

Clearinghouse Rule 26-004

PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION AMENDING RULES

The scope statement for this rule, SS 087-23, was published in Register No. 814B, on October 30, 2023, and approved by State Superintendent Jill K. Underly, PhD, on November 28, 2023.

The State Superintendent of Public Instruction hereby proposes an order to amend s. PI 34.008 (intro.); and to repeal and recreate s. PI 34.011, relating to experimental, innovative, or pilot programs.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

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

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

Related statute or rule: N/A

Plain language analysis:

This proposed rule revises the requirements governing experimental, innovative, or pilot educator preparation programs. Under prior rule language, the process for approving and monitoring these programs was less detailed, which resulted in confusion in how experimental programs were approved and overseen. The proposed rule clarifies who may apply, what must be submitted for approval, how long approval may be granted, and how the department monitors program performance during the approval period.

The rule clarifies that eligibility for experimental, innovative, or pilot educator preparation programs are for entities that already operate a department-approved program and establishes clearer requirements for approval, including demonstrating a defined innovation purpose and identifying any specific requirements with which the program will not comply. Approval

is granted for up to three years and is subject to annual onsite or virtual reviews and required reporting to ensure the program is effectively preparing candidates for licensure. Based on these reviews, the department may allow the program to continue, require a program improvement plan, or deny continued approval. At the end of the approval period, entities must submit a final report summarizing outcomes and evaluation findings. Overall, the rule preserves flexibility for innovation while strengthening oversight, accountability, and consistency in the approval and monitoring of experimental educator preparation programs.

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

Because educator preparation in the United States is typically governed by each state and local government, federal regulations are generally silent with respect to the preparation of teachers. As a result, the requirements for educator preparation programs 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 November 9, 2023, and did not receive any comments on the statement of scope for the proposed rule.

Comparison with rules in adjacent states:

There are no corresponding provisions in neighboring states.

Summary of factual data and analytical methodologies:

Chapter PI 34 of the Wisconsin Administrative Code contains the rules governing educator preparation, including the preparation of educators through an innovative or experimental educator preparation program under s. PI 34.011, Wis. Admin. Code. Under current rule, an entity may request approval from the state superintendent to operate an experimental or innovative educator preparation program that does not fully comply with certain requirements in PI 34 or subchapter IV. To seek approval, the entity must submit written documentation, prior to implementing the program, demonstrating that the proposed program meets one or more defined purposes, such as introducing new approaches to educator preparation, addressing the needs of specific populations, preparing educators for emerging roles, or improving the educator candidate pool through cooperation between entities. If the state superintendent determines that the submission meets these criteria, the program may receive initial approval. Once approved, the program's status is extended on a yearly basis, provided that an annual onsite review shows the program is successfully preparing candidates for licensure and that the program remains in compliance with applicable requirements, as modified by the original approval.

Current rule language lacks sufficient clarity regarding how innovative or experimental educator preparation programs are evaluated for approval and which existing program approval requirements apply or may be modified. The rule also does not clearly identify the criteria used to determine whether a program qualifies as innovative or experimental, nor does it specify how compliance expectations are adjusted or alternative criteria established when standard requirements are not met. In addition, the rule does not clearly define how program effectiveness is measured to maintain approval status. As a result of these ambiguities, there are currently no educator preparation programs under the provisions of s. PI 34.011, Wis. Admin. Code, indicating a need for clearer and more operational rule language.

To address these concerns, the rule clarifies that eligibility for experimental, innovative, or pilot educator preparation programs are for entities that already operate a department-approved program and establishes clearer requirements for approval, including demonstrating a defined innovation purpose and identifying any specific requirements with which the program will not comply. Approval is granted for up to three years and is subject to annual onsite or virtual reviews and required reporting to ensure the program is effectively preparing candidates for licensure. Based on these reviews, the department may allow the program to continue, require a program improvement plan, or deny continued approval. At the end of the approval period, entities must submit a final report summarizing outcomes and evaluation findings. Overall, the

rule preserves flexibility for innovation while strengthening oversight, accountability, and consistency in the approval and monitoring of experimental educator preparation programs. Without a rule change, the department has no means to identify a program as innovative and experimental or any measure by which a program could maintain status as innovative and experimental.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report:

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

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. 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 34.008 (intro.) is amended to read:

PI 34.008 Program improvement plan. If the state superintendent determines that a program improvement plan is required under ~~s. ss. PI 34.007 (4) (a)- ϵ , (5) (c) 3.~~ or 34.011 (3), the state superintendent shall provide written notice to the educator preparation program. The notice shall include all of the following:

SECTION 2. PI 34.011 is repealed and recreated to read:

PI 34.011 Experimental, innovative, or pilot programs.

(1) REQUEST FOR APPROVAL.

(a) Eligibility. An entity that currently operates an approved educator preparation program under s. PI 34.007 may request the state superintendent's approval, for a period of no more than five years, to implement an experimental, innovative, or pilot educator preparation program that does not fully comply with one or more requirements in subch. IV.

(b) Submission requirements. To request approval under par. (a), an entity shall submit written evidence to the state superintendent prior to implementation of the proposed program. The evidence shall, at minimum, demonstrate all of the following:

1. Experimental, innovative, or pilot program criteria. The written evidence shall demonstrate that the experimental, innovative, or pilot educator preparation program does one or more of the following:

a. Develops new approaches, arrangements, or contexts for the preparation of educators.

b. Provides targeted and evidence-based supports or methodologies to increase enrollment and completion from underrepresented student groups.

c. Increases the pool of candidates for a school district by fostering cooperation between entities through the use of innovative practices.

d. Experiments with novel methods of preparing educators in a specific area of licensure.

2. Evidence of compliance. Notwithstanding subd. 3., evidence with compliance with the requirements of subch. IV.
3. Request for approval of noncompliance. Notwithstanding ss. PI 34.018 (2), (4), 34.021, and 34.022, the written evidence shall identify the specific requirements in subch. IV for which the entity is seeking approval for noncompliance under par. (a) and the rationale for noncompliance with each provision identified for the experimental, innovative, or pilot program.
4. Timeline. The written evidence shall identify the timeline for the establishment and implementation of the experimental, innovative, or pilot program.
- (2) APPROVAL. The state superintendent shall grant approval for an experimental, innovative, or pilot educator preparation program for a period of no more than 5 years if the state superintendent determines that the proposed program satisfies the requirements identified in the program's application under sub. (1).
- (3) MAINTAINING APPROVAL. An educator preparation program approved under sub. (2) shall maintain approval if all of the following occur during each year of the approval period:
- (a) An onsite or virtual review demonstrates that the program is effectively preparing candidates for licensure.
- (b) The program remains in compliance with the requirements of this chapter, as modified under sub. (2).
- (c) The entity submits all required yearly reports, including candidate performance data, partnership updates, and evidence of continuous improvement.
- (4) OUTCOMES OF ANNUAL REVIEWS. Based on the annual review under sub. (3), the state superintendent shall do one of the following:
- (a) Allow the educator preparation program to maintain its status as an experimental, innovative, or pilot educator preparation program, if the educator preparation program meets all the requirements under sub. (3).
- (b) Require a program improvement plan under s. PI 34.008.
- (c) Deny approval of the educator preparation program's status as an experimental, innovative, or pilot educator preparation program, as given in s. PI 34.009.
- (5) END-OF-CYCLE REVIEW. At the end of the approval cycle under sub. (2), the entity shall submit a final report summarizing program outcomes, evaluation findings, and recommendations to the department.

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.

Dated this _____ day of _____, 2026

Jill K. Underly, PhD
State Superintendent