



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-1300/1  
TKK:ahe

## 2017 ASSEMBLY BILL 12

January 12, 2017 - Introduced by Representative OTT, by request of Department of Public Instruction. Referred to Committee on Judiciary.

1     **AN ACT to amend** 115.28 (15) (a), 115.95 (2), 115.95 (4), 115.955 (2), 115.955 (7),  
2           115.96 (1), 115.96 (2), 115.96 (4) (b), 115.96 (5) (a), 115.97 (1), 115.97 (2), 115.97  
3           (3), 115.97 (4), 115.977 (3), 115.98, 115.993, 115.995 (1), 115.995 (2), 118.30 (2)  
4           (b) 2., 118.301 (2) (a) 4., 118.33 (1m) (a) 3. and 121.91 (4) (a) 3. of the statutes;  
5           **relating to:** modifying terminology regarding limited-English proficient  
6           pupils (suggested as remedial legislation by the Department of Public  
7           Instruction).

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### *Analysis by the Legislative Reference Bureau*

Current law defines a “limited-English proficient pupil” as a pupil whose ability to use the English language is limited because of the use of a non-English language in his or her family or in his or her daily, nonschool surroundings, and who has difficulty, as defined by rule by the state superintendent, in performing ordinary classwork in English as a result of such limited English language proficiency. This bill replaces the term “limited-English proficient pupil” with “English learner” in all

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instances where that term appears in the statutes, but does not change the definition of the term.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 115.28 (15) (a) of the statutes is amended to read:

2           115.28 (15) (a) Establish, by rule, standards for the approval of the abilities of  
3 certified teachers and counselors and their aides participating in  
4 bilingual-bicultural education programs under subch. VII to read, write and speak  
5 a non-English language and to possess knowledge of the culture of ~~limited-English~~  
6 ~~proficient pupils~~ English learners.

7           **SECTION 2.** 115.95 (2) of the statutes is amended to read:

8           115.95 (2) It is the policy of this state to provide equal educational  
9 opportunities by ensuring that necessary programs are available for  
10 ~~limited-English proficient pupils~~ English learners while allowing each school  
11 district maximum flexibility in establishing programs suited to its particular needs.  
12 To this end, this subchapter establishes bilingual-bicultural education programs for  
13 pupils in school districts with specified concentrations of ~~limited-English proficient~~  
14 ~~pupils~~ English learners in the attendance areas of particular schools.

15           **SECTION 3.** 115.95 (4) of the statutes is amended to read:

16           115.95 (4) It is the policy of this state that ~~a limited-English proficient pupil~~  
17 an English learner participate in a bilingual-bicultural education program only  
18 until such time as the ~~pupil~~ English learner is able to perform ordinary classwork  
19 in English.

20           **SECTION 4.** 115.955 (2) of the statutes is amended to read:

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1           115.955 (2) “Bilingual-bicultural education program” means a program  
2           designed to improve the comprehension and the speaking, reading, and writing  
3           ability of ~~a limited-English proficient pupil~~ an English learner in the English  
4           language, so that the ~~pupil~~ English learner will be able to perform ordinary  
5           classwork in English.

6           **SECTION 5.** 115.955 (7) of the statutes is amended to read:

7           115.955 (7) ~~“Limited-English proficient pupil”~~ “English learner” means a pupil  
8           whose ability to use the English language is limited because of the use of a  
9           non-English language in his or her family or in his or her daily, nonschool  
10          surroundings, and who has difficulty, as defined by rule by the state superintendent,  
11          in performing ordinary classwork in English as a result of such limited English  
12          language proficiency.

13          **SECTION 6.** 115.96 (1) of the statutes is amended to read:

14          115.96 (1) COUNT OF ~~LIMITED-ENGLISH PROFICIENT PUPILS~~ ENGLISH LEARNERS.  
15          Annually, on or before March 1, each school board shall conduct a count of the  
16          ~~limited-English proficient pupils~~ English learners in the public schools of the  
17          district, assess the language proficiency of such ~~pupils~~ English learners, and classify  
18          such ~~pupils~~ English learners by language group, grade level, age, and English  
19          language proficiency.

20          **SECTION 7.** 115.96 (2) of the statutes is amended to read:

21          115.96 (2) NOTIFICATION. Annually, on or before April 1, a school board which  
22          may be required to offer a bilingual-bicultural education program shall send to the  
23          parent, legal custodian or guardian of every ~~limited-English proficient pupil~~ English  
24          learner identified under sub. (1) who is eligible for participation in such a program,  
25          a notice which states that a bilingual-bicultural education program may be

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1 instituted, contains information on the procedures for registering ~~a pupil~~ an English  
2 learner in such a program, and provides notice of the consent required under sub. (3).  
3 The notice shall be in English and in the non-English language of the  
4 ~~limited-English proficient pupil~~ English learner.

5 **SECTION 8.** 115.96 (4) (b) of the statutes is amended to read:

6 115.96 (4) (b) Through the use of the native language of the ~~limited-English~~  
7 ~~proficient pupil~~ English learner, instruction in the subjects necessary to permit the  
8 ~~pupil~~ English learner to progress effectively through the educational system.

