

CR 84-190

STATE OF WISCONSIN  
RECEIVED AND FILED

CERTIFICATE  
STATE OF WISCONSIN )  
DEPARTMENT OF PUBLIC INSTRUCTION ) SS

APR 29 1985

DOUGLAS LA FOLLETTE  
SECRETARY OF STATE

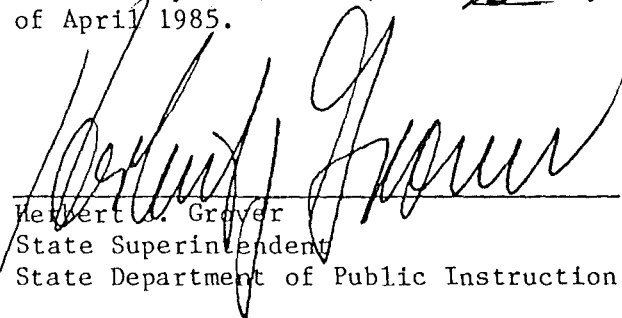
I, State Superintendent of the Department of Public Instruction and custodian of the official records of said Department, do hereby certify that the annexed amendment of rules relating to bilingual/bicultural programs was duly adopted by this Department on the first day of the month following publication 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 a true copy thereof, and of the whole of such original.

**RECEIVED**

APR 30 1985  
3:55a  
Revisor of Statutes  
Bureau

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 L. Grover  
State Superintendent  
State Department of Public Instruction

6-7 85

ORDER OF THE  
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION  
REPEALING AND RECREATING RULES

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APR 30 1985

Revisor of Statutes  
Bureau

1 To repeal and recreate Chapter PI 13 relating to bilingual/bicultural.  
2 programs.

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Analysis Prepared by the Department of Public Instruction

The repeal and recreation of Chapter PI 13 is proposed to update these rules which were originally promulgated in 1978. At the time the rules were promulgated, school districts were not required to provide K-12 bilingual/bicultural programming. The legislation on which the original rules were based provided for a gradual expansion of the programming across all grade levels so that by 1981 K-12 programming would be available. The revised rules provide for classification of the bilingual/bicultural pupil according to his or her proficiency in the English language, and indicate that appropriate programming for each pupil shall be provided according to his or her proficiency in the English language.

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3 Pursuant to the authority vested in the State Superintendent of Public  
4 Instruction by ss.115.28(15)(b), 115.97(2) to (4), and 227.014(2)(a), Stats.,  
5 the State Superintendent hereby repeals and recreates rules interpreting  
6 s.115.28(15)(b), Stats., as follows:

7 SECTION 1. Chapter PI 13 is created to read:

8 PI 13

9 BILINGUAL-BICULTURAL PROGRAMS

1           PI 13.01 APPLICABILITY AND PURPOSE. This chapter establishes procedures  
2 for the identification, assessment, and classification of limited-English  
3 speaking pupils. School districts that establish bilingual-bicultural programs  
4 are eligible for reimbursement under ss. 115.97(1) and 115.995, Stats.

5           PI 13.02 DEFINITIONS. In this chapter:

6           (1) "Bilingual-bicultural program" means a program designed to  
7 improve the comprehension and the speaking, reading and writing ability  
8 of a limited-English speaking pupil in the English language, so that the  
9 pupil will be able to perform ordinary classwork in English. A bilingual-  
10 bicultural program may be either a basic program, as defined under s. 115.955(1),  
11 Stats., or an expanded program, as defined under s. 115.955(8), Stats.

12           (2) "Bilingual counselor's aide" means a person who is employed to  
13 assist a counselor and who:

14           (a) Understands, speaks, reads, and writes English and the language  
15 of the group with whom the bilingual counselor's aide will be working;

16           (b) Has a high school diploma or its equivalent, and

17           (c) Knows the culture of the group with whom the bilingual counselor's  
18 aide will be working.

19           (3) "Bilingual teacher's aide" means a person who is employed to  
20 assist a teacher and who:

21           (a) Understands, speaks, reads, and writes English and the language  
22 of the group with whom the bilingual teacher's aide will be working;

23           (b) Has a high school diploma or its equivalent, and

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

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

2 (5) "Limited-English speaking pupil" means a pupil as defined  
3 in s. 115.955 (7), Stats., who as a result of limited-English speaking  
4 ability performs below expected grade level in required academic courses  
5 which are taught in English and who meets the criteria set forth under  
6 s. PI 13.03.

7 (6) "State Superintendent" means the state superintendent of public  
8 instruction for the state of Wisconsin.

9 PI 13.03 IDENTIFICATION OF LIMITED-ENGLISH SPEAKING PUPILS.

10 (1) The school board shall identify, according to s. 115.96(1), Stats.  
11 the pupils within their schools:

12 (a) Who speak a non-English language,

13 (b) Whose families use a non-English language, or

14 (c) In whose daily non-school surroundings a non-English  
15 language is used.

