

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

The scope statement for this rule, SS 106-23, was published in Register No. 816A1, on December 4, 2023, and approved by State Superintendent Jill K. Underly on December 21, 2023.

The State Superintendent of Public Instruction hereby proposes an order to amend s. PI 34.032 (title), (1), (3) and (4); to repeal and recreate s. PI 34.032 (2); and to create s. PI 34.026 (1) (e), relating to substitute teaching.

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## **ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION**

**Statute interpreted:** ss. 115.28 (7) (a) and 118.19 (7m), Wis. Stats.

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

**Explanation of agency authority:**

Under 118.19 (1), Stats., any person seeking to teach in a public school, including a charter school, or in a school or institution operated by a county or the state shall first procure a license or permit from the department. Under Wis. Stat. s. 115.28 (7) (a) the superintendent of public instruction shall 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.

**Related statute or rule:**

N/A

**Plain language analysis:**

This proposed rule updates ch. PI 34 of the Wisconsin Administrative Code to conform the rule to changes in statute as a result of 2021 Wisconsin Act 236. The proposed rule will also define terms used in statutory language to provide greater clarity and alignment to current rule, including what is meant by hours of classroom observation. The rule will also align the name of this license to the terminology used in statute.

**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 substitute 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 December 14, 2023, and did not receive any comments on the statement of scope for the proposed rule.

**Comparison with rules in adjacent states:**

**Illinois:** The Illinois State Board of Education administers licensure for applicants seeking to obtain educator licensure in Illinois. Short-term substitutes are allowed to substitute teach no more than five consecutive days per licensed teacher in the same school. In order to receive this license an individual must have an associates degree or higher or have at least 60 semester hours of coursework completed at the 100 level or higher and complete a training provided by the school board.

**Iowa:** The Iowa Board of Educational Examiners administers licensure for applicants seeking to obtain educator licensure in Iowa. Iowa requires an individual to serve as a short-term substitute teacher if they have at least 60 semester hours or have an associates degree or higher and have completed a substitute authorization course. They are limited to substitute teaching for 10 days in a row in a 30-day period.

**Michigan:** The Michigan Department of Education administers licensure for applicants seeking to obtain educator licensure in Michigan. A daily substitute permit allows an individual to serve in a position for no more than 90 days. The individual may only be used in daily intermittent assignments when a teacher is temporarily unavailable. The individual must have at least 60 credits with a grade of C or better from a regionally accredited two or four-year institution. Permits are granted to employing schools, not individuals. Michigan Department of Education (MDE) has established administrative rules in accordance with MCL 380.1531 to authorize permits for both general education, as well as authorizations within CTE programs, and Special Education Approvals within the Michigan Administrative Rules for Special Education (MARSE).

**Minnesota:** The Minnesota Professional Educator Licensing and Standards Board administers licensure for applicants seeking to obtain educator licensure in Minnesota. A short-call substitute licensure candidate must hold a minimum of a bachelor's degree. Minnesota candidates that have completed student teacher through a teacher preparation program, but do not yet have a bachelor's degree awarded may apply. The student teaching grade must be posted on the transcripts. In lieu of a bachelor's degree, a candidate may evidence five years of work experience, an associates degree, or a professional certification from an approved certifying organization that is directly aligned to a Career and Technical (CTE) or Career Pathways licensure field. The short-call substitute license is valid for three years, expires on June 30 of the expiration year and may be renewed an unlimited number of times.

#### **Summary of factual data and analytical methodologies:**

Chapter PI 34 of the Wisconsin Administrative Code contains the current rules governing educator licensure, including the licensing of short-term substitute teachers. Since the rules were enacted, 2021 Wisconsin Act 236 created a requirement for the State Superintendent to grant a substitute teacher permit to a person who is currently in a teacher training program, if the individual meets certain requirements. A person may receive a substitute teacher permit if he or she meets all of the following: (a) the person is at least 20 years old; (b) the person is enrolled in an approved teacher preparatory program; (c) if the person's teacher preparatory program awards a bachelor's degree, he or she has achieved junior level status; (d) the person has completed 15 hours of classroom observation; and (e) the person passes a background check. Act 236 further specifies that the State Superintendent cannot require an individual who meets the listed conditions to complete substitute teacher training in order to receive a substitute teaching permit.

This proposed rule is designed to bring s. PI 34.032 into alignment with changes to statute as a result of Act 236 and define observed classroom experience and enrollment for the purposes of this section in rule. The proposed rule would also align the name of this license and definitions of educator programs in this section to terminology used in statute. Without a rule change, ch. PI 34 would be inconsistent with current statute and create confusion for permit applicants.

#### **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)**

Carl Bryan  
Legislative Policy Coordinator  
Wisconsin Department of Public Instruction  
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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, at [adminrules@dpi.wi.gov](mailto: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.

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## RULE TEXT

**SECTION 1. PI 34.026 (1) (e) is created to read:**

**PI 34.026 (1) (e)** A permit issued under s. PI 34.032 (2) (b) shall have an effective date that corresponds with the date upon which the applicant met eligibility requirements for the permit, as certified by the educator preparation program.

**SECTION 2. PI 34.032 (title) and (1) are amended to read:**

**PI 34.032 Tier I, short-term substitute teacher license permit.**

**(1) AUTHORIZATION.** A license permit issued under this section authorizes the license permit holder to teach as a short-term substitute in any subject and in any grade level.

**SECTION 3. PI 34.032 (2) is repealed and recreated to read:**

**PI 34.032 (2) ELIGIBILITY.** The state superintendent may issue a tier I permit under this section to an applicant who meets one of the following:

**(a) Trained substitute teacher.** The applicant meets all of the following requirements:

1. Holds an associate degree or a higher degree from an accredited college or university.
2. Completed a substitute teacher training program approved by the state superintendent which provides training on all of the following:
  - a. Basic school district and school policies and procedures.
  - b. Age-appropriate teaching strategies.
  - c. Discipline, conflict resolution, and classroom management techniques.
  - d. Health and safety issues, including handling medical emergencies.
  - e. Techniques for starting a class.
  - f. The culture of schools and the teaching profession.
  - g. Working with lesson plans.
  - h. Working with children with disabilities, including confidentiality issues.

**(b) Enrollment in an educator preparation program.** The applicant meets all of the following requirements:

1. Is at least 20 years of age.
2. Is enrolled in a teacher preparatory program approved by the state superintendent under s. 115.28 (7) (a), Stats. For the purposes of this subdivision, enrollment means that the applicant has met all of the eligibility criteria for the approved educator preparation program as required by s. PI 34.018 (2) and is in the process of completing the requirements of the approved educator preparation program.
3. Has successfully completed the minimum number of course credits required for the individual to have achieved junior level status if enrolled in a teacher preparatory program in which the applicant is enrolled awards a bachelor's degree,
4. The individual has completed at least 15 hours of classroom observation in the clinical program of the of the educator preparation program as approved under ss. PI 34.023 (1) and PI 34.023 (2).

**SECTION 4. PI 34.032 (3) and (4) are amended to read:**

**PI 34.032 (3)** A ~~license~~permit issued under this section is valid for 3 years and shall expire on June 30 of the third year of the license.

**(4) RENEWAL.** A ~~license~~permit issued under this section is renewable.

**SECTION 5. 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.