

2007 DRAFTING REQUEST

Bill

Received: 03/14/2007

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Legislative Council - JLC 6-3137

By/Representing: Joyce Kiel

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Education - miscellaneous

Extra Copies: TKK

Submit via email: YES

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Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Tribal school benefits

Instructions:

Same as LRB-1646/2

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No

<END>

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PLEASE JACKET
FOR SENATE

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/?	pgrant	4 WLJ 3/14	Dh 3/14	Dh 3/14			

FE Sent For:

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THURSDAY
(no changes)

LRB - 2235 A
PG: wlj

2007 BILL

1 **AN ACT to amend** 6.28 (2) (c), 7.30 (2) (am), 15.377 (4) (f), 15.57 (3), 16.971 (15),
2 16.972 (2) (b), 16.974 (2) and (3), 16.9785, 16.99 (2g), 20.505 (1) (is), 27.01 (7)
3 (c) 10., 28.06 (1), 29.301 (1) (a), 30.74 (1) (a), 36.11 (36m), 38.001 (3) (a), 38.04
4 (27), 38.14 (3) (a) and (bm), 39.41 (1) (bm), 39.41 (1m) (a) (intro.), (b), (c) 4. and
5 5., (e), (em), (g) and (j), 45.20 (2) (a) 1., (c) 1. and (d) 1., 46.275 (3r) (a) 3., 48.345
6 (12) (c), 48.355 (2) (c), 48.396 (1), 48.65 (2) (b), 48.78 (2) (b), 49.26 (1) (g) 2., 51.45
7 (4) (d), 103.23 (2) (intro.) and (a), 103.25 (3m) (c) and (5), 103.27 (3), 103.275 (8),
8 103.67 (2) (c), 103.71 (1) (b), 115.28 (7) (b) and (e) 1. and (11) (intro.), 115.34 (2),
9 115.341, 115.343 (1), 115.345 (7m), 115.36 (1) and (2) (a), (b) and (d) 3., 115.365
10 (1) and (2) (a) and (b), 115.368 (1) and (2) (a) and (b), 115.42 (1) (a) 2., 115.42 (2)
11 (a) 2., 115.52 (3) (b) 1., 115.52 (3) (b) 2., 115.52 (3) (b) 10., 115.525 (3) (b) 2.,
12 116.01, 116.032 (1) and (3) (a) (intro.), 118.025, 118.07 (3), 118.08 (1), 118.125
13 (2) (n), 118.125 (4), 118.127 (2), 118.145 (3) and (4), 118.15 (1) (a), 118.15 (1) (d)
14 4., 118.153 (1) (b), 118.255 (2), 118.257 (1) (d), 118.29 (2) (a) (intro.) and 3. and

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1 (b) and (3), 118.291 (1g) (b), 118.295, 120.18 (1) (a) 2. and (s), 121.05 (1) (a) 7.,
2 121.76 (1) (a), 121.76 (2) (c), 121.78 (4), 125.09 (2) (a) 2., 125.68 (3) (intro.),
3 252.15 (1) (ab) and (2) (a) 7. a., 255.30 (4), 301.45 (1d) (c), 301.46 (4) (a) 1., 343.06
4 (1) (c), 343.07 (1c), 343.16 (1) (c) 3., 447.06 (2) (a) 2., 895.48 (1m) (a) (intro.),
5 895.515 (2), 938.34 (7d) (c), 938.34 (14t), 938.342 (1r), 938.355 (2) (c), 938.396
6 (1) (b) 2., 938.396 (1) (c) 3. (intro.), a., c. and d. and 4., 938.396 (2g) (m), 938.78
7 (2) (b), 939.632 (1) (a) and (d) 3., 944.21 (8) (b) 2., 948.095 (1) (a), 948.11 (4) (b)
8 2., 948.50 (2) (a), 948.61 (1) (b), 961.49 (1m) (b) 6. and 961.495; and **to create**
9 15.377 (8) (c) 14., 16.972 (1) (cm), 38.01 (9m), 39.41 (1) (br), 48.02 (18m), 48.345
10 (12) (a) 5., 49.26 (1) (a) 2. bm., 103.21 (7), 103.64 (6), 115.001 (16), 118.16 (2)
11 (em), 118.162 (1) (am) and (m), 118.29 (4m), 118.291 (2) (c), 121.78 (5), 938.02
12 (18e), 938.34 (7d) (a) 5. and 938.396 (1) (b) 2m. of the statutes; **relating to:**
13 providing benefits to tribal schools and tribal school pupils similar to those
14 provided to private schools and private school pupils and making an
15 appropriation.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's special committee on state-tribal relations.

