

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 412**

January 25, 2000 – Offered by COMMITTEE ON FAMILY LAW.

1 **AN ACT** *to renumber and amend* 115.76 (12); and *to create* 115.76 (12) (a) 10.
2 of the statutes; **relating to:** modifying the definition of a parent of a child with
3 a disability for special education purposes.

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

4 **SECTION 1.** 115.76 (12) of the statutes is renumbered 115.65 (12) (a) and
5 amended to read:

6 115.65 (12) (a) “Parent” means a any of the following:

7 1. A biological parent; ~~a.~~

8 2. A husband who has consented to the artificial insemination of his wife under
9 s. 891.40; ~~a.~~

10 3. A male who is presumed to be the child’s father under s. 891.41; ~~a.~~

11 4. A male who has been adjudicated the child’s father under subch. VIII of ch.
12 48, under ss. 767.45 to 767.51, by final order or judgment of an Indian tribal court

1 of competent jurisdiction or by final order or judgment of a court of competent
2 jurisdiction in another state; ~~an~~.

3 5. An adoptive parent; a.

4 6. A legal guardian; a.

5 7. A person acting as a parent of a child; a.

6 8. A person appointed as a sustaining parent under s. 48.428; ~~or a.~~

7 9. A person assigned as a surrogate parent under s. 115.792 (1) (a) 2.

8 (b) “Parent” does not include any of the following:

9 1. A person whose parental rights have been terminated; ~~the.~~

10 2. ~~The~~ state ~~or~~, a county or a child welfare agency, if a child was made a ward
11 of the state ~~or~~ a county or child welfare agency under ch. 880 or if a child has been
12 placed in the legal custody or guardianship of the state ~~or~~ a county or a child welfare
13 agency under ch. 48 or ch. 767; ~~or an.~~

14 3. ~~An~~ American Indian tribal agency if the child was made a ward of the agency
15 or placed in the legal custody or guardianship of the agency.

16 **SECTION 2.** 115.76 (12) (a) 10. of the statutes is created to read:

17 115.76 **(12)** (a) 10. A foster parent, if the right and the responsibility of all of
18 the persons specified in subds. 1. to 5. to make educational decisions concerning a
19 child have been extinguished by termination of parental rights, by transfer of
20 guardianship or legal custody or by other court order, and if the foster parent has an
21 ongoing, long-term parental relationship with the child, is willing to make the
22 educational decisions that are required of a parent under this subchapter and has
23 no interests that would conflict with the interests of the child.

24 (END)