9 **SECTION 9.** 115.96 (5) (a) of the statutes is amended to read:

10 115.96 (5) (a) By the commencement of the school term, the school board shall  
11 place, with the parent's or legal custodian's written consent, each ~~limited-English~~  
12 ~~proficient pupil~~ English learner in the appropriate bilingual-bicultural education  
13 program established under this subchapter. If ~~a limited-English proficient pupil~~ an  
14 English learner is identified after March 1 or the parent or legal custodian of such  
15 child gives consent after May 1, the school board shall place the ~~pupil~~ English  
16 learner, with the written consent of the ~~pupil's~~ English learner's parent or legal  
17 custodian, in an appropriate program where feasible.

18 **SECTION 10.** 115.97 (1) of the statutes is amended to read:

19 115.97 (1) A school board may combine pupils in attendance at separate schools  
20 in its bilingual-bicultural education program. The school board shall be eligible for  
21 state aids under s. 115.995 if the number of ~~limited-English proficient pupils~~ English  
22 learners served from the combined schools meets the requirements under sub. (2),  
23 (3) or (4). A pupil shall be eligible for a bilingual-bicultural education program only  
24 until he or she is able to perform ordinary classwork in English. The  
25 bilingual-bicultural education program shall be designed to provide intensive

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1 instruction to meet this objective. Nothing in this subchapter shall be construed to  
2 authorize isolation of children English learners of limited-English proficient ability  
3 or ethnic background for a substantial portion of the school day. Pupils who are not  
4 ~~limited-English proficient~~ pupils English learners may participate in a  
5 bilingual-bicultural education program, except that a school board shall give  
6 preference to ~~limited-English proficient~~ pupils English learners in admitting pupils  
7 to such a program.

8 **SECTION 11.** 115.97 (2) of the statutes is amended to read:

9 115.97 (2) If, in a language group under s. 115.96 (1), there are 10 or more  
10 ~~limited-English proficient~~ pupils English learners in kindergarten to grade 3 in  
11 attendance at a particular elementary school and whose parents or legal custodians  
12 give written consent to such pupils' placement under s. 115.96 (3), the school board  
13 shall establish a bilingual-bicultural education program for such pupils English  
14 learners during the school term. Such program shall be taught by a bilingual  
15 teacher.

16 **SECTION 12.** 115.97 (3) of the statutes is amended to read:

17 115.97 (3) If, in a language group under s. 115.96 (1), there are 20 or more  
18 ~~limited-English proficient~~ pupils English learners in grades 4 to 8 in attendance at  
19 a particular elementary, middle, or junior high school and whose parents or legal  
20 custodians give written consent to such pupils' English learners' placement under  
21 s. 115.96 (3), the school board shall establish a bilingual-bicultural education  
22 program for such pupils English learners during the school term. Such program  
23 shall be taught by a bilingual teacher.

24 **SECTION 13.** 115.97 (4) of the statutes is amended to read:

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1           115.97 (4) If, in a language group under s. 115.96 (1), there are 20 or more  
2 ~~limited-English proficient pupils~~ English learners in grades 9 to 12 in attendance  
3 at a particular high school and whose parents or legal custodians give written  
4 consent to the ~~pupils'~~ English learners' placement under s. 115.96 (3), the school  
5 board shall establish a bilingual-bicultural education program. The program shall  
6 be taught by a bilingual teacher. Bilingual counselors shall be made available.

7           **SECTION 14.** 115.977 (3) of the statutes is amended to read:

8           115.977 (3) The school board shall give any ~~limited-English proficient pupil~~  
9 English learner who has begun a bilingual-bicultural education program in the 3rd  
10 grade the opportunity to continue his or her bilingual-bicultural education program  
11 in the 4th grade regardless of the number of ~~limited-English proficient pupils~~  
12 English learners in grades 4 to 8. However, if there are not a sufficient number of  
13 ~~limited-English proficient pupils~~ English learners in grades 4 to 8 to require a  
14 bilingual-bicultural education program under sub. (2), the school board may offer  
15 such ~~pupil~~ English learner the opportunity to continue a bilingual-bicultural  
16 education program with a program established for ~~limited-English proficient pupils~~  
17 English learners in kindergarten to grade 3. A 4th grade ~~pupil~~ English learner so  
18 enrolled may be counted for purposes of determining if there are a sufficient number  
19 of ~~pupils~~ English learners for a kindergarten to grade 3 bilingual-bicultural  
20 education program.

