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## Licensing, Educator Advancement and Development

# Information Bulletin

LEAD 22-001

November 2022

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*Date:* Monday, November 28, 2022

*To:* District Administrators, CESA Directors, Special Education Directors, Principals, Other Interested Parties

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LEAD Team (Licensing, Educator Advancement, and Development)

*Subject:* Multi-level Systems of Support Licensure Guidance

This bulletin is meant to answer questions regarding licensure when implementing equitable multi-level systems of support (EMLSS) for academic or behavioral needs in determining which staff members are qualified to provide instruction, interventions or additional support.

Every child deserves access to quality public education programs and enrichment opportunities. These learning options often come in the form of interventions for students who are not meeting benchmarks and enrichment opportunities for students exceeding benchmarks.

Children identified with disabilities under IDEA are entitled to special education services and supports. When making collaborative decisions regarding how to meet student needs, it is important to remember that providing direct interventions and enrichment opportunities are considered instructional, and that in an equitable system, the students with the highest level of needs should receive support from the most qualified individuals. LEAs should ensure those providing instruction are appropriately licensed. In general, the instructor must hold a Wisconsin educator license for the grade level and subject area they are teaching.

This document provides guidelines on required educator qualifications for providing interventions and/or enrichment opportunities in the content areas of reading,

mathematics, and behavior and focuses specifically on a school's general education system of support.

Guidelines in this document apply at all levels of support, including requirements under Wis. Stat. 121.02(1)(c) (Standard C), as well as PI 11.02 (Wisconsin's administrative rule for specific learning disabilities eligibility determinations criteria).

Specific topics covered include:

- [Questions to consider when determining the most appropriate staff member.](#)
- [Instruction versus support.](#)
- [Reading](#)
- [Mathematics](#)
- [Behavior](#)
- [Social Emotional Learning](#)
- [Additional Resources](#)

## 1. What questions should I consider when determining the most appropriate staff member?

Some questions to consider when determining the most appropriate staff members to provide instruction in your multi-level system of supports include:

- Are the students with the highest level of need being instructed by the most qualified staff in the content area of need?
- Do staff who provide interventions and enrichment opportunities have in-depth pedagogical, content-area, and social-emotional expertise for the unique needs of the students receiving the instruction?

This guidance focuses specifically on a school's general education system of support. Additional guidance on permissible roles for special educators can be found at <https://dpi.wi.gov/sites/default/files/imce/sped/pdf/sped-incidental-benefit.pdf>.

## 2. What is the difference between Instruction and Support?

Teachers provide instruction, while paraprofessionals provide support to the student for that instruction. An appropriately licensed teacher or reading specialist designs the lessons, implements the lessons, and evaluates student learning. Teachers licensed in other subject areas and paraprofessionals may provide reinforcement for learning activities but not the actual instruction itself.

"Teacher" is defined under Wis. Stat. 40.02(55) as any employee engaged in the exercise of any educational function for compensation in the public schools. In order to be employed as a teacher an individual must have a teaching license issued by the Department of Public Instruction.

The practice of teaching involves improving pupil learning by planning instruction, diagnosing learning needs, prescribing content delivery through classroom activities, assessing student learning, reporting outcomes to administrators and parents, and evaluating the effects of instruction. Interventions and enrichment opportunities are considered instruction. All of these activities are provided by an appropriately licensed teacher or reading specialist.

Support is the reinforcement of instruction, reinforcement for an intervention, or reinforcement for an additional challenge that has already been provided by the appropriately licensed teacher or reading specialist. Examples of support include:

- Assisting individual or groups of students with independent practice work assigned by the teacher.
- Assisting classroom teachers during guided reading with monitoring/assisting students with independent reading assignments, while the teacher works with small group guided reading instruction.
- Taping (oral/video) reading selections for later analysis by the Title I or classroom teacher (taped running records).

