

Clearinghouse Rule 23-063

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

The scope statement for this rule, SS 020-22, was published in Register No. 795A2, on March 14, 2022, and approved by State Superintendent Jill K. Underly on March 24, 2022.

The State Superintendent of Public Instruction hereby proposes an order to amend PI 34.023, relating to student teaching equivalency.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: s. 118.19 (3) (a), Stats.

Statutory authority: s. 118.19 (3) (a), Stats.

Explanation of agency authority:

The state superintendent is authorized under s. 118.19 (3) (a), Stats., to make rules establishing the preparation of student teachers:

118.19 Teacher certificates and licenses; administrator and pupil services professional licenses.

(3) (a) No license to teach in any public school may be issued unless the applicant possesses a bachelor's degree including such professional training as the department by rule requires, except as permitted under par. (b) and ss. 115.28 (17) (a), 118.191, 118.1915, 118.192, 118.193, 118.194, and 118.197. Notwithstanding s. 36.11 (16), no teacher preparatory program in this state may be approved by the state superintendent under s. 115.28 (7) (a), unless each student in the program is required to complete student teaching consisting of full days for a full semester following the daily schedule and semester calendar of the cooperating school or the equivalent, as determined by the state superintendent. No license to teach in any public school may be granted to an applicant who completed a professional training program outside this state unless the applicant completed student teaching consisting of full days for a full semester following the daily schedule and semester calendar of the cooperating school or the equivalent, as determined by the state superintendent. The state superintendent may grant exceptions to the student teaching requirements under this paragraph when the midyear calendars of the institution offering the teacher preparatory program and the cooperating school differ from each other and would prevent students from attending classes at the institution in accordance with the institution's calendar. The state superintendent shall promulgate rules to implement this subsection. If for the purpose of granting a license to teach or for approving a teacher preparatory program the state superintendent requires that an institution of higher education be accredited, the state superintendent shall accept accreditation by a regional or national institutional accrediting agency recognized by the U.S. department of education or by a programmatic accrediting organization.

Related statute or rule:

N/A

Plain language analysis:

The proposed emergency rule change will clarify the rules around student teaching equivalency so school districts and educator preparation programs may take advantage of the flexibility in statute to determine an equivalency for student teaching in time for the upcoming school year. A permanent rule would not provide these flexibilities in time for the current school year, but the promulgation of emergency rules will ensure that the criteria for student teaching equivalency remain consistent through the permanent rule making process.

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

Because educator licensure in the United States is typically governed by each state and local government, federal regulations are generally silent with respect to the preparation of student teachers. As a result, the requirements for student teaching 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 March 23, 2022, and received one comment on the statement of scope for the proposed rule. The department received one comment that noted that teachers need to be well-prepared and supported as they are learning to teach; this can be accomplished in scenarios other than full school days in a full semester.

The Department has advanced the rule to provide initial flexibility in designing an equivalent student teaching experience could help attract more potential teachers to the profession as a permanent rule is considered.

Comparison with rules in adjacent states:

- Illinois: Illinois requires 14-16 weeks student teaching, however teaching experiences including substitute teaching, paraprofessional teaching, private or community-based teaching, and out of state teaching experiences may meet the student teaching requirements for licensure. (Ill. Admin. Code tit. 23 §25.25(A)(b) (2023))
- Iowa: Iowa does not provide alternatives to completing at least 14 weeks of traditional student teaching.
- Michigan: Michigan permits a student teaching waiver when an individual with a valid teaching certificate has either three years' successful teaching and a master's degree or higher, or five years' successful teaching. (R 390.1123 Rule 23(1)(b)(iv))
- Minnesota: Minnesota does not provide an alternative to completing at least 12 weeks of traditional student teaching.
- Ohio: Does not provide an alternative to completing at least 12 weeks of traditional student teaching.

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 the preparation of student teachers enrolled in an educator preparation program. For educator preparation programs leading to a teaching license, s. PI 34.023 (2) (f) provides that each student shall have student teaching experience which lasts for one of the following durations: 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 2) for educator preparation programs leading to the student obtaining an additional teacher license, the student teaching shall be for a duration determined by the educator preparation program to be necessary for the student to gain the necessary clinical experience for the additional license.

2019 Wisconsin Act 84, relating to teacher preparatory programs and granting rulemaking authority, made revisions to the underlying statute, s. 118.19 (3) (a), Stats., which now provides that no license to teach in any public school may be granted to an applicant who completed a professional training program outside this state unless the applicant completed student teaching consisting of full days for a full semester, following the daily schedule and semester calendar of the cooperating school, or its equivalent as determined by the state superintendent. Existing statute permits the state superintendent to grant exceptions to the student teaching requirements when the midyear calendars of the institution offering the teacher preparatory program and the cooperating school differ from each other and would prevent students from attending classes at the institution in accordance with the institution's calendar. The state superintendent shall also promulgate rules to implement this subsection.

The department proposes to update ch. PI 34 of the Wisconsin Administrative Code to conform the rule to changes in statute with respect to the equivalent experience of a student teacher enrolled in an educator preparation program. The revisions may include, but are not limited to, the following options to count for student teaching experience: the length of time required for an internship or student teaching assignment, substitute teaching experience, demonstrated proficiency, and requirements for out-of-state program completers. Without a rule change, the department will be required to implement rules for educator licensure as they currently exist in PI 34 and educator preparation programs would be required to implement the current rule without the flexibility for student teaching equivalency provided in statute.

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)

Erin Fath
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Wisconsin Department of Public Instruction
adminrules@dpi.wi.gov
(608) 266-2804

Place where comments are to be submitted and deadline for submission:

Comments should be submitted to Erin Fath, 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.

RULE TEXT

SECTION 1. PI 34.023 (2) (f) is renumbered s. PI 34.023 (2) (f) (intro.) and amended to read:

PI 34.023 (2) (f) 1. For educator preparation programs leading to the student's first license under subch. VI, the student teaching shall be for full school days for a full semester of the cooperating school or the equivalent as determined by the state superintendent. Equivalency for the purpose of this subdivision shall include one of the following:

SECTION 2. PI 34.023 (2) (f) 1. a. and b. are created to read:

34.023 (2) (f) 1. a. The length of the semester of the student's institution of higher education if the educator preparation program determines a student meets completion requirements. If an institution of higher education operates on a calendar other than semesters, the duration of student teaching shall be no less than 15 weeks.
b. Full days for a full semester of the cooperating school with an option to substitute teach for no more than ten days during the semester if agreed to by the educator preparation program. Short-term substitute teaching authorized under s. PI 34.032 may only occur in the classroom of the cooperating teacher and if the teacher possesses a short-term substitute teaching license.

SECTION 3. PI 34.023 (2) (f) 2. is amended to read:

34.023 (2) (f) 2. For educator preparation programs leading to the student obtaining an additional teacher license under subchs. VI or IX, ~~the student teaching shall be~~ the student teaching shall be for full days for a full semester of the cooperating school. Equivalency for the purpose of this subdivision, as determined by the state superintendent, is for a duration determined by the educator preparation program to be necessary for the student to gain the necessary clinical experience for the additional license.

SECTION 4. FINDING OF EMERGENCY:

An emergency rule is needed to clarify the rules around student teaching equivalency so that school districts and educator preparation programs may take advantage of the flexibility in statute to determine an equivalency for student teaching in time for the upcoming school year. A permanent rule would not provide these flexibilities in time for the upcoming school year, but the promulgation of an emergency rule will ensure that the criteria for student teaching equivalency remain consistent throughout the permanent rule making process.

SECTION 5. 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 _____, 2023

Jill Underly, PhD
State Superintendent