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CR 84-189

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STATE OF WISCONSIN
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CERTIFICATE

STATE OF WISCONSIN)
DEPARTMENT OF PUBLIC INSTRUCTION) SS

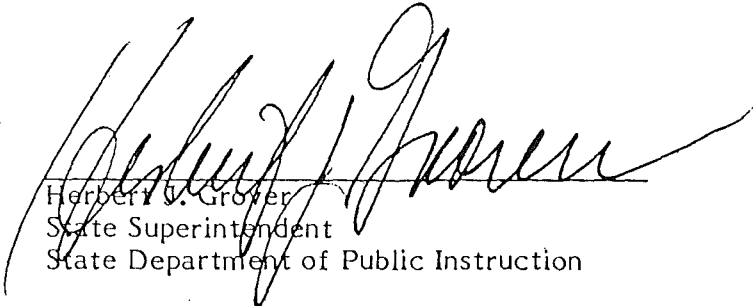
APR 29 1985

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

I, State Superintendent of the Department of Public Instruction and custodian of the official records of said Department, do hereby certify that the annexed amendment of rules relating to minimum competency testing of limited-English speaking pupils was duly adopted by this Department on the first day of the month following publication in the Wisconsin Administrative Register.

I further certify that said copy has been compared by me with the original on file in this Department and the same is true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Public Instruction at 125 South Webster Street, in the City of Madison, this 25th day of April 1985.


Herbert V. Grover
State Superintendent
State Department of Public Instruction

6-1-85

ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
CREATING RULES

- 1 To create PI 16 relating to minimum competency testing of limited-English speaking
2 pupils.

Analysis Prepared by the Department of Public Instruction

S. 118.30, Stats., establishes a voluntary local school district pupil minimum competency testing program. Local testing will commence with the 1985-86 school year. The testing program will assess individual pupil progress and identify individual competency deficiencies in reading, language arts, and mathematics.

S. 118.30(3)(b)2, Stats., provides that the State Superintendent shall establish criteria which school boards participating in the minimum competency testing program shall follow in choosing testing options for their limited-English speaking pupils. School boards whose student population includes limited-English speaking pupils are required under s. 115.96(1), Stats., and s. PI 13.03 to identify those pupils and assess their level of proficiency in English. After determining each pupil's level of proficiency in English and whether the pupil has been given the opportunity to acquire the competencies for which he or she is being tested, the school district may choose among the following testing options under s. PI 16.04(2):

- a) Exempt the limited-English speaking pupil from the test or any subtest;
- b) Permit the limited-English speaking pupil to be tested in the mathematics portion of the examination in his or her native language;
- c) Permit the limited-English speaking pupil to be tested in the reading or language arts portion of the examination in his or her native language; or
- d) Modify the format and administration of the test or any subtest.
- 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.

Classification of the limited-English speaking pupil will be based on the levels of proficiency outlined in proposed s. PI 13.03(3) (see CHR 84-190 Repeal and recreation of Chapter PI 13 Bilingual-Bicultural Programs. Copies of the proposed rule may be obtained from the Department.)

School boards choosing testing options b, c, or d or combination thereof shall consult Department guidelines. If the results of the minimum competency testing are used as part of the graduation requirements, limited-English speaking pupils shall be provided with the same access to the testing program as is given to all other pupils.

School boards participating in the minimum competency testing program shall adopt a policy regarding the participation of limited English-speaking pupils in the program. Criteria which shall be included in the policy are identified in the rule.

Procedural requirements are included regarding notification of parents of limited-English speaking pupils prior to inclusion in or exemption from the minimum competency testing program. If the results of the test are used in determining grade promotion or eligibility for graduation, school boards shall notify the pupil's parent in writing at least two years prior to the testing program or upon the pupil's arrival in the school district if less than two years prior to the administration of the test. A pupil may not be penalized if not required to participate in the testing program.

Department responsibilities include publishing guidelines to assist local school districts in implementing the minimum competency testing program for their limited-English speaking pupils and providing technical assistance to school districts upon request.