GENERAL BACKGROUND

Current Law

Private Schools

Under current law, a "private school" is defined in s. 115.001 (3r), stats., for the purposes of the K-12 education statutes (chs. 115 to 121, stats.) as an institution with a private educational program that: (1) meets all of the criteria under s. 118.165 (1), stats.;

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or (2) is determined to be a private school by the state superintendent of public instruction (state superintendent) under s. 118.167, stats., because evidence is presented that it meets or exceeds the criteria in s. 118.165 (1), stats. Those criteria are that the educational program: (1) has as its primary purpose providing private or religious-based education; (2) is privately controlled; (3) provides at least 875 hours of instruction in each school year; (4) has a sequentially progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science, and health; (5) is not operated to avoid or circumvent the compulsory attendance laws; and (6) has its pupils return annually to their homes for at least 2 months of summer vacation or the institution is licensed as a child welfare agency.

Current law imposes certain requirements on private schools and provides certain benefits to private schools and private school pupils. A tribally operated school is not a private school.

Tribally Operated Schools

Under current Wisconsin statutes, tribally operated schools are dealt with only in subch. IV, ch. 115, stats., relating to the American Indian language and culture education program. In that subchapter, an “alternative school” is defined as “any nonsectarian *private school or tribally operated school* in this state which complies with the requirements of 42 USC 2000d [relating to prohibiting exclusion from participation, denial of benefits, or discrimination based on race, color, or national origin] and in which at least 75% of the pupils enrolled are American Indians”. [s. 115.71 (1), stats. (emphasis added).]

Subchapter IV, ch. 115, then provides that any school district enrolling American Indian pupils *or any “alternative school”* may, after developing a plan containing certain elements and appointing a parent advisory committee, establish, on a voluntary basis, an American Indian language and culture education program which may contain certain elements. These schools are required to keep certain records, and the state superintendent is required to periodically assess the needs of the program and evaluate available resources and programs. However, the programs of alternative schools can be evaluated only with the permission of the alternative school [s. 115.74 (1) (b), stats.]; and the assessment and evaluation can be “performed on Indian reservations and in other Indian communities recognized by the federal government only in conjunction with, or with the permission of, the respective tribal governments”. [s. 115.74 (3), stats.]

A tribally operated school does not need authorization from the state to create an educational program related to American Indian language and culture. Rather, subch. IV, ch. 115, including its requirements to keep records, was enacted in connection with providing state categorical aid to a school district or alternative school that provided a program that met the criteria in subch. IV, ch. 115. State aid for such programs was eliminated by 2003 Wisconsin Act 33.

Tribally Operated Schools in Wisconsin

Currently, 3 schools in Wisconsin come under the tribally operated schools component of the “alternative school” definition in s. 115.71 (1), stats. They are the: Menominee Tribal School; Oneida Nation of Wisconsin Schools; and Lac Courte Oreilles Tribal School. (The Bad River Band of Lake Superior Chippewa Indians previously operated the Mashkiisibii Tribal School, but that school no longer exists.) These schools have contracts with and are funded, in full or in part, by the bureau of Indian affairs (BIA).

Currently it appears that one school in Wisconsin meets the “nonsectarian private school...in which at least 75% of the pupils enrolled are American Indians” component of the “alternative school” definition in s. 115.71 (1), stats. It is the Indian Community School of Milwaukee, Inc. It appears that the state statutes dealing with private schools already apply to this school, and this bill does not affect it.

