

## Chapter PI 16

### TESTING OF LIMITED-ENGLISH SPEAKING PUPILS OR PUPILS HAVING AN EXCEPTIONAL EDUCATIONAL NEED IN THE 8TH AND 10TH GRADES

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**Note:** Chapter PI 16 as it existed on July 31, 1993 was repealed and a new chapter PI 16 was created effective August 1, 1993.

#### Subchapter I — General Provisions

**PI 16.01 Authority.** This chapter is adopted under ss. 118.30 (2) (b) 2. and 227.11 (2) (a), Stats.

**History:** Cr. Register, July, 1993, No. 451, eff. 8-1-93.

**PI 16.02 Applicability and purpose.** (1) This chapter establishes requirements for all school districts whose pupil population includes one or more pupils with limited-English speaking abilities or EEN.

(2) This chapter establishes criteria and procedures to be used by a school board in determining whether to administer an examination under s. 118.30, Stats., to a pupil with a limited-English proficiency or a pupil enrolled in a special education program under subch. V of ch. 115, Stats.

(3) This chapter establishes requirements for school districts that test or exempt from tests a pupil with a limited-English proficiency or a pupil under subch. V of ch. 115, Stats.

(4) Examinations under this chapter may not be administered after June 30, 1998.

**History:** Cr. Register, July, 1993, No. 451, eff. 8-1-93.

**PI 16.03 Definitions.** In this chapter:

- (1) "Department" means the department of public instruction.
- (2) "EEN" means exceptional educational needs as defined in s. 115.76 (3), Stats.
- (3) "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.
- (4) "Parent" includes the term legal guardian.
- (5) "Test" means the examination administered to pupils enrolled in the 8th and 10th grades as specified under s. 118.30, Stats.

**History:** Cr. Register, July, 1993, No. 451, eff. 8-1-93.

#### Subchapter II — Testing of Limited-English Speaking Pupils in the 8th and 10th Grades

**PI 16.04 School board policy and responsibility.**

(1) Each school board whose pupil 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 all of the following:

- (a) Procedures to be developed and used in testing limited-English speaking pupils under this chapter.
- (b) Procedures which will be used for notification of the parent of the limited-English speaking pupil, as specified under s. PI 16.06.

(c) Any criteria in addition to that specified under s. PI 16.05 (1), if approved by the state superintendent, used to determine participation in the testing of limited-English speaking pupils.

(2) The policy shall provide for the following assurances:

(a) Decisions regarding testing will be made and documented on an individual basis for each limited-English speaking pupil.

(b) Test results will not be used as the sole criterion in exiting limited-English speaking pupils from a bilingual-bicultural education program or in determining grade promotion, eligibility for courses or programs, eligibility for graduation or eligibility for participation in postsecondary education opportunities.

(3) (a) A school board that exempts a limited-English speaking pupil from taking a test may not penalize the pupil by denying grade promotion, eligibility for courses or programs, eligibility for graduation or eligibility for postsecondary education opportunities.

(b) A school board that exempts a limited-English speaking pupil from taking a test shall meet the following requirements:

1. Develop a policy and assessment procedures to determine the achievement level of limited-English speaking pupils in core subjects which include writing, reading and mathematics.

2. Assist limited-English speaking pupils in career development and postsecondary education decisions.

**History:** Cr. Register, July, 1993, No. 451, eff. 8-1-93.

**PI 16.05 Testing of limited English-speaking pupils.**

(1) A school board may test a limited-English speaking pupil who meets the requirements under s. PI 13.03 (3) (d) or (e) or who has recently exited a bilingual-bicultural program. In determining whether to administer a test to a limited-English speaking pupil under this subsection, a school board shall apply and document all of the following criteria:

(a) Whether the pupil has had an opportunity to master the competencies for which he or she is being tested.

(b) Whether the pupil demonstrates test-taking skills.

(c) Whether a teacher of the limited-English speaking pupil has attested that the pupil has sufficient academic and English proficiency to take the test under this chapter with or without the modifications described under sub. (3).

