created to read:

PI 34.029 (2) (c) 2. The employing school district, CESA, or residential school shall notify the department within 30 days if the license holder leaves the employment of the employing school district, CESA, or residential school.

SECTION 6. PI 34.029 (3) is amended to read:

PI 34.029 (3) DURATION. Except as provided under s. PI 34.039, a license issued under this section is valid for 3 years unless the license holder leaves employment with the school district, CESA, or residential school which requested the license under sub. (2) (c) prior to the expiration of the license.

SECTION 7. PI 34.029 (4) is amended to read:

PI 34.029 (4) NONRENEWABLE. ~~The department shall not renew a license issued under this section~~ may not be renewed in the same subject area or grade level through the same employing school district, CESA, or residential school.

SECTION 8. PI 34.029 (5) (intro.) is amended to read:

PI 34.029 (5) ADVANCEMENT. The state superintendent may issue a tier II or III license to an individual holding a license issued under this section if all of the following occur in no more than one year following the expiration of the license under this section:

SECTION 9. PI 34.029 (5) (a) to (c) are repealed and recreated to read:

PI 34.029 (5) (a) The license holder submits to the state superintendent an application for a license in the new subject area or grade level.

(b) The license holder submits evidence of proficiency in the license program content guidelines or national standards in the new subject area or grade level as determined by the department or the approved educator preparation program.

(c) The license holder submits evidence that the applicable statutory requirements in s. 118.19, Stats., have been met.

SECTION 10. PI 34.029 (5) (d) is created to read:

PI 34.029 (5) (d) The license holder submits evidence of at least one year of experience teaching under the terms of this license.

SECTION 11. 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 _____, 2022

Jill K. Underly, PhD
State Superintendent