1 Pursuant to the authority vested in the State Superintendent of Public Instruction by
2 s. 118.30(3)(b)2, Stats., the State Superintendent hereby creates rules interpreting
3 s. 118.30(3)(b)2, Stats., as follows:

4 SECTION 1. CHAPTER PI 16 is created to read:

5 CHAPTER PI 16

6 MINIMUM COMPETENCY TESTING OF LIMITED-ENGLISH SPEAKING PUPILS.

7 PI 16.01 APPLICABILITY AND PURPOSE. This chapter establishes procedures for
8 school districts participating in the minimum competency testing program regarding
9 testing options for limited-English speaking pupils. Participation in the minimum
10 competency testing program is voluntary; however, those school districts choosing to
11 participate shall comply with s. 118.30(3)(b)2, Stats.

12 PI 16.02 DEFINITIONS. In this chapter:

13 (1) "Department" means the department of public instruction.

14 (2) "Limited-English speaking pupil" means a pupil as defined in s. 115.955(7), Stats.,
15 and who meets the criteria set forth under s. PI 13.03.

16 (3) "Minimum competency testing program" means a program conducted under
17 s. 118.30, Stats.

18 (4) "Parent" includes the term legal guardian.

19 PI 16.03 SCHOOL BOARD POLICY.

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

1 (a) Criteria used to determine participation of limited-English speaking pupils.

2 (b) Options available for the testing of limited-English speaking pupils. The policy
3 shall incorporate criteria established under s. PI 16.04.

4 (c) Procedures which will be used for notification of the parent of the limited-
5 English speaking pupil, as specified under s. PI 16.05.

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

8 PI 16.04 TESTING OF LIMITED-ENGLISH SPEAKING PUPILS. (1) School boards
9 participating in the minimum competency program shall ensure that a limited-English
10 speaking pupil has been given the opportunity to master the competencies for which he or
11 she is being tested. A pupil who has not had the opportunity to master the competencies
12 for which he or she is being tested may be exempted by the school board from the testing
13 program.

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

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

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

25 (c) Permit the limited-English speaking pupil who meets the criteria under
26 s. PI 13.03(3)(a) to (d) to be tested in the reading or language arts portion of the
27 examination in his or her native language. Each school board choosing this option shall

1 adopt minimum competency tests in reading or language arts in the limited-English
2 speaking pupil's native language as an alternative to minimum competency tests in
3 English. School boards choosing this option shall consult department guidelines for
4 guidance in this area.

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

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

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

14 PI 16.05 NOTIFICATION PROCEDURES. The school board shall:

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

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

26 (3) Include in the notice an explanation of how the results of the competency test
27 will be used and if passage of the minimum competency test is part of the district's

1 graduation requirements. The notice shall also include the criteria used in determining
2 the pupil's inclusion in or exemption from the program.

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

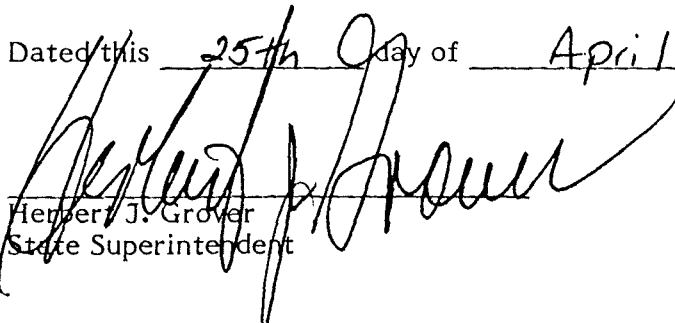
7 PI 16.06 DEPARTMENT RESPONSIBILITIES. The department shall:

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

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

The rules contained in this order shall take effect July 1, 1985.

Dated this 25th day of April, 1985.