(2) A school board shall exempt a limited-English speaking pupil who meets the criteria under s. PI 13.03 (3) (a) to (c) from taking a test under this chapter.

(3) A school board which tests a limited-English speaking pupil under this chapter shall provide for modifying the format and administration of the test, if the pupil needs such accommodations. Any modifications made under this subsection shall maintain the validity of the test and may include one or more of the following:

(a) Provide the assistance of a qualified translator to translate instructions or read items from tests which do not assess reading competency.

- (b) Provide small group or individual testing opportunities.
- (c) Provide more practice tests or examples before the actual test is administered.
- (d) Allow limited-English speaking pupils to use dictionaries and other educational aids while taking the test.
- (e) Allow pupils as much time as necessary to complete the test.
- (f) Allow any other method approved by the department.

**History:** Cr. Register, July, 1993, No. 451, eff. 8-1-93.

**PI 16.06 Notification procedures.** The school board shall do all of the following:

(1) Notify the parent of a limited-English speaking pupil at least 30 days prior to the administration of the test, regarding the pupil's inclusion in or exemption from the test under this chapter. The notice shall be provided in English, the parent's native language or any other means to convey the following information:

(a) The criteria used in determining the pupil's inclusion in or exemption from the test.

(b) An explanation of how the results of the test will be used.

(2) Provide the test results of each limited-English speaking pupil to the pupil's parent. The results shall be provided in English, the parent's native language or any other means necessary to ensure the requirement under sub. (3) is met.

(3) Ensure that the limited-English speaking pupil's parent understands the provisions of the notices under this section.

**History:** Cr. Register, July, 1993, No. 451, eff. 8-1-93.

### Subchapter III — Testing of Pupils With EEN in the 8th and 10th Grades

#### PI 16.07 School board policy and responsibility.

(1) Each school board whose pupil population includes one or more pupils with an EEN shall adopt a policy regarding the testing of pupils with an EEN. The policy shall include all of the following:

(a) Procedures used in determining whether a pupil with EEN will be tested.

(b) Procedures used in administering a test to a pupil with EEN.

(c) Procedures used for notifying a parent of a pupil with EEN, as specified under s. PI 16.09.

(2) The policy shall provide for the following assurances:

(a) Decisions regarding testing will be made on an individual basis and will be documented in the pupil's IEP for each pupil having an EEN.

(b) Test results will not be used as the sole criterion in determining grade promotion, eligibility for courses or programs, eligibility for graduation or eligibility for participation in postsecondary education opportunities.

(3) A school board that exempts a pupil with EEN from taking a test, may not penalize a pupil by denying grade promotion, eligibility for courses or programs, eligibility for graduation or eligibility for postsecondary education opportunities.

**History:** Cr. Register, July, 1993, No. 451, eff. 8-1-93.

**PI 16.08 Testing of pupils with EEN.** (1) A school board may exempt a pupil with an EEN from taking a test under this chapter. The school board shall make this determination on an individual basis using each pupil's individualized education program.

(2) A school board which tests a pupil with an EEN under this chapter shall provide for modifying the format and administration of the test, if the pupil needs such accommodations. Any modifications made under this subsection, shall maintain the validity of the test.

**History:** Cr. Register, July, 1993, No. 451, eff. 8-1-93.

**PI 16.09 Notification procedures.** If the pupil's IEP does not address the decision regarding the pupil's participation in taking the test, the board shall do all of the following:

(1) Notify the parent of a pupil with EEN in writing, at least 30 days prior to the administration of the test, regarding the pupil's inclusion in or exemption from the test under this chapter. The notice shall include the following:

(a) The criteria used in determining the pupil's inclusion in or exemption from the test.

(b) An explanation of how the results of the test will be used, if tested.

(2) Provide the test results of each pupil to the pupil's parent.

(3) Ensure that the pupil's parent understands the provisions of the notices under this section.

**History:** Cr. Register, July, 1993, No. 451, eff. 8-1-93.