

## Chapter PI 16

MINIMUM COMPETENCY TESTING OF LIMITED-  
ENGLISH SPEAKING PUPILS

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**PI 16.01 Applicability and purpose.** This chapter establishes procedures for school districts participating in the minimum competency testing program regarding testing options for limited-English speaking pupils. Participation in the minimum competency testing program is voluntary; however, those school districts choosing to participate shall comply with s. 118.30 (3) (b) 2, Stats.

History: Cr. Register, May, 1985, No. 353, eff. 6-1-85.

**PI 16.02 Definitions.** In this chapter:

- (1) "Department" means the department of public instruction.
- (2) "Limited-English speaking pupil" means a pupil as defined in s. 115.955 (7), Stats., and who meets the criteria set forth under s. PI 13.03.
- (3) "Minimum competency testing program" means a program conducted under s. 118.30, Stats.
- (4) "Parent" includes the term legal guardian.

History: Cr. Register, May, 1985, No. 353, eff. 6-1-85.

**PI 16.03 School board policy.** (1) Each school board participating in the minimum competency testing program whose student population includes one or more limited-English speaking pupils shall adopt a policy regarding the testing of limited-English speaking pupils. The policy shall include:

- (a) Criteria used to determine participation of limited-English speaking pupils.
- (b) Options available for the testing of limited-English speaking pupils. The policy shall incorporate criteria established under s. PI 16.04.
- (c) Procedures which will be used for notification of the parent of the limited-English speaking pupil, as specified under s. PI 16.05.

(2) The policy shall state that decisions regarding testing shall be made on an individual basis for each limited-English speaking pupil.

History: Cr. Register, May, 1985, No. 353, eff. 6-1-85.

**PI 16.04 Testing of limited-English speaking pupils.** (1) School boards participating in the minimum competency program shall ensure that a limited-English speaking pupil has been given the opportunity to master the competencies for which he or she is being tested. A pupil who has not had the opportunity to master the competencies for which he or she is

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being tested may be exempted by the school board from the testing program.

(2) The school board may choose from among the following options in testing a limited-English speaking pupil as determined under s. PI 13.03:

(a) Exempt the limited-English speaking pupil who meets the criteria under s. PI 13.03 (3) (a) to (d) from the minimum competency test or any subtest. School boards using minimum competency testing results as part of their graduation requirements shall allow limited-English speaking pupils the same access to the testing program as is given to all other pupils.

(b) Permit the limited-English speaking pupil who meets the criteria under s. PI 13.03 (3) (a) to (d) to be tested in the mathematics portion of the examination in his or her native language. School boards choosing this option shall consult department guidelines for guidance in this area.

(c) Permit the limited-English speaking pupil who meets the criteria under s. PI 13.03 (3) (a) to (d) to be tested in the reading or language arts portion of the examination in his or her native language. Each school board choosing this option shall adopt minimum competency tests in reading or language arts in the limited-English speaking pupil's native language as an alternative to minimum competency tests in English. School boards choosing this option shall consult department guidelines for guidance in this area.

(d) Modify the format and administration of the tests for the limited-English speaking pupil who meets the criteria under s. PI 13.03 (3) (a) to (e). The board may:

1. Provide the assistance of a qualified translator;
2. Allow the pupil to use dictionaries and other education aids while taking the test.
3. Provide small group or individual testing opportunities; or
4. Utilize other methods as agreed upon with the department.

(e) As to pupils who meet the criteria under s. PI 13.03 (3) (a) to (d), use a combination of the options outlined in pars. (b) to (d) as appropriate.

History: Cr. Register, May, 1985, No. 353, eff. 6-1-85.

PI 16.05 Notification procedures. The school board shall:

(1) Notify the parent of a limited-English speaking pupil in writing regarding the pupil's inclusion in or exemption from the minimum competency testing program. The notice shall be provided in English and in the parent's native language. The school board shall contact the limited-English speaking pupil's parent to ensure that the parent understands.

(2) Provide notice at least 2 years prior to the administration of the test or upon the pupil's arrival in the school district if less than 2 years prior to the administration of the test if the results of the test are used in determining grade promotion or eligibility for graduation. A pupil who does not receive at least 2 years notice prior to testing may be exempted by the school board from the examination. Exempted pupils may not be penalized by being denied grade promotion or eligibility for graduation.

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(3) Include in the notice an explanation of how the results of the competency test will be used and if passage of the minimum competency test is part of the district's graduation requirements. The notice shall also include the criteria used in determining the pupil's inclusion in or exemption from the program.

(4) Provide a written report of each limited-English speaking pupil's test results to the pupil's parent. The report shall be provided in English and in the parent's native language. The school board shall contact the limited-English speaking pupil's parent to ensure that the parent understands.

History: Cr. Register, May, 1985, No. 353, eff. 6-1-85.

**PI 16.06 Department responsibilities. The department shall:**

(1) Publish guidelines to assist the local school district in implementing the minimum competency testing program for limited-English speaking pupils.

(2) Provide technical assistance to school districts upon request.

History: Cr. Register, May, 1985, No. 353, eff. 6-1-85.