Authority of the State with Regard to Tribally Operated Schools

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In general, state civil regulatory laws do not apply to a tribe or a member of that tribe on the tribe's reservation or off-reservation trust land unless an act of congress, a treaty, or case law (that is, decisions by the courts) provides that the state law is applicable. Most K-12 education laws likely would be considered by the courts to be civil regulatory laws. It appears that neither an act of congress nor any treaty has authorized the state to apply its civil regulatory education laws to a tribal school that is located on a tribe's reservation or off-reservation trust land. As for whether case law does so, court decisions suggest that, if a matter were litigated, a court would apply a balancing of interests test and hold that a state civil regulatory education law applies to a tribal school only if the state interests outweigh the tribal and federal interests. That analysis depends on the facts surrounding each individual statute; thus, there is no universal answer as to whether a state civil regulatory law applies to a tribal school.

However, in general, it appears that, with respect to most state K-12 education laws, the state does not have authority to impose such laws on tribal schools. Moreover, a tribe may choose to assert sovereign immunity if a legal action were filed against the tribal school or tribal school officials to enforce any such law.

Nonetheless, a state may choose to provide funding or other benefits to a tribal school and may condition such funding or benefits on meeting certain prerequisites to be eligible for the funding or benefits.

THE BILL

The bill defines a "tribal school" in s. 115.001 (16), stats., as an institution with an educational program that has as its primary purpose providing education in any grade or grades from kindergarten to 12 and that is controlled by the elected governing body of a federally recognized American Indian tribe or band in Wisconsin or by a tribal educational authority established under the laws of a federally recognized American Indian tribe or band in Wisconsin. That definition then applies in chs. 115 to 121 (statutes relating to K-12 education) under s. 115.001 (intro.), stats. The bill then uses the same definition by cross-reference in statutes outside chs. 115 to 121, stats.

Private School References-Benefits

The bill amends statutes that refer specifically to private schools, private school employees, or private school pupils and provide a benefit or protection to them, with the exception of statutes relating to: transportation; special education; eligibility for bonding for certain building projects through the Wisconsin Health and Educational Facilities Authority; and statutes in ch. 119, stats., that refer to private schools (since ch. 119 relates only to the Milwaukee Public Schools). In general, the amendments add references to tribal schools, tribal school employees, or tribal school pupils in those statutes.

Private School References-Benefit Linked to Requirement

In some cases, the bill includes language relating to tribal schools that is not identical to current statutes relating to private schools. These relate to statutes in which a requirement is integrally linked to a benefit provided--for example, statutes allowing a private school to receive certain confidential records but prohibiting redisclosure of the record. For those statutes, the bill generally extends the benefit to a tribal school that chooses to comply with the required provision.

Private School References-Requirements

With respect to statutes that explicitly impose requirements on private schools unrelated to a benefit, the bill does *not* add a reference to tribal schools. Such statutes include requirements to: make a report to the department of public instruction (DPI) about enrollment; report to DPI charges and convictions of certain crimes and dismissals and resignations related to immoral conduct of a person licensed by DPI and employed by the school; display the flag and offer the pledge of allegiance or national anthem; have a first aid kit; conduct fire drills; distribute information about meningococcal disease; establish school safety zones; prohibit the use of a pupil's social security number as a pupil identification number; have periodic lead inspections in kindergarten; and abide by restaurant regulations if food is brought in under contract.

BILL*Generic School References*

The bill amends several statutes that refer generically to schools without explicitly referring to public schools, private schools, or tribal schools to make clear that if a benefit applies to the school, the benefit also applies to tribal schools. The bill does not amend statutes that impose a requirement generically on schools, including private schools, to impose the requirement on tribal schools, for example, statutes relating to excluding children who have not met the immunization or waiver of immunization requirements. Whether such statutes apply to tribal schools is an issue to be resolved by the courts.

The provisions of the bill are explained in NOTES following the SECTIONS.

1 **SECTION 1.** 6.28 (2) (c) of the statutes is amended to read:

2 6.28 (2) (c) The principal of any private high school having or of any tribal
3 school, as defined in s. 115.001 (16), that operates high school grades that has a
4 substantial number of students residing in a municipality may request the
5 municipal clerk to establish registration dates when a special registration deputy
6 will be present in the high school, or to appoint a special school registration deputy
7 in accordance with par. (b). The clerk shall establish registration dates or appoint
8 a special school registration deputy in the high school if the clerk determines the
9 school to have a substantial number of students residing in the municipality.

NOTE: Permits a tribal school with high school grades that has a substantial number of students to ask the municipal clerk to conduct voter registration at the high school.

