

Clearinghouse Rule 24-016

PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AMENDING RULES

The scope statement for this rule, SS 083-23, was published in Register No. 815A1, on October 30, 2023, and approved by State Superintendent Jill K. Underly on November 28, 2023.

The State Superintendent of Public Instruction hereby proposes an order to repeal and recreate s. PI 34.034, relating to tier I professional teaching permits.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 118.192, Stats.

Statutory authority: ss. 115.28 (7) (a) and 118.19 (1), Stats.

Explanation of agency authority:

Under s. 118.19 (1), 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 s. 115.28 (7) (a), Stats., 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, Stats. Further, s. 118.192, Stats., describes the requirements associated with a professional teaching permit. As such, a rule is required to establish specific criteria for the issuance of professional teacher permits under s. 118.192, Stats.

Related statute or rule:

N/A

Plain language analysis:

Section PI 34.034 relates to the requirements of a tier I, professional teaching permit as identified in statute under s. 118.192, Wis. Stats. Under current rule, the state superintendent may issue a permit under s. PI 34.034 to an individual to teach kindergarten through grade 12 in American sign language, art, computer science, foreign language, mathematics, music, science, and technology education. In order to obtain a professional teaching permit, an applicant must, in part, meet certain professional work experience requirements, in a subject area corresponding to the applicant's degree; satisfactorily completed an alternate teacher training program consisting of approximately 100 hours of formal instruction in the application of modern curricula in the subject area sought by the applicant; and received a passing score on a standardized examination as determined by the state superintendent.

The department's experience with the current rule is that the requirements for obtaining a permit are unclear as they relate to the applicant's work history, degree requirements, and permit eligibility. As such, the proposed rule seeks to provide clarity and guidance for applicants on the criteria and process for obtaining a professional teaching permit. Changes encompass various aspects such as eligibility requirements, including professional work experience, formal instruction, and standardized exam requirements. The rule further identifies the permits for which an applicant would be eligible, clarifies school district requests for the permits, and streamlines renewal criteria.

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 permits. As a result, the requirements for obtaining a permit 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 November 9, 2023, and received no comments on the statement of scope for the proposed rule.

Comparison with rules in adjacent states:

Illinois: Illinois does not have an equivalent permit in this area. However, educators may be able to obtain a five-year Professional Educator License with an endorsement indicating grade level and content area. Additional endorsements can be added as the educator completes state requirements.

Iowa: The initial two-year license for educators in Iowa requires completion of an educator preparation program with an endorsement indicating grade level and content area.

Michigan: Michigan does not have an equivalent permit in this area. However, Michigan offers a Professional Teaching Certificate as a license option. Teachers are eligible to apply for this license after 3-years of teaching under an initial Michigan teaching license or for experienced educators transferring licensure from another state. This is a 5-year license.

Minnesota: Minnesota does not have an equivalent permit in this area. However, a Tier 1 professional educator license is available as a joint application between a school district and the applicant. The district must show the district or charter school has posted the teacher position but was unable to hire an acceptable teacher with a Tier 2, 3, or 4 license for the position. The applicant must hold a bachelor's degree to teach outside career and technical education or career pathways courses of study. This is a 1-year renewable license. The license holder must complete a content exam and report the results to the hiring district or charter school within one year of the issuance of the license.

Summary of factual data and analytical methodologies:

Chapter PI 34 of the Wisconsin Administrative Code contains the rules governing educator licensure, including the requirements for obtaining a Tier I, professional teaching permit to teach kindergarten through grade 12 in one of the following subject areas: American sign language, art, computer science, foreign language, mathematics, music, science, and technology education. In order to obtain a professional teaching permit under s. PI 34.034, an applicant must, in part, meet the professional work experience requirements under s. 118.192 (2), Stats., in a subject area corresponding to the applicant's degree; satisfactorily completed an alternate teacher training program consisting of approximately 100 hours of formal instruction in the application of modern curricula in the subject area sought by the applicant; and received a passing score on a standardized examination as determined by the state superintendent.

The proposed rule updates ch. PI 34 to align with statute and clarify relevant work experience, what comprises 100 hours of formal instruction, standardized exam requirements, renewal criteria, and specifications for school districts requesting the permit. Without a rule change, the department will be required to implement rules for educator licensure as they currently exist in PI 34 which may result in confusion for permit applicants.

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
Legislative Policy 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, 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 34.034 is repealed and recreated to read:

PI 34.034 Tier I, professional teaching permit.

(1) DEFINITIONS. In this section:

- (a) "Entity," for the purposes of this section, means an entity as defined under s. PI 34.006 (3) and is headquartered in Wisconsin.
- (b) "Foreign language" means a world language under s. PI 34.047 (3) (p).
- (c) "Professional work experience" means verified experience that occurred through full-time employment in a field outside of education and in the subject area for which the bachelor's degree was awarded.

(2) AUTHORIZATION.

- (a) As provided in par. (b), a permit issued under this section authorizes the permit holder to teach in the school district which requested the permit under sub. (3) (e) and is not valid in another school district.
- (b) A permit issued under this section authorizes the permit holder to teach in the following subject areas and grade ranges:
 1. Music for grades K-12.
 2. Art for grades K-12.
 3. Foreign language for grades K-12.
 4. Computer science for grades 4-12.
 5. Math for grades 4-12.
 6. Science for grades 4-12.

(3) ELIGIBILITY. The state superintendent may issue a permit under this section to an applicant who meets all of the following requirements:

(a) Holds a bachelor's degree from an accredited institution of higher education with a major in one of the following:

1. Engineering for a permit under sub. (2) (b) 4., 5., or 6.
2. Music for a permit under sub. (2) (b) 1.
3. Art for a permit under sub. (2) (b) 2.
4. Foreign language for a permit under sub. (2) (b) 3.
5. Computer science for a permit under sub. (2) (b) 4.
6. Mathematics for a permit under sub. (2) (b) 5.
7. Science for a permit under sub. (2) (b) 6.

(b) Demonstrated five years of professional work experience as defined under sub. (1) (c).

(c) Demonstrated competency in the subject area by having a passing score on a standardized test approved by the state superintendent.

(d) Completed an alternative teacher training program under sub. (4).

- (e) Provided a request to issue the permit from the district administrator or designee of the employing school district accompanied by verification from the employing school district that an educator with a valid tier II, III, or IV license will be supervising the applicant.
- (4) ALTERNATIVE TEACHER TRAINING PROGRAM. An entity seeking approval from the state superintendent to provide an alternative teacher training program under s. 118.192 (1), Stats., shall do all of the following:
- (a) Provide a minimum of 100 hours of formal instruction aligned to license program content guidelines under s. PI 34.001 (14) and teacher standards under s. PI 34.002.
- (b) Be taught by instructors who meet requirements under s. PI 34.014 (2) (a) to (c).
- (5) DURATION. A permit issued under this section is valid for two years unless the permit holder leaves employment with the school district which requested the permit under sub. (3) prior to the expiration of the permit.
- (6) RENEWAL. The state superintendent may issue a five-year, renewable permit under this section if the permit holder has successfully completed teaching under the initial permit's 2-year term and is recommended by the school district which requested the permit under sub. (3).

SECTION 3. EFFECTIVE DATE:

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

Dated this _____ day of _____, 2024

Jill Underly, PhD
State Superintendent