16 (2) The school board shall assess each pupil identified under sub.(1)  
17 to determine eligibility for bilingual-bicultural programming. The school  
18 board shall ensure that:

19 (a) Each pupil is assessed for eligibility with the assistance of  
20 qualified personnel of the same linguistic background as the pupil.

21 (b) The assessment procedures used include documentation data such as:

22 1. Reading and mathematics skill levels;

23 2. Other course grades which, in relation to the pupil's grade level,  
24 indicate that lack of progress is due to limited-English language skills;

25 3. Information on everyday classroom performance;

26 4. Information on language use in the home.

1           (3) The school board shall classify each pupil assessed under sub. (2)  
2 for programming purposes pursuant to §115.96(1), Stats., and the following  
3 levels of proficiency:

4           (a) Does not understand or speak English;

5           (b) Understands simple sentences in English, but uses only  
6 isolated words or expressions in English;

7           (c) Speaks English with difficulty, converses in English with help,  
8 understands at least parts of lessons and follows simple directions given in  
9 English;

10          (d) Understands, speaks, reads, and writes English with some degree  
11 of hesitancy which may be due to language interference because of a foreign  
12 language or non-proficient English spoken at home; or

13          (e) Understands and speaks English well, but needs assistance in reading  
14 and writing in English to achieve at a level appropriate for his or her age  
15 or grade.

16          PI 13.04 PROGRAMMING PROVIDED FOR LIMITED-ENGLISH SPEAKING PUPILS.

17          (1) Each pupil participating in a bilingual-bicultural program shall  
18 be provided with a program appropriate for his or her needs.

19          (2) The school district may include content and activities in the  
20 bilingual-bicultural program that reflect the cultural background of the  
21 limited-English speaking pupils and may include instruction intended to  
22 improve the skills of the pupils in the use of their native language for  
23 the purpose of enabling them to understand the instruction in reading,  
24 writing and speaking the English language and other subjects.

25          (3) Pupils enrolled in bilingual-bicultural education programs shall  
26 have full access to supportive services, such as language development, and  
27 speech therapy, available to other pupils in the school district.

1 NOTE: School districts which are not required to establish bilingual-  
2 bicultural programs under s. 115.97(2) to (4), Stats., are reminded they  
3 still must comply with applicable federal laws and regulations which  
4 prohibit any program or activity receiving federal financial assistance  
5 from discriminating against any person because of race, color, or national  
6 origin. See 34 Code of Federal Regulations Part 100.

7 PI 13.05 PROGRAM APPROVED BY STATE SUPERINTENDENT.

8 (1) Each school district establishing a bilingual-bicultural program  
9 shall provide a written description of the program which shall include the  
10 identification and assessment process, implementation plans, staffing,  
11 length of the school day to be allotted to the bilingual-bicultural education  
12 program, materials to be used and local means of evaluating the program.

13 (2) Each school district's proposed program shall be reviewed and  
14 approved by the state superintendent prior to the implementation of the  
15 local program. A proposed program will be approved if it adequately  
16 meets the requirements of sub. (1).

17 PI 13.06 SUPERVISION OF BILINGUAL-BICULTURAL EDUCATION PROGRAMS BY THE  
18 DEPARTMENT.

19 (1) The department shall, at least annually, review and evaluate the  
20 administration of programs conducted under subchapter VII of chapter 115,  
21 Stats., by the local school districts. This shall include reviewing and  
22 evaluating:  
23

24 (a) The local school procedures used for identifying and counting  
25 eligible pupils;

26 (b) The notification sent out to parents, guardians or legal  
27 custodians regarding their child's participation in the program;

28 (c) The procedures used for the establishment of programs;

- 1 (d) The provisions made for legal appeals;
- 2 (e) The curriculum being offered in the programs;
- 3 (f) The progress of limited-English speaking pupils in the program;
- 4 (g) The program evaluation design; and
- 5 (h) The information required under s. PI 13.05.

6 (2) The school board of a district operating a bilingual-bicultural  
7 education program under subchapter VII of chapter 115, Stats., shall submit  
8 an annual report on or before August 15 to the state superintendent as  
9 required by s. 115.993, Stats. In addition to the information required by  
10 s. 115.993, Stats., the report shall also contain the cost of the program  
11 per pupil for each language group and program type and the number of pupils  
12 in each language group who, as a result of the bilingual-bicultural edu-  
13 cation program, improved their English language ability to such an extent  
14 that the program is no longer necessary for such pupils, and other informa-  
15 tion required by the department in accordance with s. 115.996, Stats.