10 **SECTION 2.** 7.30 (2) (am) of the statutes is amended to read:

11 7.30 (2) (am) Except as otherwise provided in this paragraph, a pupil who is
12 16 or 17 years of age and who is enrolled in grades 9 to 12 in a public or private school
13 or in a tribal school, as defined in s. 115.001 (16), may serve as an inspector at the
14 polling place serving the pupil's residence, with the approval of the pupil's parent or
15 guardian. Any pupil who has at least a 3.0 grade point average or the equivalent may
16 serve. In addition, a school board or governing body of a private school or tribal school
17 may establish criteria for service by a pupil who does not have at least a 3.0 grade
18 point average or the equivalent. A pupil may serve as an inspector at a polling place
19 under this paragraph only if at least one election official at the polling place other

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1 than the chief inspector is a qualified elector of this state. No pupil may serve as chief
2 inspector at a polling place under this paragraph. Before appointment by any
3 municipality of a pupil as an inspector under this paragraph, the municipal clerk
4 shall obtain written authorization from the pupil's parent or guardian for the pupil
5 to serve for the election for which he or she is appointed. In addition, if a pupil does
6 not have at least a 3.0 grade point average or the equivalent, the municipal clerk
7 shall obtain written certification from the principal of the school where the pupil is
8 enrolled that the pupil meets any criteria established by the school board or
9 governing body for service as an inspector. Upon appointment of a pupil to serve as
10 an inspector, the municipal clerk shall notify the principal of the school where the
11 pupil is enrolled of the name of the pupil and the date of the election at which the
12 pupil has been appointed to serve.

NOTE: Permits certain tribal school pupils to serve as inspectors at a polling place
under certain conditions.

13 **SECTION 3.** 15.377 (4) (f) of the statutes is amended to read:

14 15.377 (4) (f) Representatives of private schools and, charter schools, and tribal
15 schools, as defined in s. 115.001 (16).

NOTE: Provides that representatives of tribal schools may serve on the DPI council
on special education.

16 **SECTION 4.** 15.377 (8) (c) 14. of the statutes is created to read:

17 15.377 (8) (c) 14. One person licensed as a teacher and actively employed in a
18 tribal school, as defined in s. 115.001 (16), recommended by a federally recognized
19 American Indian tribe or band in this state that has a tribal school.

NOTE: Current law permits one licensed teacher actively employed in a private
school, recommended by the Wisconsin council of religious and independent schools, to
serve on the DPI professional standards council for teachers. The council currently has
19 members who, with one limited exception, are appointed for 3-year terms. With 3
exceptions, a vacancy in any category is filled by having the entity that is authorized to
make a recommendation in that category provide 3 names to the state superintendent,
who then makes the selection for that category.

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The bill increases the number of members to 20 by adding a provision for a licensed teacher employed by a tribal school. The state superintendent must select this teacher based on the recommendation of a tribe that has a tribal school.

1 **SECTION 5.** 15.57 (3) of the statutes is amended to read:

2 15.57 (3) One representative of public schools and one representative of private
3 schools or of tribal schools, as defined in s. 115.001 (16), appointed for 4-year terms.

NOTE: The educational communications board has 16 members who, with limited exceptions not applicable to this provision, are nominated by the governor and confirmed by the senate. This provision permits the governor to nominate a representative who may represent either a tribal school or private school.

4 **SECTION 6.** 16.971 (15) of the statutes is amended to read:

5 16.971 (15) Provide private schools and tribal schools, as defined in s. 115.001
6 (16), with telecommunications access under s. 16.997 and contract with
7 telecommunications providers to provide that access.

NOTE: Requires the department of administration (DOA) to include tribal schools in the educational telecommunication access program under s. 16.997, stats., which provides access to data lines and video links under certain conditions to certain educational agencies (including private schools) at certain costs. This program is the part of the technology for educational achievement (TEACH) program that applies to private schools.

8 **SECTION 7.** 16.972 (1) (cm) of the statutes is created to read:

9 16.972 (1) (cm) “Qualified tribal school” means a tribal school as defined in s.
10 115.001 (16).