Herbert J. Grover
State Superintendent

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
PI 16
Amendment No. if Applicable

Subject

Minimum Competency Testing of Limited-English Speaking Students

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Increase Costs -- May Be Possible to Absorb Within Agency's Budget Yes No
 Decrease Costs

Local: No local government costs

1. Increase Costs (Indeterminable) Increase Revenues
 Permissive Mandatory Permissive Mandatory
2. Decrease Costs 4. Decrease Revenues
 Permissive Mandatory Permissive Mandatory

5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The proposed rules (PI 16 Minimum Competency Testing of Limited-English Speaking Students) establish criteria for those school districts participating in the minimum competency testing program to follow in providing testing options for limited-English speaking students. The effective date of the rules is July 1, 1985. 124 school districts choose to participate in the minimum competency testing program during the 1983-84 school year. This number may fluctuate. Of those 124 school districts, 49 listed one or more limited-English speaking students on the Census of Limited-English Speaking Students (PI-1850) as of March 1, 1984.

It is impossible to estimate a collective fiscal effect for those 49 districts. Costs will vary depending upon the number of limited-English speaking students (ranging from a high of 790 in one district to districts reporting only one LES student), the number of language groups represented in each district, and each student's proficiency in the English language.

Each participating district may face additional costs depending on the testing option chosen for each student. Choices range from exempting a student entirely from the minimum competency testing program, permitting the student to be tested in the mathematics portion of the examination in his or her native language, or modifying the format and administration of the test or any subject which might include the provision of assistance by a translator. Provision of small group or individual testing opportunities or translation may increase staff costs.

Districts will face increased paperwork costs in notifying parents of LES students regarding inclusion in or exemption from the minimum competency testing program. Translation costs will be involved as notification must be provided in the parents' native language in addition to English.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)

Department of Public Instruction

Authorized Signature/Telephone No.

Debra J. Byars 266-1966

Date

5/17/84

Department costs may rise with the printing and distribution of guidelines. The department is also required to provide technical assistance. At this time it is anticipated that existing staff will be able to provide the necessary technical assistance and that it will be possible to absorb any additional costs associated with the rule requirements.

FISCAL ESTIMATE WORKSHEET

1983 Session

Detailed Estimate of Annual Fiscal Effect

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.

Amendment No.

AD-MBA-22 (Rev. 11/82)

PI 16

Subject

Minimum Competency Testing of Limited-English Speaking Students

I. One-time Costs or Revenue Fluctuations for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs: Note: Treat fiscal costs like a "checkbook": increased costs reduce available funds (-); decreased costs increase available funds (+).

Annualized fiscal impact on State funds from:

	Annualized fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
Salaries and Fringes	\$ -	\$ +
Staff Support Costs	-	+
Other State Costs	-	+
Local Assistance	-	+
Aids to Individuals or Organizations	-	+
TOTAL State Costs by Category	\$ - 0	\$ + 0
B. State Costs by Source of Funds		
GPR	\$ -	\$ +
FED	-	+
PRO/PRS	-	+
SEG/SEG-S	-	+
C. FTE Position Changes	Increased Pos. + (0)	Decreased Pos. - (0)
III. State Revenues-Complete this only when proposal will increase or decrease state revenues, such as taxes, license fees, etc.	Decreased Rev.	Increased Rev.
GPR Taxes	\$ -	\$ +
GPR Earned	-	+
FED	-	+
PRO/PRS	-	+
SEG/SEG-S	-	+
TOTAL State Revenues	\$ - 0	\$ + 0

Net Annualized Fiscal Impact on State & Local Funds

State	Annual Increases	Annual Decreases	Local	Annual Increases	Annual Decreases
Total Costs	\$ -	\$ +	Total Costs	\$ -	\$ +
Total Revenues	+	-	Total Revenues	+	-
NET Impact on State Funds	\$ (+) or (-)	0	NET Impact on Local Funds	\$ (+) or (-)	0

Agency/Prepared by: (Name & Phone No.)

Department of Public Instruction

Authorized Signature/Telephone No.

Debra J. Byars 266-1966

Date

5/17/84