



"Leadership in Public School Governance"

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Dear Mr. Bryan:

The Wisconsin Association of School Boards, Inc. (WASB) attorneys have identified a few areas of ambiguity/conflict within the new version of PI 34, Wis. Admin. Code.

The following are some comments and observations the department may wish to consider in connection with its planned revisions to PI 34 under the [Scope Statement 098-18](#) that was issued on August 27, 2018 (relating to cleanup revisions to educator license rules):

1. Section PI 34.034 appears to be inconsistent with section 118.192 of the state statutes in that the statute provides, "The permit authorizes the person to teach the subject area specified by the state superintendent in **grades kindergarten to 12.**" The new regulation states, "A license issued under this section authorizes the license holder to teach **grades 9 through 12.**"
2. The mentoring provisions found in PI section 34.040(5) state that a district employing a "tier II" license holder who has less than three years of full-time **teaching** experience must be provided with a mentor. Given that tier II licenses are issued to teachers, pupil services professionals, and administrators, we are unsure whether the phrasing of the mentoring requirement (and especially the reference to "teaching experience") correctly reflects the intent of the department. The mentoring mandate could also be made clearer by addressing whether the focus of the mandate is on the license(s) that a person holds, the license(s) that is/are required by the employee's current position, or a combination of both. [As an example: We assume that a mentor would not need to be provided when a teacher who is working under a tier III teaching license adds a tier II administrator's license, but the teacher is not actively employed as an administrator. We are unsure whether department intends for a school district to provide a mentor to a new principal who has just obtained a "tier 2" administrator license, but who has many years of prior teaching experience.]
3. Under section PI 34.034(4), there is an arguable conflict with the idea of a supervising **teacher** and the requirement, found in section PI 34.064, that "a license under ss. PI 34.066 to 34.071 is required to supervise and evaluate professional staff in grades prekindergarten through 12." The specific statutory requirement from section 118.192 that is being implemented by PI

34.034(4) is that during the initial permit period, the person shall be supervised by a person who holds a regular teaching license. Because the statute could be implemented using an administrator who also holds a teaching license, the statute is not in direct conflict with section PI 34.064. However, we believe that the department would likely allow the “supervisor” who is assigned to the permit-holder under section 118.192 to be a licensed teacher who is not also an administrator; and, therefore, this is an exception to the normal rule found under section PI 34.064. If so, the regulations might be clarified to expressly acknowledge that the supervising teacher mentioned in section PI 34.034(4) is an exceptional case.

4. The various subsections of PI 30.040(2) do not consistently refer to the requirements found in subs. (2)(a)3 to 5 in situations where those requirements probably apply. [As an example, section PI 30.040(2)(c) (regarding licenses based on equivalency) only requires an applicant to demonstrate that he/she has completed an equivalent of an institution’s approved program. However, we believe that DPI would also likely require such an applicant to meet the requirements found in subs. (2)(a)3 to 5. Compare section PI 30.040(2)(c) to section PI 30.040(2)(d).]
5. Section PI 34.039(1) states, “Except as provided in ss. PI 34.033 and 34.038, an individual may not have a tier I license in special education for more than 3 years.” Although the special education program aid license under section PI 34.036 is a bit of an exceptional case to start with, it is currently designated as a tier I license and it is a 5-year, renewable license. We suggest that for purposes of clarity that the PI 34.036 license should be identified as another exception in PI 34.039(1). In addition, it is somewhat unclear the extent to which sections PI 34.033 and 34.038 are permitted as exceptions to section PI 34.039(1). Is it just during the initial 5-year term of those licenses, or does the exception also extend to any renewals of those tier I licenses?
6. Section PI 34.033(2) states, “The state superintendent may issue a tier I license under this section to an applicant who has held or is eligible to hold a license issued **under this chapter** or the equivalent license issued by another state.” We believe the reference to *the entire chapter* in the quoted provision may be overbroad. For example, an applicant likely would not be eligible for a long-term substitute teacher license if the only other license the person held or is eligible to hold is a short-term substitute teacher license or a special education program aide license.
7. Section PI 34.052(4) states, “An individual ... may add **one** of the following additional middle and high school subject areas by passing the applicable content knowledge test approved by the state superintendent...” This might be clarified to state, “one or more” if it is possible to add more than one additional license area under this pathway.
8. In connection with adding licenses based on passing a content test, the DPI website explains that if you pass an approved content test by August 31st and are otherwise eligible for licensure, the effective date of your license will be July 1st of that same year. However, if you pass an approved content test after September 1st and are otherwise eligible for licensure, the effective date of your license will be the following July 1st. It may be helpful to specify those deadlines in the actual regulations.

9. We would also encourage the department to review the comments that WASB will soon be submitting relating to the PI 34 Emergency Rule that took effect on August 2, 2018.

The Wisconsin Association of School Boards (WASB) thanks the Department for considering the above input as it develops its planned revisions to PI 34 under [Scope Statement 098-18](#).