11 **SECTION 8.** 16.972 (2) (b) of the statutes is amended to read:

12 16.972 (2) (b) Except as provided in par. (a), provide such computer services and
13 telecommunications services to local governmental units and the broadcasting
14 corporation and provide such telecommunications services to qualified private
15 schools, tribal schools, postsecondary institutions, museums, and zoos, as the
16 department considers to be appropriate and as the department can efficiently and
17 economically provide. The department may exercise this power only if in doing so
18 it maintains the services it provides at least at the same levels that it provides prior

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1 to exercising this power and it does not increase the rates chargeable to users served
2 prior to exercise of this power as a result of exercising this power. The department
3 may charge local governmental units, the broadcasting corporation, and qualified
4 private schools, tribal schools, postsecondary institutions, museums, and zoos, for
5 services provided to them under this paragraph in accordance with a methodology
6 determined by the department. Use of telecommunications services by a qualified
7 private school, tribal school, or postsecondary institution shall be subject to the same
8 terms and conditions that apply to a municipality using the same services. The
9 department shall prescribe eligibility requirements for qualified museums and zoos
10 to receive telecommunications services under this paragraph.

11 **SECTION 9.** 16.974 (2) and (3) of the statutes are amended to read:

12 16.974 (2) Subject to s. 16.972 (2) (b), enter into and enforce an agreement with
13 any agency, any authority, any unit of the federal government, any local
14 governmental unit, ~~or any entity in the private sector, or any tribal school, as defined~~
15 in s. 115.001 (16), to provide services authorized to be provided by the department
16 to that agency, authority, unit, ~~or entity, or tribal school~~ at a cost specified in the
17 agreement.

18 (3) Develop or operate and maintain any system or device facilitating Internet
19 or telephone access to information about programs of agencies, authorities, local
20 governmental units, ~~or entities in the private sector, or any tribal schools, as defined~~
21 in s. 115.001 (16), or otherwise permitting the transaction of business by agencies,
22 authorities, local governmental units, or entities in the private sector, or tribal
23 schools by means of electronic communication. The department may assess
24 executive branch agencies, other than the board of regents of the University of
25 Wisconsin System, for the costs of systems or devices relating to information

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1 technology or telecommunications that are developed, operated, or maintained
2 under this subsection in accordance with a methodology determined by the
3 department. The department may also charge any agency, authority, local
4 governmental unit, ~~or~~ entity in the private sector, or tribal school for such costs as
5 a component of any services provided by the department to that agency, authority,
6 local governmental unit, ~~or~~ entity, or tribal school.

NOTE: SECTIONS 7 to 9 permit DOA to provide telecommunications services to tribal schools that DOA considers appropriate and charge for such services. Also see s. 20.505 (1) (is), stats., below.

7 **SECTION 10.** 16.9785 of the statutes is amended to read:

8 **16.9785 Purchases of computers by teachers.** The department shall
9 negotiate with private vendors to facilitate the purchase of computers and other
10 educational technology, as defined in s. 24.60 (1r), by public ~~and~~, private, and tribal
11 elementary and secondary school teachers for their private use. The department
12 shall attempt to make available types of computers and other educational technology
13 under this section that will encourage and assist teachers in becoming
14 knowledgeable about the technology and its uses and potential uses in education.

NOTE: Includes tribal school teachers in the DOA program to facilitate the purchase of computers by school teachers.

15 **SECTION 11.** 16.99 (2g) of the statutes is amended to read:

16 **16.99 (2g)** “Educational agency” means a school district, charter school
17 sponsor, juvenile correctional facility, private school, tribal school, as defined in s.
18 115.001 (16), cooperative educational service agency, technical college district,
19 private college, public library system, public library board, public museum, the
20 Wisconsin Center for the Blind and Visually Impaired, or the Wisconsin Educational
21 Services Program for the Deaf and Hard of Hearing.

BILL**SECTION 11**

NOTE: Includes tribal schools under the educational telecommunications access program which is part of the TEACH program. See s. 16.971 (15), stats., above.

1 **SECTION 12.** 20.505 (1) (is) of the statutes is amended to read:

2 20.505 (1) (is) *Information technology and communications services; nonstate*
3 *entities*. From the sources specified in ss. 16.972 (2) (b) and (c), 16.974 (2) and (3),
4 and 16.997 (2) (d), to provide computer, telecommunications, electronic
5 communications, and supercomputer services to state authorities, units of the
6 federal government, local governmental units, tribal schools, and entities in the
7 private sector, the amounts in the schedule.

