

**PROPOSED ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
REVISING PERMANENT RULES**

The scope statement for this rule, SS 121-13, was published in Register No. 693 on September 30, 2013, and approved by State Superintendent Tony Evers on October 14, 2013. Pursuant to *Coyne v. Walker*, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope for this rule. *Coyne v. Walker*, No. 2013AP416, 2015 WL 686178 (Wis. Ct. App. Feb. 19, 2015).

The State Superintendent of Public Instruction hereby proposes to repeal and recreate PI 37.02 (3m) and PI 37.03 (1) (a) 4. and (b) 4., relating to grants for master educators and nationally board certified educators.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: 115.42, Stats.

Statutory authority: 115.42, Stats.

Explanation of agency authority:

Under s. 115.42, Stats., the Department shall promulgate rules to implement and administer grants for national teacher certification or master educator licensure.

Related statute or rule: None.

Plain language analysis:

The proposed rule change modifies PI 37 as a result of the 2013-15 budget, 2013 Wisconsin Act 20. 2013 Wisconsin Act 20 created s. 115.42 (1) (a) 5., Stats., which provides an additional requirement, that an applicant must have a rating of "effective" or "highly effective" in the applicable educator effectiveness system, in order to receive a grant for national teacher certification or master educator licensure. 2013 Wisconsin Act 20 also created s. 115.42 (2) (d), Stats., which states that in any of the 9 years following receipt of a grant, if the grant recipient fails to maintain a rating of "effective" or "highly effective" in the applicable educator effectiveness system, as determined by the department, he or she is not eligible for a grant in that school year. The change aligns the rule with statute and defines "effective" or "highly effective," as used in s. 115.42, Stats.

Summary of, and comparison with, existing or proposed federal regulations: N/A

Comparison with rules in adjacent states: N/A

Summary of factual data and analytical methodologies:

This proposed rule change is needed to align PI 37 with the statutory changes in the 2013-15 budget.

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)

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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, 125 S. Webster Street, P.O. Box 7841, Madison, WI 53707-7841 or at Carl.Bryan@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.

SECTION 1. PI 37 is repealed and recreated to read:

CHAPTER PI 37

2013-15 BUDGET CHANGES TO GRANTS FOR MASTER EDUCATORS AND NATIONALLY BOARD CERTIFIED EDUCATORS

PI 37.01 Purpose. Under s. 115.42, Stats., the state superintendent shall award grants to eligible applicants who are certified by the national board for professional teaching standards or licensed by the department as a master educator under s. PI 34.19. This chapter sets forth criteria and procedures for awarding grants under this program. This chapter also specifies continuing professional education exemptions for national board certificate holders and master educator license holders.

PI 37.02 Definitions. In this chapter:

- (1) "Department" means the Wisconsin department of public instruction.
- (1g) "Educator effectiveness system" means the educator effectiveness evaluation system under s. 115.415, Stats.
- (1r) "Educator practice outcome summary" means the evaluation score under s. 115.415 (2) (b), Stats., or an equivalent score.
- (2) "Employed as a teacher" means a person working as a teacher for a minimum of 40 percent full-time equivalency for at least 180 days in a school year.
- (3) "National board certification" or "national board certificate" means a certificate issued by the national board for professional teaching standards.
- (3m) "Rating of effective or highly effective" means a score of greater than or equal to 2.5 in both the educator practice outcome summary and the student outcomes summary or, if the person has not had an initial rating in the educator effectiveness system, the person is in the process of being evaluated for a rating in the educator effectiveness system.
- (4) "School year" has the meaning given in s. 115.001 (13), Stats.
- (5) "State license" means a document issued under ch. PI 34 granting authority or permission to serve as a professional school employee in Wisconsin public schools.
- (6) "State superintendent" means the state superintendent of public instruction for the state of Wisconsin.
- (6m) "Student outcomes summary" means the evaluation score based on upon measures of student performance under s. 115.415 (2) (a), Stats.
- (7) "Teacher" means properly licensed persons delivering instruction to pupils; or school psychologists, school counselors, or school social workers. "Teacher" does not include a person working under a contract as an administrator.
- (8) "Wisconsin master educator" means a teacher who has completed the Wisconsin master educator assessment process and is licensed under s. PI 34.19.

PI 37.03 Grants for national board certification.

(1) ELIGIBILITY.

(a) Annually by June 30, a person meeting all of the following requirements may apply to the state superintendent for a grant in the amount equal to the costs of obtaining or renewing a national board certification or Wisconsin master educator license that are borne by the person, not to exceed \$2,000:

1. The person is certified by the national board for professional teaching standards or licensed as a Wisconsin master educator.
2. The person is licensed as a teacher by the state superintendent or employed as a teacher in a private school located in this state.
3. The person is employed as a teacher in this state.
4. If the person is required to be evaluated under s. 120.12 (2m) (a), Stats., the person has a rating of effective or highly effective in the educator effectiveness system.

(b) Except as provided under par. (c), persons receiving a grant under par. (a) may apply annually by June 30 in each of the 9 school years following the school year in which he or she received the grant to the state superintendent for a \$2,500 grant if the person satisfies all of the following requirements:

1. The person maintains his or her national board certification or Wisconsin master educator license.
2. The person maintains his or her license as a teacher by the state superintendent or remains employed in a private school located in this state.
3. The person remains employed as a teacher in this state.
4. If the person is required to be evaluated under s. 120.12 (2m) (a), Stats., the person maintains a rating of effective or highly effective in the educator effectiveness system.

(c) The amount of each grant under par. (b) shall be \$5,000 in any school year in which the recipient is employed as a teacher in a school in which at least 60 percent of the pupils enrolled are eligible for a free or reduced-price lunch under 42 USC 1758 (b).

(2) APPLICATION REQUIREMENTS. A person applying for a grant under this chapter shall provide the state superintendent with all of the following information:

- (a) A certified copy of the applicant's national board certificate or Wisconsin master educator license.
- (b) A form provided by the department verifying employment from the employing public or private school administrator or his or her designee indicating that the applicant is employed as a teacher in this state.
- (c) Verification that the applicant is employed as a teacher in a school in which at least 60 percent of the pupils enrolled are eligible for a free or reduced-price lunch under 42 USC 1758 (b), if applicable.

PI 37.04 Exemption from continuing education requirements.

(1)

(a) A person holding national board certification or a Wisconsin master educator license under s. PI 34.19 shall be exempt from meeting the continuing professional education credit requirements under s. PI 34.19 (5) as long as the national board certification or Wisconsin master educator license is effective.

(b) For persons seeking a national board certification exemption under par. (a), the effective date of a state license shall coincide with the effective date of the national board certification.

(2) A person who applies for and completes the process for national board certification or Wisconsin master educator assessment shall renew his or her state license upon its expiration but he or she is exempt from meeting the continuing professional education credit requirements under s. PI 34.18 (2) regardless if he or she receives the national certification or Wisconsin master educator license.

PI 37.05 Review of applications and awarding of grants. The state superintendent shall review the applications submitted under this chapter and shall award grants if the applicant meets all of the criteria specified under s. PI 37.03.

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.