

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

The scope statement for this rule, SS 029-20, was published in Register No. 773A1, on May 4, 2020, and approved by State Superintendent Carolyn Stanford Taylor on May 20, 2020.

The State Superintendent of Public Instruction hereby proposes an order to amend ss. PI 34.018 (4) (a) 2. and (b) 2., relating to alternative completion standards for educator preparation programs.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 115.28 (7) (a), Stats.

Statutory authority: s. 115.28 (7) (a), Stats.

Explanation of agency authority:

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.

Related statute or rule:

N/A

Plain language analysis:

The Department proposes to amend its rules with respect to completion standards by entities that use alternative measures of performance as a condition for receiving educator licensure.

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

Because education in the United States is typically governed by each state and local government, federal regulations are generally silent with respect to teacher licensure. As a result, the requirements for teacher licensure vary by state.

Summary of any public comments and feedback on the statement of scope for the proposed rule that the agency received at a preliminary public hearing and comment period held and a description of how and to what extent the agency took those comments into account and drafting the proposed rule:

The Department held a preliminary public hearing and comment period on May 12, 2020, and received comments on the statement of scope for the proposed rule. A brief summary of comments and the Department's response to those comments are as follows:

- The comments in favor of the proposed change is in support of a change in the 2.75 GPA requirement. They note that the current requirements have been a barrier for older license applicants who might have had a poor GPA in their college years, or applicants with an undergraduate degree that might have had difficulty in pursuing a second undergraduate degree or graduate degree, and argue that those applicants should not be judged continuously by that time of their lives. In absence of any changes, many applicants may be expected to take additional courses at a university with the hope of improving their GPA. As such, any added flexibility for alternative educator programs to determine who to accept into their programs could be helpful in ensuring opportunities for professional growth for those individuals.

Agency Response: The Department will strive to ensure flexibility in the rulemaking process for license applicants and for entities which use alternative measures of performance as a condition for receiving licensure. The above comments were forwarded to program staff for their consideration in rulemaking.

Comparison with rules in adjacent states:

There does not appear to be comparable rules regarding alternative measures of performance for applicants completing an educator preparation program as a condition for receiving licensure.

Summary of factual data and analytical methodologies:

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. Section PI 34.018 (4) (a) provides that for preparation programs that do not require a master's degree, the entity shall require either a minimum cumulative grade point average of 2.75 on a 4.0 scale, or evidence other than grade point average by entities that use alternative measures of performance which shall be approved by the state superintendent. Further, s. PI 34.018 (4) (b) provides that for preparation programs at the post-baccalaureate level, the entity shall require either a minimum cumulative grade point average of 3.0 on a 4.0 scale, or evidence other than grade point average by entities that use alternative measures of performance which shall be approved by the state superintendent. Under the current rule, no more than 10 percent of the cohort of students completing the educator preparation program may be measured using alternative measures of performance at either level.

Since the rules were promulgated, the Department proposes to amend these rules to create flexibility for license applicants and for entities which use alternative measures of performance as a condition for receiving licensure. The proposed rule will address the prohibition that no more than 10 percent of the cohort of students completing an educator preparation program may be measured using alternative measures of performance. Additionally, the proposed rule will ensure that entities using an alternative measure of performance are able to endorse each candidate for licensure while maintaining high standards in the use of each alternative measure. Without a rule change, the Department would be required to implement PI 34 as the rules currently exist, thus limiting the flexibility in which entities may endorse qualified candidates for licensure. Alternative measures would continue to be approved by the state superintendent in absence of a rule change.

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 adminrules@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 34.018 (4) (a) 2. is amended to read:

PI 34.018 (4) (a) 2. Evidence other than grade point average by entities that use alternative measures of performance are in place. The measures shall be approved by the state superintendent. ~~No more than 10 percent of the cohort of students completing the educator preparation program may be measured using this subdivision.~~

SECTION 2. PI 34.018 (4) (b) 2. is amended to read:

PI 34.018 (4) (b) 2. Evidence other than grade point average by entities that use alternative measures of performance are in place. The measures shall be approved by the state superintendent. ~~No more than 10 percent of the cohort of students completing the educator preparation program may be measured using this subdivision.~~

SECTION 3. 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.