NOTE: Amends the appropriation to DOA for technology and communications services provided to tribal schools to reflect the amendment to ss. 16.972 (2) (b) and 16.974 (2) and (3), stats., above.

8 **SECTION 13.** 27.01 (7) (c) 10. of the statutes is amended to read:

9 27.01 (7) (c) 10. Any motor vehicle operated for the purpose of transporting
10 pupils to or from curricular or extracurricular activities of a public or private school
11 ~~or, a home-based private educational program under s. 118.15 (4), or a tribal school,~~
12 as defined in s. 115.001 (16). The operator of a motor vehicle transporting pupils
13 under this subdivision shall possess and exhibit for inspection a written
14 authorization from an administrator of the school or home-based private
15 educational program indicating that admission to the vehicle admission area is part
16 of an official school or home-based private educational program function and
17 indicating the date for which the authorization is applicable. A separate
18 authorization is required for each date on which the motor vehicle is admitted to the
19 vehicle admission area under this subdivision.

NOTE: Exempts a motor vehicle transporting tribal school pupils to a state park or recreational area from the requirement to display a state park admission receipt.

20 **SECTION 14.** 28.06 (1) of the statutes is amended to read:

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1 28.06 (1) LIMITATION. Only planting stock of species and sizes suitable for forest
2 and woodlot planting and for planting by school pupils, including pupils at a tribal
3 school, as defined in s. 115.001 (16), to celebrate arbor day under s. 118.025 shall be
4 produced in state forest nurseries. The department may employ labor at prevailing
5 local wages for nursery operation or reforestation.

NOTE: Current law provides that the state forest nurseries may plant stock suitable for planting by school pupils to celebrate arbor day and authorizes distribution of the stock for arbor day plantings by school pupils. The bill specifies that tribal school pupils are included.

6 **SECTION 15.** 29.301 (1) (a) of the statutes is amended to read:

7 29.301 (1) (a) In this subsection, “school” means a public or private elementary
8 or secondary school, including a charter school, a tribal school, as defined in s.
9 115.001 (16), or a technical college.

NOTE: Adds tribal school to the definition of “school” that is used in s. 29.301 (1) (b), stats., which prohibits hunting within 1,700 feet of certain facilities, including a school.

10 **SECTION 16.** 30.74 (1) (a) of the statutes is amended to read:

11 30.74 (1) (a) The department shall create comprehensive courses on boating
12 safety and operation. These courses shall be offered in cooperation with schools,
13 including tribal schools, as defined in s. 115.001 (16), private clubs and
14 organizations, and may be offered by the department in areas where requested and
15 where other sponsorship is unavailable. The department shall issue certificates to
16 persons 10 years of age or older successfully completing such courses. The
17 department shall prescribe the course content and the form of the certificate.

NOTE: Requires the department of natural resources to create boating safety courses and offer them in cooperation with, among others, schools, including tribal schools.

18 **SECTION 17.** 36.11 (36m) of the statutes is amended to read:

BILL**SECTION 17**

1 **36.11 (36m) SCHOOL SAFETY RESEARCH.** The board shall direct the schools of
2 education and other appropriate research-oriented departments within the system,
3 to work with the technical college system board under s. 38.04 (27), school districts,
4 private schools, tribal schools, as defined in s. 115.001 (16), and the department of
5 public instruction to present to school districts ~~and, private schools, and tribal~~
6 schools the results of research on models for and approaches to improving school
7 safety and reducing discipline problems in schools and at school activities.

NOTE: Requires the board of regents of the University of Wisconsin (UW) system to direct the UW schools of education to work with tribal schools, among others, on researching improving school safety and reducing school discipline problems and to share with tribal schools the results of such research.

8 **SECTION 18.** 38.001 (3) (a) of the statutes is amended to read:

9 **38.001 (3) (a) 1.** Contract with secondary schools, including tribal schools, to
10 provide educational opportunities for high school age students in order to enhance
11 their potential for benefiting from postsecondary education and for obtaining
12 employment.