16 PI 13.07 REIMBURSEMENT.

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

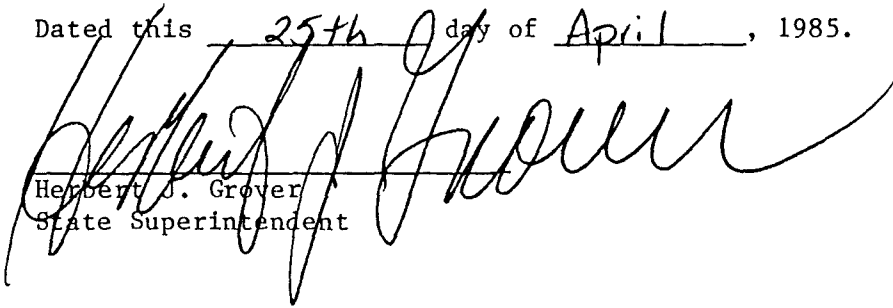
20 Note: Copies of the required claim form may be obtained at no charge from the  
21 Bureau for Program Development, Department of Public Instruction.

22 (2) The salaries of teachers and other staff members participating in  
23 bilingual-bicultural programs shall be reimbursed according to the percentage  
24 of time such teachers and staff spend in the program and the number of eli-  
25 gible pupils in the program under s. PI 13.03. The reimbursement shall  
26 be computed using the rate set forth in s. 115.995(1), Stats.

1           (3) Supportive services as provided under s. PI 13.04 may not be  
2 reimbursed under s. PI 13.07.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.026(1) (intro.), Stats.

Dated this 25th day of April, 1985.

  
Herbert J. Grover  
State Superintendent



FISCAL ESTIMATE

1983 Session

AD-MBA-23 (Rev. 11/82)

LRB or Bill No./Adm. Rule No.

PI 13

Amendment No. if Applicable

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

Subject

Bilingual-Bicultural Programs

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

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

Local:  No local government costs

- 1.  Increase Costs
  - Permissive
  - Mandatory
- 2.  Decrease Costs
  - Permissive
  - Mandatory

- 3.  Increase Revenues
  - Permissive
  - Mandatory
- 4.  Decrease Revenues
  - 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 repeal and recreation of Chapter PI 13 will update these rules which were originally promulgated in 1978. The revised rules eliminate obsolete references to basic and optional expanded programs, provide for the classification of the bilingual-bicultural student according to his or her proficiency in the English language, and indicate that appropriate programming for each student shall be provided according to the level of English language proficiency. The classification requirement will not be an additional administrative burden as all school districts must presently do this in order to complete the Census of Limited-English Speaking Students form (PI-1850).

The revised rules do not alter the way in which reimbursement of school districts participating in the bilingual-bicultural program is calculated. School districts are reimbursed up to 70% of approved costs which includes salaries of teachers and other staff members (according to the amount of time these staff members spend in the program), the percentage of eligible students, special books and equipment used in the program, and other expenses approved by the State Superintendent. Fourteen school districts established or continued bilingual-bicultural programs during the 1983-84 school year. The budget allocation for reimbursement paid in 1984-85 is \$2,887,000.

These rules will not increase costs for either the state or the local school districts.

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

*BA*

FISCAL ESTIMATE WORKSHEET

1983 Session

Detailed Estimate of Annual Fiscal Effect

ORIGINAL  UPDATED  
 CORRECTED  SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
PI 13

Amendment No.

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

Subject

Bilingual-Bicultural Programs

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:

A. State Costs by Category	Increased Costs	Decreased Costs
Salaries and Fringes	\$ -	\$ +
Staff Support Costs	-	+
Other State Costs	-	+
Local Assistance	-	+
Aids to Individuals or Organizations	-	+
<b>TOTAL State Costs by Category</b>	<b>\$ - 0</b>	<b>\$ + 0</b>

B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$ -	\$ +
FED	-	+
PRO/PRS	-	+
SEG/SEG-S	-	+

C. FTE Position Changes	Increased Pos.	Decreased Pos.
	+ ( 0 )	- ( 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	-	+
<b>TOTAL State Revenues</b>	<b>\$ - 0</b>	<b>\$ + 0</b>

Net Annualized Fiscal Impact on State & Local Funds

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

Agency/Prepared by: (Name & Phone No.)  
Department of Public Instruction

Authorized Signature/Telephone No.  
Debra J. Byars 266-1966

Date  
5/17/84



THE STATE OF WISCONSIN • DEPARTMENT OF PUBLIC INSTRUCTION

125 South Webster Street • Box 7841 • Madison, Wisconsin 53707

*Herbert J. Grover, State Superintendent / B. Dean Bowles, Deputy State Superintendent*

April 30, 1985

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APR 30 1985

Mr. Gary Poulson, Assistant Revisor  
Revisor of Statutes Bureau  
411 West, State Capitol  
Madison, WI 53702

Revisor of Statutes  
Bureau

Dear Mr. Poulson:

Enclosed please find copies of CHR 84-190 relating to bilingual/bicultural programs, and CHR 84-189 relating to minimum competency testing of limited-English speaking pupils. These rules were filed with the Secretary of State on April 29, 1985.

Sincerely,

A handwritten signature in cursive script, appearing to read "Debra J. Byars".

Debra J. Byars, Director  
Bureau for Policy and Budget

DJB:db

Enclosure