

ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION ADOPTING EMERGENCY RULES

The scope statement for this rule, SS 127-20, was published in Register No. 777B, on September 28, 2020, and approved by State Superintendent Carolyn Stanford Taylor on October 14, 2020.

The State Superintendent of Public Instruction hereby adopts an order to renumber and amend s. PI 34.109 (2) (a); to amend s. PI 34.023 (1) (intro.), (b), (d), (2) (b), (f) 1., (h) 1., 2., (4) (c), 34.109 (2) (intro.) and (2) (b); and to create s. PI 34.109 (2) (a) 1. to 3., relating to emergency licensing flexibilities during a pandemic declaration.

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 objective of the proposed rule is to amend PI 34 to create licensing flexibilities allowing schools to address staffing needs and educator preparation programs the latitude to address student teaching requirements in the clinical programs they offer during the 2020-21 school year as necessitated by COVID-19.

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

Because education in the United States is 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 October 9, 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:

One participant supported adjustments in PI 34 to allow for more flexibility for substitutes and student teaching in schools.

Agency Response: The department agrees and will include these changes in the emergency rule.

One participant supported flexibility to allow for virtual observations of student teachers so more students could complete student teaching requirements.

Agency Response: The department agrees and will include these changes in the emergency rule.

One participant supported allowing teacher preparation programs the flexibility to place clinical students in classrooms with teachers who may or may not hold current state teaching licenses in the respective field.

Agency Response: The department's emergency rule amends s. PI 34.023 (4) (c) to provide that if no cooperating teacher or school-based supervisor who meets the experience requirements under current rule is available, the clinical program may place clinical students with a cooperating teacher or school-based supervisor with at least one year of experience, is recommended by the cooperating school's principal, and is deemed acceptable by the approved program.

One participant supported flexibility with regard to the requirement that an applicant for licensure receive passing scores on the edTPA as an assessment of pedagogical knowledge.

Agency Response: The proposed change is outside the scope of the proposed rule. However, the proposed change was included as a part of a previous package to provide flexibility in this area under Clearinghouse Rule 20-001 and was effective on July 1, 2020. The rule change creates options for educator preparation programs to assess pedagogical knowledge not limited to an educator performance assessment.

Comparison with rules in adjacent states:

Illinois: The Illinois State Board of Education administers licensure for applicants seeking to obtain educator licensure in Illinois. Pursuant to 105 ILCS 5/21B-20 (1), to obtain professional educator licensure in Illinois, applicants must complete a state-approved teacher preparation program at an accredited college or university that fulfills the Illinois standards for teacher education. Student teaching and pre-student teaching field experiences are required as part of the teacher preparation program.

Additionally, pursuant to 105 ILCS 5/21B-20, a short-term substitute teaching license is valid for substitute teaching in all grades of the public schools, prekindergarten through grade 12 until June 30, 2023, and may not be renewed. Licensees may teach for a term of no longer than five consecutive days per licensed teacher and may serve as a paraprofessional.

Iowa: The Iowa Board of Educational Examiners administers licensure for applicants seeking to obtain educator licensure in Iowa. Pursuant to IAC Ch. 282—13.5 (272), in order to obtain an initial teaching license via the traditional pathway, the applicant must have a bachelor's degree earned from a regionally-accredited institution and an approved teacher preparation program with a human relations component must be completed. Among other requirements, the teacher preparation program must include a full student teaching placement in the subject area and grade level endorsement desired.

Additionally, pursuant to IAC Ch. 22, 282—22.2 (272), a substitute authorization allows an individual to substitute in grades PK-12 for no more than 5 consecutive days and no more than 10 days in a 30-day period in one job assignment for a regularly assigned teacher who is absent, except in the driver's education classroom. A school district administrator may file a written request with the Iowa Board of Educational Examiners for an extension of the 10-day limit in one job assignment on the basis of documented need and benefit to the instructional program.

Michigan: The Michigan Department of Education administers licensure for applicants seeking to obtain educator licensure in Michigan. Pursuant to MCL Section 380.1531b, candidates must complete an approved educator preparation program which includes a student teaching experience. Before an individual may engage in student teaching in a school in this state, the individual or the college or university in which the individual is or was enrolled for teacher preparation shall demonstrate to the satisfaction of the school or school district that the teacher preparation program requires of individuals who student teach at least all of the following: 1) high academic achievement; 2) demonstration of successful group work with children as a condition for admission to the teacher preparation curriculum; 3) knowledge of research-based teaching; and 4) working knowledge of modern technology and use of computers.

Additionally, pursuant to MCL Section 380.1531, the substitute teaching permit authorizes licensees to teach temporarily on a day-to-day basis, for less than 90 days per school year and is valid for one school year until August 31.

Minnesota: The Minnesota Professional Educator Licensing and Standards Board administers licensure for applicants seeking to obtain educator licensure in Minnesota. Pursuant to Minnesota Administrative Rules Part 8710.0310, student teaching in Minnesota is completed while the applicant is enrolled in a state-approved teacher preparation program. This experience includes a minimum of 12 weeks full time, or the equivalent, when an individual enrolled in a teacher preparation program assumes teacher responsibilities while working with a cooperating teacher who holds a Tier 3 or 4 license or a professional license from another state in the subject area and a provider supervisor to practice and demonstrate the necessary development of the individual's knowledge, skills, and dispositions to become a teacher. A student teaching experience includes observation, feedback, and evaluation from the cooperating teacher and provider supervisor.

Additionally, pursuant to Minnesota Administrative Rules Part 8710.0325, the Minnesota Department of Education Educator Licensing Division issues two substitute teacher licenses: the two-year, short call substitute teacher license and the five-year, short call substitute teacher license. An individual with a two-year, short call substitute teacher license may only teach for 15 consecutive days in one classroom assignment, in any subject or grade level. A five-year, short call substitute teacher may replace the same teacher for 16 or more consecutive days.

