

January 29, 2018

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Mr. Bryan:

Thank you for allowing Disability Rights Wisconsin to provide written comments relating to PI 34-Licensing Rules. Disability Rights Wisconsin is Wisconsin's Protection and Advocacy agency for people with disabilities. A major focus of our work both individually and systemically across the state focuses on special education and the rights of students with disabilities. We appreciate the opportunity to provide comments around the new rule and the challenges and opportunities it raises for students with disabilities and their families in our public schools.

Wisconsin has faced a teacher shortage for several years. Wisconsin has seen a 35% decrease in students pursuing education as a profession. In particular, a lack of special education teachers has been a crisis. Since the 2012-2013 school year emergency licenses for special education teachers has gone from 236 to 652 in 2016-2017. Disability Rights Wisconsin understands that our state is facing an extreme shortage in the number of qualified teachers around the state and the changes to PI 34 hope to allow for more flexibility in licensing in our state while maintaining high quality education.

In our advocacy work, we often encounter teachers including special education teachers who are educating children with disabilities under emergency licensure. This includes teachers that are teaching in the most restrictive classrooms with students who have the most significant needs medically, behaviorally, and intellectually. Sadly, we encounter teachers who are unprepared to deliver academic and positive behavioral instruction to students in the regular and special education classrooms. In some referrals to DRW, students are being injured or traumatized due to teacher's lack of knowledge of how to work with children with extreme behavioral challenges. DRW feels strongly that this new rule will still lead to more unqualified people working with children with the most significant needs in our schools and often in separate environments where there is little supervision of the person's daily interaction with these students. The suggestions to follow may help to limit unqualified people working with the most vulnerable students.

Please feel free to contact me with any questions related to our input.

Sincerely,

*Sally Flaschberger*

Sally Flaschberger  
Lead Advocacy Specialist

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## **Subchapter II-Educator Standards**

### **PI 34.002, 34.003 and 34.004 Standards**

The teacher, administrator and pupil services standards have some significant updates which are quite positive. They reflect the qualifications needed for professional in our schools today. But, the new standards vary between teacher, administrator and pupil services. We would like to see the inclusion of the following standards in all categories:

- Meaningful Engagement
- Equity and Cultural Responsiveness
- Successful Interactions

### **PI 34.006 (6)**

Under pupil services standards, please change the word limit to impact. It is a small word change but the connotation can be perceived differently when addressing limitations compared to impacts. Limitations may affect the perception of professionals by decreasing high expectations for students with disabilities.

### **PI 34.022 Statutory Requirements (7) Children with Disabilities**

The inclusion of this section is important for any preparatory program. It would be important to include inclusive education, differentiation, and positive behavior intervention as part of the including statement.

### **PI 34.028 Tier 1, one-year renewable license**

This license would replace the emergency license and would still allow a person who has not completed all their education to be licensed to teach special education. The title is somewhat deceiving as a person can hold this license for 3 years under certain circumstances. The rule should be modified to only allow a person to renew the license once when teaching special education.

In the new rule, a teacher cannot hold a special education Tier 1 license past the three years. It is unclear when the clock starts for this requirement. Currently, there are over 600 teachers who may fit this tier. Teachers who are currently under an emergency license in special education should have their previous years of service count toward their three-year maximum. If the clock were to start with the new rules next year, some teachers may be allowed to continue as long as six years.

### **PI34.032 Tier 1, short-term substitute teacher license**

A short-term substitute would be able to teach special education. The requirement of only an associate's degree is concerning. A short-term substitute can provide instruction for up to 45 days which is a significant amount of time. Another section should be added to specifically detail criteria for short-term substitutes for special education that would include a bachelor's degree and completion of the criteria listed in addition to the following:

- Basic training of the IEP and required delivery of services.
- How to work with students with disabilities including students with physical, intellectual and emotional behavior disabilities.

- Use of and implementation of positive behavior strategies
- De-escalation strategies
- Delivery of modified or accommodated curriculum

**PI 34.034 Tier 1, educational interpreter-deaf and hard of hearing license**

This provides more opportunity to find educational interpreters. There is a lack of interpreters and this would allow interpreters who have a certification from the national registry to work in schools. Many of the qualifications are what are required to hold a Wisconsin license under DHS 77. DRW supports these changes.

**PI 34.039 Tier 1, special education program aide license**

The current requirements to be a special education aide are minimal. Additional professional development should be required and provided by District's before aides are employed. Aides are often the person interacting with children with the most significant disabilities. While under the direction of a teacher, these professionals are often the main person interacting with children. A short-term substitute requires a training program and this position deserves the same consideration. A training should include the following:

- Basic training of the IEP and required delivery of services.
- How to work with students with disabilities including students with physical, intellectual and emotional behavior disabilities.
- Use of and implementation positive behavior strategies
- De-escalation strategies
- Delivery of modified or accommodated curriculum

**PI 34.042 Tier I Limitations**

This section identifies that an individual may only hold Tier I license in special education for three years. Again, it is not clear if current professionals will be converted to a Tier I license be allowed to continue to hold that license. Will there current years on a what we now call emergency license be counted toward this requirement? Past years of emergency licensing should be counted for this new category.

**Subchapter VI- Teaching Categories**

The changes in this area are excellent and allow already qualified teachers the ability to teach additional grade levels and more subject areas. DRW supports these changes.

Speech and Language Pathology licensing is also changed in this section. These changes allow flexibility in licensing for professional working as speech therapists who do not hold a teaching license. This will allow those professionals who meet certain requirements and preparation dictated by their professional standards are able to obtain a speech and language pathology license. The requirement that they work in a school at least 100 hours should be kept in the rule. DRW supports these changes.

### **Subchapter X- Professional Misconduct**

Children with disabilities in schools are sometimes subject to abuse and neglect by teachers in school. Our agency often receives these calls from parents when their child has been hurt at school. While we understand this is a small amount of cases, the cases do exist and in our experience the discipline or revocation of a person's license can be extremely difficult to obtain. Parents are sometimes satisfied with that person being fired from a school district but are often concerned the person will go on to hurt other children.

In particular, these cases have often been with the most vulnerable children who are unable to report abuse to their family. Children also face considerable danger in the inappropriate use of restraint. Staff use prohibited practices including prone restraint even after receiving training. These changes will allow for greater ability to investigate, reprimand, suspend and revoke a person's license for immoral or incompetent behavior.

It appears there has been a revision to this section since the initial publication and we would encourage you include the original sentence in PI 34.009 (c) The Credential holder presents an imminent threat to the health, safety, welfare or education of any pupil. DRW supports the rest of the section with changes.