

Chapter PI 13

LIMITED-ENGLISH PROFICIENT PUPILS

Subchapter I — General Provisions

- PI 13.01 Authority.
PI 13.02 Applicability and purpose.
PI 13.03 Definitions.

Subchapter II — School Board Requirements Relating to LEP Pupils

- PI 13.04 Applicability and purpose.
PI 13.05 School board policy.
PI 13.06 Identification of LEP pupils.
PI 13.07 English proficiency assessment.
PI 13.08 Classification of LEP pupils.

- PI 13.09 Testing of LEP pupils.

Subchapter III — Bilingual-Bicultural Education Programs

- PI 13.10 Applicability and purpose.
PI 13.11 General requirements.
PI 13.12 School board policy.
PI 13.13 Program approved by department.
PI 13.14 Reimbursement.
PI 13.15 Reporting requirements.
PI 13.16 Department responsibilities.

Note: Chapter PI 13 as it existed on May 31, 1985 was repealed and a new chapter PI 13 was created effective June 1, 1985. Chapter PI 13 was repealed and recreated by emergency rule effective October 1, 2002.

Note: Chapter PI 13 as it existed on November 30, 2002 was repealed and a new chapter PI 13 was created effective December 1, 2002.

Subchapter I — General Provisions

PI 13.01 Authority. This chapter is adopted under ss. 115.95 to 115.996, and 118.30 (2) (b) 2., Stats.

History: CR 01-069: cr. Register November 2002 No. 563, eff. 12-1-02.

PI 13.02 Applicability and purpose. This chapter establishes requirements for school districts whose population includes LEP pupils as follows:

(1) Subchapter II establishes specific requirements for all school districts whose pupil population includes one or more LEP pupils, including procedures for the identification, assessment, and classification of LEP pupils and criteria and procedures to be used by a school district and charter school in determining whether to administer a test under s. 118.30 or 121.02 (1) (r), Stats., to an LEP pupil.

(2) Subchapter III establishes specific requirements for school districts required to offer bilingual-bicultural education programs under s. 115.97 (2), (3), or (4), Stats.

History: CR 01-069: cr. Register November 2002 No. 563, eff. 12-1-02.

PI 13.03 Definitions. In this chapter:

(2) “Bilingual-bicultural education program” has the meaning defined under s. 115.955 (2), Stats.

(5) “Bilingual teacher” means a person licensed under s. PI 3.47 prior to July 1, 2004 or s. PI 34.078 on or after July 1, 2004.

(6) “Bilingual teacher’s aide” means a person who is employed to assist a teacher and who meets all of the following:

(a) Understands, speaks, reads, and writes English and the language of the group with whom the bilingual teacher’s aide will be working.

(b) Has a high school diploma or its equivalent.

(c) Knows the culture of the group with whom the bilingual teacher’s aide will be working.

(6m) “Charter school” means a charter school established under s. 118.40 (2r), Stats.

(7) “Department” means the Wisconsin department of public instruction.

(8) “Fully English proficient” means a former LEP pupil who can now read, write, speak and comprehend English within the academic classroom setting.

(9) “LEP pupil” means a limited-English proficient pupil defined under s. 115.955 (7), Stats., who has difficulty with reading, writing, speaking or comprehending in English within the academic classroom setting.

(9m) “Private choice school” means a private school participating in the parental choice program for eligible school districts and other school districts under s. 118.60, Stats., or a private school participating in the Milwaukee parental choice program under s. 119.23, Stats.

(10) “Test” means the examination administered to pupils enrolled in the 3rd, 4th, 8th, 9th, 10th and 11th grades under ss. 118.30 and 121.02 (1) (r), Stats.

History: CR 01-069: cr. Register November 2002 No. 563, eff. 12-1-02; CR 19-069: r. (1), (3), (4), cr. (9m), am. (10) Register February 2020 No. 770, eff. 3-1-20; correction in (5) made under s. 13.92 (4) (b) 7., Stats., Register February 2020 No. 770.

Subchapter II — School Board Requirements Relating to LEP Pupils

PI 13.04 Applicability and purpose. This subchapter establishes identification, assessment, classification, and reporting requirements for all school districts whose pupil population includes one or more LEP pupils. This subchapter also establishes criteria and procedures to be used by a school district, charter school, and private choice school in determining whether to administer a test under s. 118.30 or 121.02 (1) (r), Stats., to an LEP pupil.

History: CR 01-069: cr. Register November 2002 No. 563, eff. 12-1-02; CR 19-069: am. Register February 2020 No. 770, eff. 3-1-20.

PI 13.05 School board policy. Each school board whose pupil population includes one or more LEP pupils shall adopt a policy regarding the identification, language assessment, classification and reclassification, support services, academic achievement and assessment, parental notification of testing under s. PI 13.09, and the design of the educational program or support for LEP pupils.

History: CR 01-069: cr. Register November 2002 No. 563, eff. 12-1-02.

PI 13.06 Identification of LEP pupils. Each school board shall identify potential LEP pupils within the school district as part of the enrollment process using a home language survey and department-approved English proficiency assessment under s. PI 13.07. The school board shall identify pupils meeting any of the following criteria:

(1) Pupils who communicate in a language other than English.

(2) Pupils whose families use a language other than English.

Published under s. 35.93, Stats. Updated on the first day of each month. Entire code is always current. The Register date on each page is the date the chapter was last published.

