

Date: April 11, 2018

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Subject: Recent Changes to Lifetime Educator Licenses under 2017 Act 206

Lifetime Educator Licenses

As you know, the 2017-19 biennial budget (2017 Act 59) created lifetime licenses for teachers, administrators, and pupil services professionals. The new licensing structure created by Act 59 provides for a three-year provisional license for educators when they complete a preparation program. After six semesters of successful experience, educators can apply for a lifetime license.

Concerns were raised after the budget bill was signed that the lifetime license provisions in statute only applied to educators who were employed in public schools and not to educators who work in private schools, CESAs, and other types of schools and educational institutions. On April 3, 2018, the Governor signed 2017 Act 206 (Act 206), which included changes impacting certain requirements for lifetime educator licensure in Wisconsin. This memo outlines those changes and provides information regarding how those changes will be implemented. Act 206 makes changes to that language, providing the Department of Public Instruction (DPI) the authority to use the rule making process to address the concerns.

Changes under Act 206

There were two distinct changes included in Act 206, both of which are effective immediately:

1. In order to advance from a three-year provisional license to a lifetime license, the educator must successfully complete six semesters of teaching, administering, or pupil services experience. Under Act 59, the school board employing the individual was required to certify to DPI that the individual had successfully completed the six semesters of experience, in order for the individual to apply for a lifetime license.

Under Act 206, rather than require certification by the employing school board, the Department is directed to define, by administrative rule, what successful completion of the required six semesters of teaching, administering, or pupil services experience means. As under Act 59, educators who do not meet this requirement before their provisional license expires may apply for a new three-year provisional license and continue work towards lifetime licensure; there is no limit to the number of times an individual may renew a provisional license.

2. Act 59 also required the department to invalidate the lifetime license of any educator who was not “actively employed by a school district” for five or more consecutive years (“actively

employed” was not defined in the law, and employment by a non-public school district educational institution would not count towards this requirement).

Under Act 206, the language regarding this requirement was changed to “regularly employed in education, as defined by the Department by rule”. This change will allow for individuals who are employed in educational institutions other than public school districts to maintain their lifetime license. As under Act 59, an individual who has a break from employment in an educational institution (as defined by the Department by rule) that is longer than five consecutive years would lose their lifetime license but could apply for a three-year provisional license and work towards a new lifetime license.

Next Steps

In order to implement the changes under Act 206, DPI must promulgate a change to administrative rule PI-34. Although DPI recently submitted significant changes to PI-34 that reflect the requirements of Act 59 pertaining to provisional and lifetime licensure, these changes are currently under review by the Legislature. In order to ensure adequate stakeholder input, DPI will initiate a new rulemaking process under a separate rule change to PI-34.

DPI plans to issue a statement of scope to initiate the Act 206 related changes. Note that the process for making a permanent rule change is lengthy, as it requires an opportunity for public comment and for review by the Legislature. Because we must follow prescribed timelines, DPI cannot submit a proposed permanent rule change for review until the next legislative session commences in January 2019. However, DPI is reviewing options for using the emergency rule making process to get the Act 206 changes in place (on a temporary basis) as soon as practicable, until a permanent rule change becomes effective.

I hope this information is helpful in clarifying questions about requirements pertaining to lifetime educator licenses. DPI will share further information as it becomes available; please see the Licensing Blog for the latest information, at: <https://dpi.wi.gov/tepd/News>.

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