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. 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. This emergency rule will provide flexibility for the rules governing teacher preparation and licensure in order to help school districts ensure continuity of services during the 2020-21 school year. Flexibilities offered under this rule include in-person clinical experiences and evaluations and substitute licensing flexibility. Without a rule change, the Department will continue to administer the rules governing educator licensure as they exist in PI 34, meaning school districts will continue to face staffing shortages and teacher preparation programs will be challenged to meet requirements under the existing rule due to COVID-19.

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
Administrative Rules Coordinator
Wisconsin Department of Public Instruction
adminrules@dpi.wi.gov
(608) 266-3275

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 34.023 (1) (intro.), (b), (d), (2) (b), (f) 1., (h) 1., 2., and (4) (c) are amended to read:

PI 34.023 (1) PRE-STUDENT TEACHING. Each student shall have ~~on-site~~, supervised pre-student teaching clinical experiences which meet all of the following requirements:

(b) Occur in a variety of ~~school~~ settings related to effective instruction, safe and supported students, family and community engagement, or building meaningful relationships with students in prekindergarten through grade 12.

(d) Evaluates each student's performance by using at least 2 written evaluations based upon observations by the cooperating teacher or the program supervisor. Observations may include recorded instruction, reviews of lesson plans, and teaching materials that include reflections by students about what went well with the teaching and learning events and how they would improve them next time. The written evaluations shall be kept as part of the student file required under s. PI 34.016 (3) (b).

(2) (b) Occurs in school settings in alignment with the cooperating school's current plan for teaching and learning, which may include face-to-face, virtual, hybrid, synchronous, or asynchronous settings.

(f) 1. For educator preparation programs leading to the student's first license, the student teaching shall be for full school days for a full semester of the cooperating school or its equivalent as approved by the state superintendent.

(h) 1. A minimum of 3 classroom observations, either in person or ~~real-time~~ virtual, by a program supervisor with relevant teaching experience or the cooperating teacher. At least one observation shall be in person. Observations should be conducted synchronously, if possible, consistent with the school's instructional format. If the school is not conducting synchronous instruction or synchronous observations are not possible, observations may include recorded instruction, reviews of lesson plans, teaching materials, and reflective discussions about the teaching and learning events. Observations should include coaching and feedback for students on how to adjust and modify instruction to be more effective.

2. At least 3 written evaluations of each student based upon ~~classroom~~ teaching observations by the cooperating teacher or a supervisor approved by the educator preparation program. At least one written evaluation shall be done by the cooperating teacher. The procedures for the written evaluations shall include conferences with the student, cooperating teacher, and program supervisor. The student shall determine which evaluations are available to prospective employers. The written evaluations shall be kept as part of the student file required under s. PI 34.016 (3) (b).

(4) (c) Has at least 3 years of teaching experience, including one year of experience at the current place of employment, or at least 3 years of pupil services or administrator experience, including one year of experience at the current place of employment. If no cooperating teacher or school-based supervisor who meets these experience requirements is available, the cooperating teacher or school-based supervisor has at least one year of experience, been recommended by the cooperating school's principal, and deemed acceptable by the approved program.

SECTION 2. PI 34.109 (2) (intro.) is amended to read:

PI 34.109 (2) ~~Subject to par. (a) and (b),~~ a school district may employ an individual as a short-term substitute teacher for no more than 45 consecutive days in the same teaching assignment. A short-term substitute teacher may be employed to teach any subject at any grade level. A school district may only employ an individual as a short-term substitute teacher if the individual has one of the following:

SECTION 3. PI 34.109 (2) (a) is renumbered PI 34.109 (2) (a) (intro.) and amended to read:

(a) A license issued under subch. VI, VII, or VIII. A school district may extend the period for which an individual under this paragraph is employed as a short-term substitute teacher in the same assignment in the manner as follows:

SECTION 4. PI 34.109 (2) (a) 1. to 3. are created to read:

1. If an individual is licensed under subch. VI or VII, the period for which an individual is employed as a short-term substitute teacher in the same assignment may be extended for longer than 45 consecutive days, not to exceed the remainder of the school year for which the individual is employed as a short-term substitute teacher, following a review of the assignment and a consultation with the individual employed in the assignment by the school district.
2. If an individual is licensed under subch. VIII, the period for which an individual is employed as a short-term substitute teacher in the same assignment may be extended for longer than 45 consecutive days, not to exceed the remainder of the school year for which the individual is employed as a short-term substitute teacher.
3. For the purposes of successful completion of 6 semesters of teaching, administrating, or pupil services experience to receive a tier III license issued under s. PI 34.041, school districts and the department shall consider assignments of individuals who hold a tier II license issued under subch. VI, VII, or VIII as substitute teacher during the 2020-21 school year as being in the individual's license area.

SECTION 5. PI 34.109 (2) (b) is amended to read:

PI 34.109 (2) (b) A license issued under s. PI 34.032 or 34.033. The period for which an individual under this paragraph may be employed as a short-term substitute teacher may be extended for additional periods of no longer than 45 consecutive days, following a review of the assignment and a consultation with the individual employed in the assignment by the school district.

SECTION 6. STATEMENT OF EMERGENCY

The Department of Public Instruction finds an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

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 to school districts for the 2020-21 school year in assigning licensed teachers during the COVID-19 pandemic and to address teacher education. 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.

SECTION 7. EFFECTIVE DATE:

The rules contained in this order shall take effect upon publication as emergency rules pursuant to the authority granted by s. 227.24, Stats.

Dated this _____ day of _____, 2020

Carolyn Stanford Taylor
State Superintendent