



# NEW LAWS

## **WISCONSIN ADMINISTRATIVE CODE: EMERGENCY RULE AFFECTING CHAPTER PI 34**

Register November 2020 No. 779B  
[EmR2043](#)

Effective Date **(as amended)**: December 2, 2020  
Expiration Date: April 30, 2021 (extensions are possible)

### **EDUCATOR LICENSES: SHORT-TERM SUBSTITUTE TEACHER ASSIGNMENTS; CHANGES TO CLINICAL PROGRAM REQUIREMENTS WITHIN EDUCATOR PREPARATION PROGRAMS**

This Emergency Rule modifies Chapter PI 34 of the Wisconsin Administrative Code to create licensing flexibilities to address staffing needs in school districts during the pandemic, as well as to provide flexibilities for educator preparation programs regarding the clinical programs they are able to offer during the pandemic.

#### **Changes to Allowable Assignments for Short-Term Substitute Teachers**

Prior to the Emergency Rule, the Department of Public Instruction's (DPI) regulations provided that a school district was permitted to employ an individual who holds at least one of several specified licenses as a short-term substitute teacher to teach any subject at any grade level. However, such employment could be for no more than 45 consecutive days in the same teaching assignment. In contrast, a school district could employ an individual as a long-term substitute teacher if the individual is either licensed as a Tier 1 long-term substitute teacher under s. PI 34.033 or fully licensed for the assignment. However, a long-term substitute teacher may be employed only in the subject or position and grade level in which the individual is licensed.

The Emergency Rule establishes conditions under which a short-term substitute teacher may teach any subject at any grade level\* for longer than 45 consecutive days in the same assignment. The applicable conditions depend on the license that the short-term substitute teacher holds. Specifically:

1. If the employee holds only a tier I short-term substitute teacher license and/or a tier I long-term substitute teacher license, then the period for which the individual 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.
2. If the employee is licensed under either Subchapter VI (teacher license areas) or Subchapter VII (pupil services license areas), then the period for which the individual may be 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 applicable school year, following a review of the

assignment and a consultation with the individual employed in the assignment by the school district.

3. If the employee is licensed under Subchapter VIII (administrator license areas), then the period for which the individual may be 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 applicable school year.

In addition, for purposes of achieving successful completion of 6 semesters of teaching, administrating, or pupil services experience to receive a tier III license, school districts and the department shall consider assignments of individuals who hold a tier II license issued under subch. VI, VII, or VIII as a substitute teacher during the 2020-21 school year as being in the individual's license area.

\* *Notes:*

*According to an email communication from the Department of Public Instruction, as school districts consider any extended assignments for short-term substitutes under the emergency rule, they should note that "the Individuals with Disabilities Education Act (IDEA) requires special education teachers to hold at least a bachelor's degree and does not permit licensure requirements to be waived on an emergency, temporary, or provisional basis. Therefore, an individual must hold a provisional, lifetime, master educator, or a one- or three-year license with stipulations in special education in the grade or developmental level they are assigned to in order to teach special education for more than 45 consecutive days."*

*As a separate issue related to substitute teacher assignments, school districts should also be aware of and consider the possible application of [20 U.S.C. § 6312\(e\)\(1\)\(B\)\(ii\)](#), a federal statute that provides that a school that receives Title I funds shall provide to each individual parent of a child who is a student in such school, "timely notice that the student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned."*

### **Changes to Clinical Program Requirements (Pre-Student Teaching and Student Teaching)**

**PRE-STUDENT TEACHING.** Under the Emergency Rule, a student's supervised pre-student teaching clinical experiences do not need to occur "onsite" in a school setting. Instead, such experiences may occur in any of "a variety of settings related to effective instruction, safe and supported students, family and community engagement, or building meaningful relationships with students in prekindergarten through grade 12."

The Emergency Rule provides that observations of a student within their pre-student teaching clinical experiences that are used for evaluating the student's performance 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.

**STUDENT TEACHING.** Under the Emergency Rule, student teaching experiences within an educator preparation program may occur in school settings that are 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.

The Emergency Rule provides that required observations of a student teacher may be conducted in person or virtually by a program supervisor with relevant teaching experience *or by the cooperating teacher*. Such 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.

In addition, the Emergency Rule provides additional flexibility regarding the length/duration of the student teaching experience. Specifically, for programs leading to the student's first license, 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*.

COOPERATING TEACHERS AND SCHOOL-BASED SUPERVISORS. Finally, the Emergency Rule modifies the experience requirements that apply to cooperating teachers and school-based supervisors. Specifically, if no cooperating teacher or school-based supervisor who meets the standard experience requirements is available, then another otherwise-qualified individual may serve in the capacity of a cooperating teacher or school-based supervisor if the individual has at least one year of experience, has been recommended by the cooperating school's principal, and has been deemed acceptable by the approved educator preparation program.

**Notes:**

***The text of this Emergency Rule can be found in PDF format, at:***

***[https://docs.legis.wisconsin.gov/code/register/2020/779b/register/emr/emr2043\\_rule\\_text/emr2043\\_rule\\_text.pdf](https://docs.legis.wisconsin.gov/code/register/2020/779b/register/emr/emr2043_rule_text/emr2043_rule_text.pdf)***

***Additional information about this Emergency Rule can be found at:***

***[https://docs.legis.wisconsin.gov/code/emergency\\_rules/all/emr2043](https://docs.legis.wisconsin.gov/code/emergency_rules/all/emr2043)***