

PROPOSED ORDER OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION ADOPTING EMERGENCY RULES

The scope statement for this rule, SS 108-15, was published in Register No. 717B, on September 28, 2015, and approved by State Superintendent Tony Evers, on October 12, 2015. Pursuant to *Coyne v. Walker*, the Department of Public Instruction is not required to obtain the Governor's approval for the statement of scope for this rule. *Coyne v. Walker*, 2015 WI App 21, 361 Wis.2d 255.

The state superintendent of public instruction hereby proposes to amend ss. PI 34.01 (1), PI 34.05 (3) and (4), PI 34.18 (2) (f) 1., PI 34.241 (1m) (a) 1., and PI 34.242 (1) and (a); relating to changes to accreditation and the definition of higher education as a result of 2015 Wisconsin Act 55.

ANALYSIS BY THE DEPARTMENT OF PUBLIC INSTRUCTION

Statute interpreted: ss. 118.19 (3) (a) and 118.19 (17), Stats.

Statutory authority: ss. 115.28 (7) (a) and 227.11 (2) (a), Stats.

Explanation of agency authority:

Under s. 227.11 (2) (a), Stats., "Each agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute, but a rule is not valid if the rule exceeds the bounds of correct interpretation." As such, a rule is required to effectively implement and administer changes in licensure due to accreditation changes provided under ss. 118.19 (3) (a) and 118.19 (17), Stats., which now conflict with current rule. Statutory authority with respect to rulemaking is also provided under s. 115.28 (7) (a), Stats.

Related statute or rule: N/A

Plain language analysis:

The proposed rule will make changes to PI 34 as a result of 2015 Wisconsin Act 55 with respect to accreditation provided under s. 118.19 (3) (a) and the definition of institution of higher education provided under s. 118.19 (17), Stats.

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

Comparison with rules in adjacent states: N/A

Summary of factual data and analytical methodologies:

These proposed rule changes are needed to align ch. PI 34 with the statutory changes impacting accreditation under 2015 Wisconsin Act 55.

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 Carl.Bryan@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 34.01 (1) is amended to read:

(1) “Accredited” means that an educational institution meets required educational standards or accepted criteria of quality in its educational program as established by a recognized regional or national institutional accrediting agency or by a programmatic accrediting organization recognized by the U.S. Department of Education and appearing in The Database of Accredited Postsecondary Institutions and Programs.

SECTION 2. PI 34.05 (3) and (4) are amended to read:

(3) Wisconsin institutions applying for program approval shall first be accredited ~~by a regional college accreditation agency.~~

(4) The state superintendent does not approve programs outside the state of Wisconsin. The state superintendent may accept the institutional endorsement from any out-of-state institution that is accredited ~~by a regional institutional accreditation agency~~ and the approved program meets requirements comparable to those provided under this chapter.

SECTION 3. PI 34.18 (2) (f) 1. is amended to read:

1. Successful completion of 6 semester credits from an ~~accredited~~ institution of higher education as defined in 20 USC 1001 (a) and (b). The credits shall be directly related to a license held or to the standards in subch. II; or

SECTION 4. PI 34.241 (1m) (a) 1. is amended to read:

1. A major or minor from ~~aan regionally~~-accredited institution in each of the assigned core academic subjects.

SECTION 5. PI 34.242 (1) and (a) are amended to read:

(1) An individual who holds a bachelor’s degree from ~~aan regionally~~-accredited institution may be eligible to obtain a charter school teaching license to teach in a non-virtual charter school. A charter school teaching license obtained under this section is valid for three years. An applicant shall demonstrate the appropriate level of content knowledge in each of the subjects the applicant is assigned to teach by verifying one of the following:

(a) Completion of a major or minor from ~~aan regionally~~-accredited institution in each of the assigned academic subjects.

SECTION 6. STATEMENT OF EMERGENCY:

FINDING OF EMERGENCY

The Department of Public Instruction finds an emergency exists and that a rule is necessary for the immediate preservation of the public welfare. A statement of the facts constituting the emergency is:

The licensure changes with respect to accreditation and the definition of higher education, as provided by 2015 Wisconsin Act 55, have become effective on July 14, 2015; therefore, an emergency rule is needed to administer these changes.

SECTION 7. EFFECTIVE DATE:

The proposed rules contained in this order shall take effect upon publication in the official state newspaper, as provided in s. 227.24 (1) (c), Stats.