



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4370/1
FFK:amn

2023 ASSEMBLY BILL 534

October 18, 2023 - Introduced by Representatives SHELTON, MYERS, C. ANDERSON, ANDRACA, MADISON, J. ANDERSON, BALDEH, CLANCY, JOERS, NEUBAUER, RATCLIFF, SINICKI and SUBECK, cosponsored by Senators LARSON, SMITH, ROYS, HESSELBEIN, AGARD, SPREITZER and CARPENTER. Referred to Committee on Regulatory Licensing Reform.

1 **AN ACT to amend** 115.28 (7) (b), 118.19 (1), 118.19 (1b), 118.19 (1c) (b) (intro.),
2 118.19 (3) (a), 118.19 (3) (b), 118.19 (10) (b) 1., 118.191 (2) (a), 118.191 (2) (b),
3 118.191 (2m), 118.191 (3), 118.191 (4), 118.192 (4), 118.60 (2) (a) 6. a., 118.60 (2)
4 (a) 6. b., 119.23 (2) (a) 6. a. and 119.23 (2) (a) 6. b.; and **to create** 115.7915 (2)
5 (i), 118.60 (2) (a) 6m., 118.60 (2) (c) 3., 118.60 (2) (c) 4., 119.23 (2) (a) 6m., 119.23
6 (2) (c) 3. and 119.23 (2) (c) 4. of the statutes; **relating to:** teacher and
7 administrator licensure in parental choice programs and in the Special Needs
8 Scholarship Program and granting rule-making authority.

Analysis by the Legislative Reference Bureau

With certain exceptions, this bill requires that, beginning on July 1, 2025, teachers and administrators at private schools participating in a parental choice program or in the Special Needs Scholarship Program must hold a license or permit issued by the Department of Public Instruction. Under current law, teachers and administrators at choice schools must have at least a bachelor's degree from a nationally or regionally accredited institution of higher education, but they are not required to be licensed by DPI. There are no current law requirements regarding who may teach or be employed as an administrator at SNSP schools.

The bill provides an exception for a teacher who teaches only courses in rabbinical studies and for an administrator at a private school that prepares and

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trains pupils attending the private school in rabbinical studies. In addition, the bill provides a grace period for a teacher or administrator who has been teaching or employed as an administrator for at least the five consecutive years immediately preceding July 1, 2025, which allows the teacher or administrator to apply for a temporary, nonrenewable waiver of the licensure requirement. An applicant for a waiver must submit a plan for becoming licensed as required under the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 115.28 (7) (b) of the statutes is amended to read:

2 115.28 (7) (b) Subject to the same rules and laws concerning qualifications of
3 applicants and granting and revocation of licenses or certificates under par. (a), the
4 state superintendent shall grant certificates and licenses to teachers in private
5 schools and tribal schools, except that teaching experience requirements for such
6 certificates and licenses may be fulfilled by teaching experience in public, private,
7 or tribal schools. An applicant is not eligible for a license or certificate unless the
8 state superintendent finds that the private school or tribal school in which the
9 applicant taught offered an adequate educational program during the period of the
10 applicant's teaching therein. Private Except as provided under ss. 115.7915 (2) (i),
11 118.60 (2) (a) 6m., and 119.23 (2) (a) 6m., private schools are not obligated to employ
12 only licensed or certified teachers.

13 **SECTION 2.** 115.7915 (2) (i) of the statutes is created to read:

14 115.7915 (2) (i) 1. Except as provided in subd. 3., beginning on July 1, 2025, all
15 of the eligible school's teachers have a teaching license or permit issued by the
16 department, except that a teacher employed by the eligible school who teaches only
17 courses in rabbinical studies is not required to hold a license or permit to teach issued
18 by the department.

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1 2. Except as provided in subd. 3., beginning on July 1, 2025, all of the eligible
2 school's administrators have an administrator's license issued by the department.

3 3. Any teacher or administrator employed by the eligible school on July 1, 2025,
4 who has been teaching or employed as an administrator for at least the 5 consecutive
5 years immediately preceding July 1, 2025, and who does not satisfy the requirements
6 under subd. 1. or 2. on July 1, 2025, applies to the department on a form prepared
7 by the department for a temporary, nonrenewable waiver from the requirements
8 under subd. 1. or 2. The department shall promulgate rules to implement this
9 subdivision, including the form of the application and the process by which the
10 waiver application will be reviewed. The application form shall require the applicant
11 to submit a plan for satisfying the requirements under subd. 1. No waiver granted
12 under this subdivision is valid after July 1, 2030.