Register November 2024 No. 827

069: am. (1) (intro.), (2) (title), (a), (b), r. (2) (c) to (e), am. (3) (intro.), (a), (4) (intro.), (a), (b), r. (4) (c) [Register February 2020 No. 770](#), eff. 3-1-20.

Subchapter III — Bilingual-Bicultural Education Programs

PI 13.10 Applicability and purpose. This subchapter establishes specific requirements for school districts required to offer bilingual-bicultural education programs under s. [115.97 \(2\)](#), (3), or (4), Stats. School districts that establish bilingual-bicultural education programs under s. [115.97 \(2\)](#), (3), or (4), Stats., are eligible for reimbursement under ss. [115.97 \(1\)](#) and [115.995](#), Stats.

History: CR 01-069: cr. [Register November 2002 No. 563](#), eff. 12-1-02.

PI 13.11 General requirements. A school board that offers a bilingual-bicultural education program under this subchapter shall meet the requirements under this subchapter and subchapter II.

History: CR 01-069: cr. [Register November 2002 No. 563](#), eff. 12-1-02.

PI 13.12 School board policy. The policy under s. [PI 13.05](#) shall include all of the following assurances:

(1) The school board shall provide each LEP pupil with an effective instructional program and supportive services appropriate to meet the needs of the pupil.

(2) The school board shall provide each LEP pupil with full access to supportive services, such as language development and speech therapy available to other pupils in the school district as such services are appropriate to the individual needs of the pupil.

(3) The district shall provide programs and services that reflect the cultural background of the LEP pupils and may include instruction intended to improve the skills of such pupils in the use of their native language for the purpose of enabling them to become proficient or advanced in all subject areas.

History: CR 01-069: cr. [Register November 2002 No. 563](#), eff. 12-1-02.

PI 13.13 Program approved by department. (1) Each school district establishing a bilingual-bicultural education program shall provide to the department a written description of the program that addresses the requirements under this subchapter. The description shall include information on all of the following:

(a) The program design, objectives, staffing, and evaluation procedures.

(b) Staff certification, professional development activities, parent involvement activities and instructional materials to be used in the program.

(2) Each school district establishing a bilingual-bicultural education program shall ensure bilingual teachers, bilingual teacher's aides, bilingual counselors, and bilingual counselor's aides meet the definitions under this chapter.

(3) Each school district's proposed program shall be reviewed and approved by the department prior to the implementation of the local program. A proposed program shall be approved if it meets the requirements of this chapter.

History: CR 01-069: cr. [Register November 2002 No. 563](#), eff. 12-1-02.

PI 13.14 Reimbursement. (1) The school district shall submit, on appropriate financial claim forms, such information and data as required by the department for fiscal review and approval for reimbursement of the program.

Note: Copies of the required claim form may be obtained at no charge from financial aids and audit, department of public instruction, P.O. Box 7841, Madison, WI 53707-7841.

(2) The salaries of teachers and other staff members participating in bilingual-bicultural education programs shall be reimbursed according to the percentage of time such teachers and staff spend in the program and the number of eligible pupils in the program under s. [PI 13.06](#). The reimbursement shall be computed as specified in s. [115.995](#), Stats.

(3) Supportive services as provided under s. [PI 13.12 \(2\)](#) may not be reimbursed under this section.

History: CR 01-069: cr. [Register November 2002 No. 563](#), eff. 12-1-02.

PI 13.15 Reporting requirements. Annually on or before August 15, each school district providing a program under this subchapter shall report to the department the following information as provided under ss. [115.993](#) and [115.996](#), Stats.:

(1) The number of pupils, including both LEP pupils and other pupils, instructed the previous school year in the bilingual-bicultural education programs. The pupils shall be identified by language group, grade level, age, and English language proficiency level determined under s. [PI 13.08](#).

(2) An itemized statement on oath of all disbursements on account of the bilingual-bicultural education program operated during the previous school year and a copy of the estimated budget for that program for the current school year.

(3) The number of pupils served in the bilingual-bicultural education program for each language group in each school district in which such programs are offered.

(4) The number of pupils in each school district and language group who as a result of participation in a bilingual-bicultural education program improved their English language ability to such an extent that the program is no longer necessary for such pupils.

History: CR 01-069: cr. [Register November 2002 No. 563](#), eff. 12-1-02.

PI 13.16 Department responsibilities. (1) The department shall, at least annually, review, approve and evaluate the programs conducted under this subchapter by the school districts. This shall include reviewing and evaluating all of the following:

(a) The school board policies and procedures used for identifying, counting, classifying and placing eligible LEP pupils in an appropriate educational program.

(b) The notification sent out to parents, guardians or legal custodians, including the initial written parental consent for their child's participation in the program.

(c) The procedures used for the establishment of the program.

(d) The procedures to be used for parent complaints.

(e) The curriculum, instruction and materials being offered in the program.

(f) The English language proficiency and academic progress of LEP pupils in the program.

(g) The program evaluation design, results, and use of the results.

(h) The extent to which any existing gaps in achievement or English proficiency are reduced and eliminated over time.

(2) Pursuant to s. [115.996](#), Stats., the department shall submit an annual report to the legislature on December 31 regarding the status of bilingual-bicultural education programs established under this subchapter. The report shall include the school district information reported under s. [PI 13.15](#).

History: CR 01-069: cr. [Register November 2002 No. 563](#), eff. 12-1-02.