

**IOWA DEPARTMENT
OF EDUCATION**
(Cite as 25 D.o.E. App. Dec. 202)

In re Petition for Waiver of Rule

Iowa Teacher Intern License Pathway, : ORDER GRANTING
Petitioner, : WAIVER REQUEST
for a Waiver of Rule 77.12(1) : [Adm. Doc. #4704]

On or about November 6, 2009, the Iowa Teacher Intern License Pathway ["ITILP"] filed a petition with this agency requesting a waiver from administrative rule 281—Iowa Administrative Code [IAC] 77.12(1).

Authority for filing and ruling on petitions for waiver is found in 281—IAC chapter 4. Because the petition herein was not filed within a contested case proceeding and because a hearing is not required by statute, rule, or order, no hearing was held. See 281—IAC 4.9. The agency considered the facts, the criteria for waiver in chapter 4, and the information submitted by interested persons in ruling on the petition.

FINDINGS OF FACT

The ITILP is a collaborative effort of the three Iowa Regents institutions, Iowa State University, the University of Iowa, and the University of Northern Iowa.

At issue in this matter is ITILP's request to "repackage" the number of credit hours and the point at which such hours must be completed by teacher intern candidates. The table below lays out current requirement in rule and ITILP's proposal.

Requirements in rule 77.12(1)	ITILP Proposal
Credit hours before internship: 12 (includes 50 field experience contact hours)	Credit hours before internship: 18 (includes 60 field experience contact hours)
Credit hours during internship: 4	Credit hours during internship: 6
Credit hours after internship: 12	Credit hours after internship: 0 (replaced by one day of closure and recommendation of individual for initial teaching license)

The precise language of the agency rule in question is as follows:

281—Iowa Administrative Code rule 77.12

77.12(1) Content. ... The teacher intern preparation program content shall include:

a. Coursework and competencies equivalent to a minimum of 12 semester hours specified by the board of educational examiners to be completed prior to the beginning of the candidate's initial employment as a teacher intern. The coursework and competencies shall include, but not be limited to:

- (1) Learning environment/classroom management. ...
- (2) Instructional planning. ...
- (3) Instructional strategies. ...
- (4) Student learning. ...
- (5) Diverse learners. ...
- (6) Collaboration, ethics and relationships. ...
- (7) Assessment. ...

(8) Field experiences that provide opportunities for interaction with students in an environment that supports learning in context. These experiences shall total at least 50 contact hours in the field prior to the beginning of the academic year of the candidate's initial employment as a teacher intern.

b. A minimum of 4 semester hours of a teacher intern seminar during the teacher internship year to include support and extension of coursework from the teacher intern introductory content.

c. Coursework and competencies equivalent to a minimum of 12 semester hours specified by the BOEE to be completed prior to the recommendation for an initial teaching license. The coursework and competencies shall include but not be limited to:

- (1) Foundations, reflection, and professional development. ...
- (2) Communication. ...
- (3) Exceptional learner. ...
- (4) Reading strategies. ...
- (5) Computer technology. ...
- (6) An advanced study of the items set forth in 77.12(1)"a"(1) to (7).

Notice of the filing of ITILP's request was provided to all three institutes of higher education ["IHEs"] that presently offer a teacher intern preparation program – Morningside College, Kaplan University, and Maharishi University of Management. Only Morningside College filed a timely response, stating that it does not object to ITILP's request but wanting the waiver to apply universally to all teacher intern preparation programs. This response is addressed in our discussion below of the second criterion.

CONCLUSIONS OF LAW

When a petition for waiver is filed, the agency director must find all of the following criteria per rule 281—4.4:

1. Not waiving the rule would result in an undue hardship to the petitioner.
2. Waiver would not prejudice the substantial legal rights of any person.
3. The provisions of the rule from which waiver is sought are not mandated by statute or other provision of law.
4. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the rule from which waiver is sought.

5. Waiver would not have a negative impact on the student achievement of any person.

We begin with an examination of those criteria listed in 281—IAC 4.4 that are most easily disposed.

The third and fourth criteria

The number of credit hours and the content to be covered therein are not mandated by statute, but solely by rule. Thus, waiver is possible.

As for provision of equal protection of the public health, safety, and welfare, this agency recognizes that this criterion is not applicable to all waiver requests. This is one such request. No threat is posed to the public health, safety, and welfare by the requesting of or the granting of this waiver.

The first criterion

The governing provosts of the three Regents institutions have stated their intention to not approve continuation of this program unless ITILP is permitted to repackage the number of and the manner in which credit hours are awarded. The provosts' fear is that persons looking to change careers will not be incited to become teachers under the requirements of the present rule.

This agency's determination of whether to grant a waiver herein is not dependent on the decision-making process of the Regents' provosts. The provosts must weigh a number of factors that are not relevant to this agency's process. Historically, the department of education gives any benefit of the doubt regarding this criterion to students, in this case to potential students to whom this program is being marketed. As discussed below, this agency believes that ITILP has provided sufficient reasons to be given an opportunity to put into practice its repackaging of the provision of credit hours in its teacher intern program.

The second criterion

The term "person" includes entities. Morningside College, which did not object to ITILP's waiver request, does claim that granting the waiver will "significantly hamper" the ability of other teacher intern preparation programs to compete for students. This claim ignores the fact that ITILP did not simply reduce the number of credit hours of its program, but rather repackaged the entire delivery of such hours.

While this agency is not persuaded that the concern rises to the level of prejudice of a substantial legal right, the department of education will be reviewing the rule in question regarding its applicability and workability in general. Teacher intern programs in all IHEs in Iowa are in their infancy. The rules in chapter 77 are evolutionary. This agency monitors such rules and adjusts them accordingly when it is apparent that there is a better way of providing a program or regulating a subject area. In the meanwhile, IHEs generally do not have mirror-image programs in any subject area, and teacher intern preparation programs are no different. In marketing its program, Morningside College is free to choose those aspects thereof that it believes will appeal to mid-career changers in the Siouxland area. If that College desires to repackage its delivery of credit

hours, it must submit detailed information to the department of education regarding the same.

The fifth criterion

The ITILP provided in its waiver request very precise information regarding how it desires to realign the delivery of credit hours in its teacher intern program, along with an extensive rationale as to how such realignment will enhance the quality of learning for its students. Some of the reasons offered by ITILP include the following:


- 12 credit hours of coursework prior to internship is insufficient to prepare candidates for teaching.
- A rigorous candidate interview and selection process increases the likelihood that quality candidates are admitted to the program, thus allowing the program to begin at a higher level of instruction.
- Rather than offer "silos" of discrete courses, courses "are crafted to weave the Iowa Teaching Standards and Iowa Core Curriculum throughout" all courses.
- Increasing the field experience component from 50 contact hours to 60 contact hours provides candidates with realistic experiences in today's schools.
- Increasing the number of credit hours during the internship provides linkage between the internship and the state's mentoring and induction program.

Inasmuch as the proof is in the pudding, this agency believes that ITILP should be given the opportunity to put its propositions to the test.

DECISION

For the foregoing reasons, the petition for waiver is GRANTED during the period of conditional approval¹ of the ITILP teacher intern preparation program. Personnel from this agency shall be monitoring the progress of the candidates enrolled in ITILP's program and shall report to the undersigned periodically.

11.25.09
Date


Judy A. Jeffrey, Director

¹ On November 18, 2009, the State Board of Education granted conditional approval to ITILP for a three year pilot program. Full approval will thereafter be conditioned on the program demonstrating that it can successfully prepare quality teachers.