

Clearinghouse Rule 25-037

PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AMENDING RULES

The scope statement for this rule, SS 005-25, was published in Register No. 830A2, on February 17, 2025, and approved by State Superintendent Jill K. Underly, PhD, on March 5, 2025.

The State Superintendent of Public Instruction hereby proposes an order to amend ss. PI 34.077 (1) (intro.), relating to alternative education supplemental licenses.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: ss. 115.28 (7) (a) and 115.28 (7) (e), Wis. Stats.

Statutory authority: ss. 115.28 (7) (a) and 115.28 (7) (e), Wis. Stats.

Explanation of agency authority:

The state superintendent is authorized under s. 115.28 (7) (a), Wis. Stats., to promulgate rules establishing the standards of attainment and procedures for the licensing of educators in the state:

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, 118.1915, 118.192, 118.193, 118.194, 118.195, and 118.197; prescribe by rule standards, requirements, and procedures for the approval of teacher preparatory programs leading to licensure, including a requirement that, to be approved by the state superintendent, a teacher preparatory program shall demonstrate that it provides instruction that prepares teachers to teach reading and language arts using science-based early reading instruction, as defined in s. 118.015 (1c) (b), and does not provide instruction on teaching reading and language arts that incorporates 3-cueing, as defined in s. 118.015 (1c) (c), and 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.

Additionally, under s. 115.28 (7) (e), Wis. Stats., the superintendent shall promulgate rules establishing requirements for licensure as an alternative education program teacher and for the approval of teacher education programs leading to licensure as an alternative education program teacher, encompassing the teaching of multiple subjects or grade levels or both, as determined by the state superintendent. The rules may require teacher education programs to grant credit towards licensure as an alternative education program teacher for relevant experience or demonstrated proficiency in relevant skills and knowledge.

Related statute or rule:

N/A

Plain language analysis:

The objective of the proposed rule will be to align the alternative education supplemental license to the licensing structure in ch. PI 34, Wis. Admin. Code, which recognizes licenses for grades 4-12 for middle and high school. Moving to a grade 4-12 license would also align the alternative education supplemental license to alternative education programs for at-risk students, as defined under s. 118.153, Wis. Stats., as students in grades 5-12.

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 issuance of teacher licenses. As a result, the requirements for 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 February 21, 2025, and did not receive any comments on the statement of scope for the proposed rule.

Comparison with rules in adjacent states:

Illinois: Illinois K-12 students under the age of 20 are eligible to enroll in a graduation incentives program if they fall into one of several at-risk categories or are experiencing difficulty in the traditional education system. (105 ILCS 5/26-16)

Iowa: Each school district shall adopt a plan to provide alternative option education programs to students who are either at risk of dropping out or have dropped out. A “dropout” means a school-age student in any grade 7 through 12 who does not attend school or withdraws from school for a reason other than death or transfer. Iowa Admin. Code 280.19A and 281-12.2 (256)

Michigan: Alternative education in Michigan is a separate, nontraditional program for K-12 pupils within local education agencies or public school academies established to provide personalized educational services for students who are at risk of not graduating with their class or have individual needs not being met in a traditional setting. (Section 31a of the State School Aid Act)

Minnesota: Minnesota students under the age of 21 who are at-risk in the traditional education environment is eligible to participate in one of several state-approved alternative programs.

Summary of factual data and analytical methodologies:

Chapter PI 34 of the Wisconsin Administrative Code governs the licensure of school personnel, including those licensed to teach in an alternative education program under s. 115.28 (7) (e), Wis. Stats. Wisconsin statutes define an “alternative education program” as a school board-approved instructional program that incorporates alternative teaching techniques and structures into traditional classrooms or curricular programs or is offered as a substitute for regular curricular programs. The statute directs the creation of rules for licensure as an alternative education program teacher and the approval of teacher education programs leading to such licensure. Under ch. PI 34, a license allows teaching in an alternative education program aligned with the teacher’s underlying license area, with some flexibility for teaching reading, language arts, and mathematics to high school students or collaborating with a licensed teacher outside the license area. Eligibility for this license requires holding a Wisconsin teaching license, completing an approved program, and receiving an institutional endorsement.

The proposed rule aims to align the alternative education supplemental license with the licensing structure outlined in chapter PI 34 of the Wisconsin Administrative Code, which designates licenses for grades 4-12 for middle and high school teaching. This alignment would ensure consistency with alternative education programs designed for at-risk students, defined under section 118.153 of the Wisconsin Statutes as those in grades 5-12. Transitioning to a grade 4-12 license would better support the needs of these programs and students.

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.

RULE TEXT

SECTION 1. PI 34.077 (1) (intro.) is amended to read:

PI 34.077 (1) AUTHORIZATION. A grade 4 through 12 license issued under this section authorizes an individual to teach in an alternative education program under ~~s. ss.~~ 115.28 (7) (e) and 118.153 (1) (a), Stats., as follows:

SECTION 2. 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.

Dated this _____ day of _____, 2025

Jill K. Underly, PhD
State Superintendent