21           **SECTION 15.** 115.98 of the statutes is amended to read:

22           **115.98 Bilingual-bicultural advisory committee.** In each school district  
23 which establishes a bilingual-bicultural education program under this subchapter,  
24 the school board may appoint a bilingual-bicultural advisory committee to afford  
25 parents and educators of ~~limited-English proficient pupils~~ English learners the

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1 opportunity to advise the school board of their views and to ensure that a program  
2 is planned, operated and evaluated with their involvement and consultation. The  
3 committee shall assist the school board in informing educators, parents and legal  
4 custodians of ~~limited-English-proficient pupils~~ English learners that a program  
5 exists. The committee shall be composed of parents of ~~limited-English-proficient~~  
6 ~~pupils~~ English learners enrolled in the bilingual-bicultural education program,  
7 bilingual and other teachers, bilingual teacher's aides, bilingual and other  
8 counselors and bilingual counselor's aides in the district, at least one representative  
9 from the community and a representative of the school district administration.

10 **SECTION 16.** 115.993 of the statutes is amended to read:

11 **115.993 Report on bilingual-bicultural education.** Annually, on or before  
12 August 15, the school board of a district operating a bilingual-bicultural education  
13 program under this subchapter shall report to the state superintendent the number  
14 of pupils, including both ~~limited-English-proficient pupils~~ English learners and  
15 other pupils, instructed the previous school year in bilingual-bicultural education  
16 programs, an itemized statement on oath of all disbursements on account of the  
17 bilingual-bicultural education program operated during the previous school year  
18 and a copy of the estimated budget for that program for the current school year.

19 **SECTION 17.** 115.995 (1) of the statutes is amended to read:

20 115.995 (1) From the appropriation under s. 20.255 (2) (cc), divide  
21 proportionally, based upon costs reported under s. 115.993, an annual payment of  
22 \$250,000 among school districts whose enrollments in the previous school year were  
23 at least 15 percent ~~limited-English-proficient pupils~~ English learners. Aid paid  
24 under this subsection does not reduce aid paid under sub. (2).

25 **SECTION 18.** 115.995 (2) of the statutes is amended to read:

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1           115.995 (2) Certify to the department of administration in favor of the school  
2 district a sum equal to a percentage of the amount expended on ~~limited-English~~  
3 ~~proficient pupils~~ English learners by the school district during the preceding year for  
4 salaries of personnel participating in and attributable to bilingual-bicultural  
5 education programs under this subchapter, special books and equipment used in the  
6 bilingual-bicultural programs and other expenses approved by the state  
7 superintendent. The percentage shall be determined by dividing the amount in the  
8 appropriation under s. 20.255 (2) (cc) in the current school year less \$250,000 by the  
9 total amount of aidable costs in the previous school year.

10           **SECTION 19.** 118.30 (2) (b) 2. of the statutes is amended to read:

11           118.30 (2) (b) 2. According to criteria established by the state superintendent  
12 by rule, the school board, operator of the charter school under s. 118.40 (2r) or (2x),  
13 governing body of the private school participating in the program under s. 118.60, or  
14 governing body of the private school participating in the program under s. 119.23  
15 may determine not to administer an examination under this section to ~~a~~  
16 ~~limited-English speaking pupil~~ an English learner, as defined under s. 115.955 (7),  
17 may permit the ~~pupil~~ English learner to be examined in his or her native language,  
18 or may modify the format and administration of an examination for such ~~pupils~~  
19 English learners.

20           **SECTION 20.** 118.301 (2) (a) 4. of the statutes is amended to read:

21           118.301 (2) (a) 4. The examination provider makes available translations for  
22 ~~limited-English proficient pupils~~ English learners, as defined in s. 115.955 (7).

23           **SECTION 21.** 118.33 (1m) (a) 3. of the statutes is amended to read:

24           118.33 (1m) (a) 3. A school board, operator of a charter school under s. 118.40  
25 (2r) or (2x), and governing body of a private school participating in a program under



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1 s. 118.60 or 119.23 shall permit ~~a limited-English proficient pupil~~ an English  
2 learner, as defined in s. 115.955 (7), to take the civics test described under subd. 1.  
3 in the pupil's English learner's language of choice.

4 **SECTION 22.** 121.91 (4) (a) 3. of the statutes is amended to read:

5 121.91 (4) (a) 3. Notwithstanding subd. 2., if a school board increases the  
6 services that it provides by adding responsibility for providing a service that is  
7 transferred to it from another governmental unit for a child with a disability, as  
8 defined in s. 115.76 (5), or for ~~a limited-English proficient pupil~~ an English learner,  
9 as defined in s. 115.955 (7), the limit otherwise applicable under sub. (2m) in the  
10 current school year is increased by an amount equal to the estimated cost of  
11 providing the service less the estimated amount of aid that the school district will  
12 receive for the child or pupil English learner in the following school year under s.  
13 115.88 (1m) to (6) and (8), 115.995 or 118.255, as determined by the state  
14 superintendent. A school board that transfers or receives responsibility for  
15 providing a service under this subdivision shall notify the state superintendent. A  
16 school board that transfers responsibility for providing a service under this  
17 subdivision shall provide the state superintendent with an estimate of the reduction  
18 in cost attributable to the transfer, even if that estimate is zero. The state  
19 superintendent shall notify the transferring school district when a receiving school  
20 district notifies the state superintendent that it has received responsibility for  
21 providing a service transferred to it under this subdivision.

22 (END)