13 **SECTION 3.** 118.19 (1) of the statutes is amended to read:

14 118.19 (1) Except as provided in subs. (1b) and (1c) and s. 118.40 (8) (b) 1. and
15 2., any person seeking to teach in a public school, including a charter school, ~~or~~ in a
16 school or institution operated by a county or the state, in a private school
17 participating in a parental choice program under s. 118.60 or 119.23, or in a private
18 school participating in the program under s. 115.7915 shall first procure a license or
19 permit from the department.

20 **SECTION 4.** 118.19 (1b) of the statutes is amended to read:

21 118.19 (1b) An individual may teach an online course in a subject and level in
22 a public school, including a charter school, in a private school participating in a
23 parental choice program under s. 118.60 or 119.23, or in a private school
24 participating in the program under s. 115.7915 without a license or permit from the

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1 department if the individual holds a valid license or permit to teach the subject and
2 level in the state from which the online course is provided.

3 **SECTION 5.** 118.19 (1c) (b) (intro.) of the statutes is amended to read:

4 118.19 **(1c)** (b) (intro.) A faculty member of an institution of higher education
5 may teach in a public high school, including a charter school that operates only high
6 school grades, in a private school participating in a parental choice program under
7 s. 118.60 or 119.23 that operates only high school grades, or in a private school
8 participating in the program under s. 115.7915 that operates only high school grades
9 without a license or permit from the department if the faculty member satisfies all
10 of the following:

11 **SECTION 6.** 118.19 (3) (a) of the statutes is amended to read:

12 118.19 **(3)** (a) No license to teach in any public school may be issued unless the
13 applicant possesses a bachelor's degree including such professional training as the
14 department by rule requires, except as permitted under par. (b) and ss. 115.28 (17)
15 (a), 118.191, 118.1915, 118.192, 118.193, 118.194, and 118.197. Notwithstanding s.
16 36.11 (16), no teacher preparatory program in this state may be approved by the state
17 superintendent under s. 115.28 (7) (a), unless each student in the program is
18 required to complete student teaching consisting of full days for a full semester
19 following the daily schedule and semester calendar of the cooperating school or the
20 equivalent, as determined by the state superintendent. No license to teach in any
21 public school may be granted to an applicant who completed a professional training
22 program outside this state unless the applicant completed student teaching
23 consisting of full days for a full semester following the daily schedule and semester
24 calendar of the cooperating school or the equivalent, as determined by the state
25 superintendent. The state superintendent may grant exceptions to the student

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1 teaching requirements under this paragraph when the midyear calendars of the
2 institution offering the teacher preparatory program and the cooperating school
3 differ from each other and would prevent students from attending classes at the
4 institution in accordance with the institution's calendar. The state superintendent
5 shall promulgate rules to implement this subsection. If for the purpose of granting
6 a license to teach or for approving a teacher preparatory program the state
7 superintendent requires that an institution of higher education be accredited, the
8 state superintendent shall accept accreditation by a regional or national
9 institutional accrediting agency recognized by the U.S. department of education or
10 by a programmatic accrediting organization.

11 **SECTION 7.** 118.19 (3) (b) of the statutes is amended to read:

12 118.19 (3) (b) The state superintendent shall permanently certify any
13 applicant to teach Wisconsin native American languages and culture who has
14 successfully completed the university of Wisconsin-Milwaukee school of education
15 approved Wisconsin native American languages and culture project certification
16 program at any time between January 1, 1974, and December 31, 1977. School
17 ~~districts shall~~ A school district, the governing body of a private school participating
18 in a parental choice program under s. 118.60 or 119.23, or the governing body of a
19 private school participating in the program under s. 115.7915 may not assign
20 individuals certified under this paragraph to teach courses other than Wisconsin
21 native American languages and culture, unless they qualify under par. (a).

22 **SECTION 8.** 118.19 (10) (b) 1. of the statutes is amended to read:

23 118.19 (10) (b) 1. Conduct a background investigation of each applicant for
24 issuance or renewal of a license or permit, including a license or permit issued to a

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1 pupil services professional, and for a faculty member seeking to teach in a public high
2 school without a license or permit.

