

**Wisconsin Department of Public Instruction  
STATEMENT OF SCOPE  
FOR ADMINISTRATIVE RULES**

**GENERAL INFORMATION**

Rule No.: PI 34

Relating to: Licensing flexibilities during a pandemic declaration

Rule Type: Permanent and Emergency

**NARRATIVE**

1. Finding/nature of the emergency (Emergency Rule only).

Many school districts across the state are facing staffing difficulties as a result of the novel coronavirus ("COVID-19") pandemic. Many school districts are not allowing pre-student teacher candidates into their schools in order to reduce potential exposure and virus spread, so a number of teacher candidates are not able to complete required in-person clinical experiences and observations. A rule change is thus needed to provide flexibilities to address staffing needs in school districts and to address flexibilities needed by educator preparation programs. A permanent rule, however, will not be promulgated in time for the 2020-21 school year. An emergency rule is therefore needed to provide flexibilities for school districts in assigning licensed teachers during the COVID-19 pandemic and to address teacher education in the upcoming school year. An emergency rule will ensure flexibilities are available during the 2020-21 school year. While the emergency rule is in effect, the department may promulgate licensing flexibilities under a permanent rule in the event another pandemic is declared or the duration of the COVID-19 pandemic exceeds the length of the emergency rule.

2. A description of the objective of the proposed rule.

The objective of the proposed rule is to amend PI 34 in order to create licensing flexibilities to address staffing needs in school districts, as well as provide flexibilities for educator preparation programs regarding the clinical programs they are able to offer during a pandemic, during the COVID-19 pandemic and in the event of another pandemic.

3. A description of the existing policies and new policies included in the proposed rule and an analysis of policy alternatives.

Chapter PI 34 of the Wisconsin Administrative Code contains the current rules governing the licensure of school personnel, including rules around completion standards for each educator preparation program as a condition for receiving educator licensure. Since the rules were rewritten in August 2018, the COVID-19 pandemic has rendered portions of PI 34 difficult to implement for educator preparation programs who are preparing student teachers and for school districts who need to address staffing needs. The proposed rule under this statement of scope will provide flexibility for the rules governing teacher preparation and licensure in order to help school districts ensure continuity of services during the COVID-19 pandemic. Flexibilities offered under this rule may include but are not limited to the following areas:

- Length of assignment for short-term substitutes
- In-person clinical experiences and evaluations
- Grade and subject level licensing flexibility
- Substitute licensing provisions

The permanent rule may also provide licensing flexibilities in the event a future pandemic is declared. Without a rule change, the Department will continue to administer the rules governing educator licensure as they exist in PI 34.

4. The statutory authority for the proposed rule.

**115.28 General duties.** The state superintendent shall:

(7) Licensing of teachers.

(a) License all teachers for the public schools of the state; make rules establishing standards of attainment and procedures for the examination and licensing of teachers within the limits prescribed in ss. 118.19 (2) and (3), 118.191, 118.192, 118.193, 118.194, and 118.195; prescribe by rule standards, requirements, and procedures for the approval of teacher preparatory programs leading to licensure, including a requirement that, beginning on July 1, 2012, and annually thereafter, each teacher preparatory program located in this state shall submit to the department a list of individuals who have completed the program and who have been recommended by the program for licensure under this subsection, together with each individual's date of program completion, from each term or semester of the program's most recently completed academic year; file in the state superintendent's office all papers relating to state teachers' licenses; and register each such license.

5. An estimate of the amount of time agency employees will spend developing the proposed rule and of other resources needed to develop the rule.

The amount of time needed for rule development by Department staff and the amount of other resources necessary are indeterminate.

6. A description of all of the entities that will be affected by the proposed rule.

This rule change would impact educator preparation programs and individuals seeking an educator license under s. 115.28 (7) (a), Stats.

7. A summary and preliminary comparison of any existing or proposed federal regulation that addresses or is intended to address the activities to be regulated by the proposed rule.

N/A

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