



## 1995 ASSEMBLY BILL 897

February 19, 1996 - Introduced by Representatives BALDUS, GOETSCH and F. LASEE, cosponsored by Senator CLAUSING, by request of Linda Vander Loop. Referred to Committee on Education.

1     **AN ACT to create** 115.85 (6) of the statutes; **relating to:** providing special  
2           education and related series to pupils enrolled in home-based private  
3           educational programs.

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### *Analysis by the Legislative Reference Bureau*

Under current federal law and regulations, a state educational agency (for example, the department of public instruction (DPI), is required to ensure that, to the extent consistent with their number and location in the state, children with disabilities enrolled by their parents in private schools are provided with special education and related services. The special education and related services provided by school districts to private school pupils must be comparable in quality, scope and opportunity for participation to those services provided by school districts to pupils enrolled in public schools. Federal regulations establish a process, involving consultation with private school representatives, for the purpose of determining which children with disabilities enrolled in private schools should be served.

Federal law does not define "private school" for the purposes specified above. According to the federal office of special education, the determination of whether pupils with disabilities who are being educated at home are covered as if they were enrolled in a private school is based on state law. DPI has determined that, in Wisconsin, enrollment in a home-based private educational program does not constitute enrollment in a private school. Therefore, school districts are not required to make special education and related services available to pupils with disabilities who are enrolled in a home-based private educational program.

This bill provides that a pupil enrolled in a home-based private educational program must be treated for special education purposes as if he or she was enrolled in a private school.