3 **SECTION 9.** 118.191 (2) (a) of the statutes is amended to read:

4 118.191 (2) (a) Notwithstanding s. 118.19 (7) to (9), the department shall grant
5 an initial teaching license to teach a technical education subject to an individual who
6 is eligible for licensure under s. 118.19 (4) and (10), who scores at least 100 points on
7 the point system under sub. (5), of which at least 25 points are from sub. (5) (a) 1. and
8 at least 25 points are from sub. (5) (a) 2., and who agrees to complete during the term
9 of the license a curriculum determined by the school board of the school district, by
10 the governing body of the private school participating in a parental choice program
11 under s. 118.60 or 119.23, or by the governing body of the private school participating
12 in the program under s. 115.7915 in which the individual will teach.

13 **SECTION 10.** 118.191 (2) (b) of the statutes is amended to read:

14 118.191 (2) (b) Notwithstanding s. 118.19 (7) to (9), the department shall grant
15 an initial teaching license to teach a vocational education subject to an individual
16 who is eligible for licensure under s. 118.19 (4) and (10), who scores at least 100 points
17 on the point system under sub. (5m), of which at least 25 points are from sub. (5m)
18 (a) 1. and at least 25 points are from sub. (5m) (a) 2., and who agrees to complete
19 during the term of the license a curriculum determined by the school board of the
20 school district, by the governing body of the private school participating in a parental
21 choice program under s. 118.60 or 119.23, or by the governing body of the private
22 school participating in the program under s. 115.7915 in which the individual will
23 teach.

24 **SECTION 11.** 118.191 (2m) of the statutes is amended to read:

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1 118.191 **(2m)** An initial teaching license issued under sub. (2) authorizes an
2 individual to teach only in the school district controlled by the school board, or in the
3 private school controlled by the governing body, that determined the curriculum the
4 individual agreed to complete in order to qualify for the initial teaching license.

5 **SECTION 12.** 118.191 (3) of the statutes is amended to read:

6 118.191 **(3)** An initial teaching license issued under sub. (2) is valid for 3 years.
7 An initial teaching license issued under sub. (2) is void if the license holder ceases
8 to be employed as a teacher in the school district or private school in which the license
9 holder is authorized to teach under sub. (2m).

10 **SECTION 13.** 118.191 (4) of the statutes is amended to read:

11 118.191 **(4)** Upon the expiration of the 3-year term of an initial teaching license
12 issued under sub. (2), the department shall issue to the license holder a professional
13 teaching license to teach the technical education subject or vocational education
14 subject if the individual successfully completed the curriculum that the individual
15 agreed to under sub. (2), as determined by the school board of the school district, by
16 the governing body of the private school participating in a parental choice program
17 under s. 118.60 or 119.23, or by the governing body of the private school participating
18 in the program under s. 115.7915 that established the curriculum. The department
19 shall indicate on a professional teaching license issued under this subsection that the
20 license was obtained under the experience-based licensure program under this
21 section.

22 **SECTION 14.** 118.192 (4) of the statutes is amended to read:

23 118.192 **(4)** A school board or private school participating in a parental choice
24 program under s. 118.60 or 119.23 that employs a person who holds a professional

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1 teaching permit shall ensure that no regularly licensed teacher is removed from his
2 or her position as a result of the employment of persons holding permits.

3 **SECTION 15.** 118.60 (2) (a) 6. a. of the statutes is amended to read:

4 118.60 (2) (a) 6. a. Except as provided in subd. 6. c. and d., all of the private
5 school's teachers have a teaching license issued by the department or a bachelor's
6 degree or a degree or educational credential higher than a bachelor's degree,
7 including a ~~masters~~ master's or doctorate, from a nationally or regionally accredited
8 institution of higher education. This subd. 6. a. does not apply after June 30, 2025.

9 **SECTION 16.** 118.60 (2) (a) 6. b. of the statutes is amended to read:

10 118.60 (2) (a) 6. b. All of the private school's administrators have at least a
11 bachelor's degree from a nationally or regionally accredited institution of higher
12 education or a teaching license or administrator's license issued by the department.
13 This subd. 6. b. does not apply after June 30, 2025.