### **3. When is a reading teacher license required?**

A reading teacher license is required when the assignment requires the teacher to teach reading to multiple grades and for multiple periods of the day. It is permissible for a teacher to provide one period of instruction beyond universal or core instruction, as long as the teacher holds a regular education license at the early childhood-middle childhood or middle childhood-early adolescence level, an elementary/middle level license, or a K-9 or birth to grade 3 license at the appropriate grade level(s).

Teachers licensed only with a content-specific (e.g., Math, Broadfield Social Studies) license are allowed to teach reading within the context of their discipline. For example, a math teacher could teach strategies for reading a math textbook or academic vocabulary related to math. Content-specific teachers may not provide reading instruction, interventions, or enrichment opportunities for reading (e.g., pullout group for reading instruction). Middle grades content-specific teachers without a Regular Education, Elementary/Middle Level, or special education license may not provide the reading instruction outside of their content areas.

Teachers providing reading interventions at more than 25 percent of their time must hold a reading teacher license. A paraprofessional can provide reading intervention support under the supervision of appropriately licensed staff.

Teachers with a special education license at the appropriate developmental or grade level may provide reading instruction to students with disabilities when reading is listed as a special education service in the IEP. A reading teacher license (316/1316) may also provide specially designed instruction to students with disabilities.

### **4. What is required for a mathematics teacher?**

Mathematics instruction must be provided by teachers who hold a Mathematics (400/1400), Regular Education (777/1777), or Elementary/Middle Level (088/1088) license at the appropriate developmental or grade levels of their students. This includes providing interventions and enrichment opportunities for math. Teachers with a special education license at the appropriate developmental or grade levels may provide interventions and enrichment opportunities for students with disabilities when math is listed as a special education service in the IEP.

It is permissible for any licensed teacher and for paraprofessionals to provide reinforcement of what has already been provided by the mathematics licensed teacher, the Regular Education, or Elementary/Middle Level licensed teacher.

**5. What about behavioral interventions?**

It is permissible for licensed teachers, pupil services professionals, and administrators to provide behavioral interventions to students at the developmental or grade levels of their licenses. Staff providing behavioral interventions must do so acting within the scope of their license, training, and professional codes of ethics.

It is permissible for paraprofessionals to implement behavioral intervention plans if the interventions were selected or designed, and monitored by a licensed teacher, pupil services professional, or administrator.

The implementation of a behavior plan is different from providing interventions that involve direct teaching of skills, such as small group social skills instruction. Staff providing instruction in social, emotional or behavioral functioning must do so acting within the scope of their license, training, and professional codes of ethics.

Specially designed instruction to address behavioral needs must be provided by appropriately licensed special education teachers.

**6. What considerations should be made around social and emotional learning (SEL)?**

SEL is a universal level support. Best practice is for all staff to be aware of the SEL competencies, and provide and integrate those competencies into daily activities to provide skill practice and feedback.

Students should not be placed into a group based on an SEL skill deficit. Best practice is to include students in a group intervention based on the root cause of a problem or behavior, rather than a presumed skill deficit. Student groups addressing root cause problem or behavior should be conducted by licensed pupil services or special education staff acting within the scope of their training and professional codes of ethics.

**7. Where can I find more information?**

- Additional guidance on permissible roles for special educators  
<https://dpi.wi.gov/sites/default/files/imce/sped/pdf/sped-incidental-benefit.pdf>
- Information on structuring a continuum of instructional supports  
<https://dpi.wi.gov/emlss/>
- Additional guidance on reading teachers providing specially designed instruction <https://dpi.wi.gov/sites/default/files/imce/sped/pdf/iep-reading-instruction.pdf>
- SEL definitions and purpose
  - [SEL Competencies](#)
  - [Understanding the Differences: Social and Emotional Learning \(SEL\)](#)

Competence Assessment and Social, Emotional, and Behavioral (SEB)  
Screening and Assessment

- Submitting licensing questions  
<https://dpi.wi.gov/support/contact-us>
- PI 34 Administrative Code on licensure  
[https://docs.legis.wisconsin.gov/code/admin\\_code/pi/34.pdf](https://docs.legis.wisconsin.gov/code/admin_code/pi/34.pdf)