

**PROPOSED ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
REVISING PERMANENT RULES**

The scope statement for this rule, SS 120-19, was published in Register No. 768A2, on December 9, 2019, and approved by State Superintendent Carolyn Stanford Taylor on December 20, 2019.

The State Superintendent of Public Instruction hereby proposes an order to amend s. PI 34.021 (2) (d), relating to expanding the assessment of pedagogical knowledge in educator preparation programs.

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 provide flexibility in the assessment of pedagogical knowledge as a condition for completion of an educator preparation program under s. PI 34.021.

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

N/A

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:

A notice for a preliminary hearing was submitted for publication in the December 9, 2019, edition of the Administrative Register. The preliminary hearing was held on December 19, 2019. A brief summary of comments and the Department's response to those comments are as follows:

Multiple respondents in favor of the proposed scope statement argued that the intent behind requiring an educator performance assessment made sense until it was realized that the rule inadvertently hinders the student teaching experience for several reasons. For example:

- Recent legislative changes have created pathways for licensure that hold Wisconsin residents and students pursuing a teaching license through Wisconsin public and private universities to a different standard than teachers coming to Wisconsin from a different state. It is simply unfair to hold teacher candidates prepared by an approved educator preparation program to different requirements than those prepared outside of Wisconsin or through other pathways.
- Under the current performance assessment required by the Department, participants in educator preparation programs are required to pay \$300 to have the assessment evaluated. If a teacher candidate needs to retake the edTPA, the candidate needs to pay an additional \$100 to \$300. It has become an undue financial burden on many of those candidates who already experience financial difficulties due to their position as a student teacher.
- Regardless of efforts by educator preparation programs to align their courses to the exam, the exam has become very "high stakes," as demonstrated by the difficulties, anxiety, and testing bias experienced by many student teachers preparing for the exam.
- There is no evidence that the current edTPA has improved their quality of teaching, nor does it provide insight to students' strengths and areas for growth that other assessments already provide, such as grades in methods courses or exit portfolios.
- Finally, because of the amount of time required of student teachers to meet assessment deadlines, while simultaneously managing classroom workload needs, such as preparing lessons and providing instruction, student teachers have less time available to orient themselves with the students and classroom chosen to complete their practicum experience.

While assessing a student teacher's pedagogical knowledge is important in preparing students for the profession, it was argued that educator preparation programs are best suited to determine the appropriate means of assessing pedagogy. This can be accomplished without the Department necessarily requiring a passing score on an exam and in a way that does not lower standards for student teachers.

Agency Response: The Department agrees and forward these comments to program staff for consideration during the rulemaking process.

Two respondents shared concerns about the process behind the Department's intent to pursue rulemaking on the topic of educator preparation, primarily in that increased collaboration with teachers is more desirable than legislating one licensing requirement at a time without consideration given to the system of educator licensure as a whole. They argue that a shift toward a more focused system of accountability, including retaining the edTPA as an assessment of pedagogical knowledge, would be an important step toward addressing the teaching shortage in Wisconsin schools. Wisconsin's adoption of the edTPA was appropriate because the exam ensures that teacher candidates are ready to teach by supporting their ability

to balance conceptual, technical and problem solving skills and knowledge within curriculum, instruction, and assessment.

Agency Response: The comments were reviewed and forwarded to program staff for their consideration.

The final respondent spoke in favor of the Department amending its licensure rules to provide an alternative to the Foundations of Reading Test for special education teachers to demonstrate knowledge of reading.

Agency Response: The proposed change is outside the scope of this rule. However, the comments were reviewed and forwarded to program staff for their consideration in future rulemaking.

Comparison with rules in adjacent states:

- Illinois: Pursuant to 105 ILCS 5/21B-30, Illinois requires all new teachers to pass the education Teacher Performance Assessment (edTPA) for their applicable grade level, based on its standards. The edTPA can only be waived for out-of-state applicants who have 1 year of teaching experience. Out-of-state teachers, teaching on a provisional license must pass the edTPA during the one-year validity of the provisional license in order to be fully licensed.
- Iowa: Pursuant to 281 Iowa Administrative Code section 79.15, Iowa requires all new teachers to pass the applicable grade level pedagogy test in order to attain licensure. Candidates have three options: the Praxis Principles of Learning and Teaching series, the Praxis Performance Assessment for Teachers (PPAT), or the appropriate education Teacher Performance Assessment (edTPA).
- Michigan: Michigan does not require an assessment of pedagogical knowledge.
- Minnesota: Pursuant to Minnesota Administrative Rules Chapter 8710, Minnesota requires all teachers to pass the applicable grade level pedagogy test under the Minnesota Teacher Licensure Examinations (MTLE) in order to attain licensure.

Summary of factual data and analytical methodologies:

Chapter PI 34 of the Wisconsin Administrative Code contains the current administrative rules governing the licensure of school personnel, including rules around the completion of an educator preparation program as a condition for an applicant receiving educator licensure. Under the rule, an educator preparation program's conceptual framework shall contain a system to assess the knowledge, skills, and dispositions of students based on the educator standards in subch. II of PI 34. The assessment shall, in part, measure a student's pedagogical knowledge of the teaching profession, whereby the assessment shall include a passing score on a research-based performance assessment approved by the State Superintendent.

Since the rules were promulgated in August 2018, the Department has identified further flexibility for student applicants seeking to work in the teaching profession in the assessment of pedagogical knowledge. Additionally, the rule is not aligned with some pathways to licensure, which have been created through recent changes to statute and do not require any assessment of pedagogical knowledge. A rule is therefore needed to address differences between rule and statute and to provide flexibility in the assessment of pedagogical knowledge. Absent a rule change, the Department would be required to implement PI 34 as the rules currently exist, thus limiting assessment options for institutions of higher education seeking to endorse qualified candidates for licensure.

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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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, 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 34.021 (2) (d) is amended to read:

PI 34.021 (2) (d) Pedagogical knowledge. ~~The assessment of pedagogical knowledge shall include a passing score on a research-based performance assessment approved by the state superintendent.~~

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.