14 **SECTION 17.** 118.60 (2) (a) 6m. of the statutes is created to read:

15 118.60 (2) (a) 6m. a. Except as provided in subd. 6m. c., beginning on July 1,
16 2025, all of the private school's teachers have a teaching license or permit issued by
17 the department.

18 b. Except as provided in subd. 6m. c., beginning on July 1, 2025, all of the
19 private school's administrators have an administrator's license issued by the
20 department.

21 c. Any teacher or administrator employed by the private school on July 1, 2025,
22 who has been teaching or employed as an administrator for at least the 5 consecutive
23 years immediately preceding July 1, 2025, and who does not satisfy the requirements
24 under subd. 6m. a. or b. on July 1, 2025, applies to the department on a form prepared
25 by the department for a temporary, nonrenewable waiver from the requirements

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1 under subd. 6m. a. or b. The department shall promulgate rules to implement this
2 subd. 6m. c., including the form of the application and the process by which the
3 waiver application will be reviewed. The application form shall require the applicant
4 to submit a plan for satisfying the requirements under subd. 6m. a. or b. No waiver
5 granted under this subd. 6m. c. is valid after July 1, 2030.

6 **SECTION 18.** 118.60 (2) (c) 3. of the statutes is created to read:

7 118.60 (2) (c) 3. Notwithstanding par. (a) 6m., a teacher employed by a private
8 school participating in the program under this section who teaches only courses in
9 rabbinical studies is not required to hold a license or permit to teach issued by the
10 department.

11 **SECTION 19.** 118.60 (2) (c) 4. of the statutes is created to read:

12 118.60 (2) (c) 4. Notwithstanding par. (a) 6m., an administrator of a private
13 school participating in the program under this section that prepares and trains
14 pupils attending the school in rabbinical studies is not required to hold an
15 administrator's license issued by the department.

16 **SECTION 20.** 119.23 (2) (a) 6. a. of the statutes is amended to read:

17 119.23 (2) (a) 6. a. Except as provided in subd. 6. c., all of the private school's
18 teachers have a teaching license issued by the department or a bachelor's degree or
19 a degree or educational credential higher than a bachelor's degree, including a
20 ~~masters~~ master's or doctorate, from a nationally or regionally accredited institution
21 of higher education. This subd. 6. a. does not apply after June 30, 2025.

22 **SECTION 21.** 119.23 (2) (a) 6. b. of the statutes is amended to read:

23 119.23 (2) (a) 6. b. All of the private school's administrators have at least a
24 bachelor's degree from a nationally or regionally accredited institution of higher

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1 education or a teaching license or administrator's license issued by the department.

2 This subd. 6. b. does not apply after June 30, 2025.

3 **SECTION 22.** 119.23 (2) (a) 6m. of the statutes is created to read:

4 119.23 (2) (a) 6m. a. Except as provided in subd. 6m. c., beginning on July 1,
5 2025, all of the private school's teachers have a teaching license or permit issued by
6 the department.

7 b. Except as provided in subd. 6m. c., beginning on July 1, 2025, all of the
8 private school's administrators have an administrator's license issued by the
9 department.

10 c. Any teacher or administrator employed by the private school on July 1, 2025,
11 who has been teaching or employed as an administrator for at least the 5 consecutive
12 years immediately preceding July 1, 2025, and who does not satisfy the requirements
13 under subd. 6m. a. or b. on July 1, 2025, applies to the department on a form prepared
14 by the department for a temporary, nonrenewable waiver from the requirements
15 under subd. 6m. a. or b. The department shall promulgate rules to implement this
16 subd. 6m. c., including the form of the application and the process by which the
17 waiver application will be reviewed. The application form shall require the applicant
18 to submit a plan for satisfying the requirements under subd. 6m. a. or b. No waiver
19 granted under this subd. 6m. c. is valid after July 1, 2030.

20 **SECTION 23.** 119.23 (2) (c) 3. of the statutes is created to read:

21 119.23 (2) (c) 3. Notwithstanding par. (a) 6m., a teacher employed by a private
22 school participating in the program under this section who teaches only courses in
23 rabbinical studies is not required to hold a license or permit to teach issued by the
24 department.

25 **SECTION 24.** 119.23 (2) (c) 4. of the statutes is created to read:

