

## Clearinghouse Rule 24-015

### PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AMENDING RULES

The scope statement for this rule, SS 111-23, was published in Register No. 816A2, on December 11, 2023, and approved by State Superintendent Jill K. Underly on December 21, 2023.

The State Superintendent of Public Instruction hereby proposes an order to create s. PI 34.041 (1) (a) 6m., relating to designating the Wisconsin Challenge Academy as an educational entity.

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### ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

**Statute interpreted:** ss. 115.28 (7) (a) and 118.19 (1), Wis. Stats.

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

**Explanation of agency authority:** Under 118.19 (1), Wis. Stats., any person seeking to teach in a public school, including a charter school, or in a school or institution operated by a county or the state shall first procure a license or permit from the department. Under Wis. Stat. s. 115.28 (7) (a) the superintendent of public instruction shall 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.

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

**Plain language analysis:** The proposed rule amends s. PI 34.041 (1) (a) to include the Wisconsin Challenge Academy under the rule's definition of "educational entity" for the purpose of obtaining a tier III lifetime license.

**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 December 14, 2023, 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 in adjacent states.

**Summary of factual data and analytical methodologies:** Chapter PI 34 of the Wisconsin Administrative Code contains the rules for educator licensure, including the criteria to obtain a tier III lifetime license issued by the Department. Under current rule, the applicant must have held a valid tier II provisional educator license and have completed six semesters of experience providing direct services to students or providing administrative oversight in a prekindergarten through grade 12 setting in the tier II license area while employed by an educational entity in Wisconsin. Section PI 34.041 (1) (a) defines "educational entity" to include: a CESA, charter school, licensed child care provider under contract with a school district to provide 3 or 4-year-old kindergarten, private school, school district, tribal school, the Wisconsin center for the blind and visually impaired, and the Wisconsin educational services program for the deaf and hard of hearing. This proposed rule amends s. PI 34.041 (1) (a) to include the Wisconsin Challenge Academy under the rule's definition of "educational entity" for the purpose of obtaining a lifetime license. Without a rule change, the department would be required to implement ch. PI 34 as the rules currently exist.

**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:** Carl Bryan  
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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](mailto: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.

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## RULE TEXT

### SECTION 1. PI 34.041 (1) (a) 6m. is created to read:

**PI 34.041 (1) (a) 6m.** Wisconsin Challenge Academy under s. 321.03 (1) (c), Stats.

### 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 \_\_\_\_\_, 2024

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Jill K. Underly  
State Superintendent