13 **2.** Coordinate and cooperate with secondary schools, including tribal schools,
14 to facilitate the transition of secondary school students into postsecondary technical
15 college education through curriculum articulation and collaboration.

NOTE: Provides that the purposes of the technical college system include contracting, coordinating, and cooperating with tribal schools.

16 **SECTION 19.** 38.01 (9m) of the statutes is created to read:

17 **38.01 (9m)** “Tribal school” has the meaning given in s. 115.001 (16).

18 **SECTION 20.** 38.04 (27) of the statutes is amended to read:

19 **38.04 (27) SCHOOL SAFETY.** The board shall work with schools of education and
20 other departments of the University of Wisconsin System under s. 36.11 (36m),
21 school districts, private schools, tribal schools, and the department of public

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1 instruction to present to school districts ~~and, private schools, and tribal schools~~ the
2 results of research on models for and approaches to improving school safety and
3 reducing discipline problems in schools and at school activities.

NOTE: Requires the technical college system board to additionally work with tribal schools on researching improving school safety and reducing school discipline problems and to share with tribal schools the results of such research.

4 **SECTION 21.** 38.14 (3) (a) and (bm) of the statutes are amended to read:

5 38.14 (3) (a) The district board may enter into contracts to provide educational
6 services to public and private educational institutions, tribal schools, federal and
7 state agencies, local governmental bodies, industries, and businesses.

8 (bm) The district board may enter into contracts to provide fiscal and
9 management services to public and private educational institutions, tribal schools,
10 federal and state agencies, and local governmental units.

NOTE: Authorizes a technical college district board to contract with tribal schools, among others, to provide educational services or fiscal and management services.

11 **SECTION 22.** 39.41 (1) (bm) of the statutes is amended to read:

12 39.41 (1) (bm) “Senior” means a pupil enrolled in the 12th grade in a public or
13 private high school, a tribal school, the school operated by the Wisconsin Educational
14 Services Program for the Deaf and Hard of Hearing, or the school operated by the
15 Wisconsin Center for the Blind and Visually Impaired.

16 **SECTION 23.** 39.41 (1) (br) of the statutes is created to read:

17 39.41 (1) (br) “Tribal school” has the meaning given in s. 115.001 (16).

18 **SECTION 24.** 39.41 (1m) (a) (intro.), (b), (c) 4. and 5., (e), (em), (g) and (j) of the
19 statutes are amended to read:

20 39.41 (1m) (a) (intro.) Subject to par. (d), by February 15 of each school year,
21 the school board of each school district operating one or more high schools and the
22 governing body of each private high school and of each tribal high school shall:

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1 (b) By February 15 of each school year, the school board of each school district
2 operating one or more high schools and the governing body of each private high
3 school and of each tribal high school may, for each high school with an enrollment of
4 less than 80 pupils, nominate the senior with the highest grade point average in all
5 subjects who may be designated as a scholar by the executive secretary under par.

6 (c) 3.

7 (c) 4. For each public ~~or~~, private, or tribal high school with an enrollment of at
8 least 80 pupils, notify the school board of the school district operating the public high
9 school or the governing body of the private or tribal high school of the number of
10 scholars to be designated under par. (a).

11 5. For each public ~~or~~, private, or tribal high school with an enrollment of less
12 than 80 pupils, notify the school board of the school district operating the public high
13 school or the governing body of the private or tribal high school that the school board
14 or governing body may nominate a senior under par. (b) who may be designated as
15 a scholar by the executive secretary.

16 (e) Except as provided under par. (em), if 2 or more seniors from the same high
17 school of less than 80 pupils have the same grade point average and, except for the
18 limitation of one nominated senior, are otherwise eligible for nomination under par.
19 (b), the faculty of the high school shall select the senior who may be nominated by
20 the school board of the school district operating the public high school or the
21 governing body of the private or tribal high school for designation under par. (b) as
22 a scholar by the executive secretary. If that senior is designated as a scholar by the
23 executive secretary and does not qualify for a higher education scholarship under
24 sub. (2) (a) or (3) (a), faculty of the high school shall select one or more of the
25 remaining seniors with the same grade point average for certification as a scholar

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1 and the school board of the school district operating the high school or the governing
2 body of the private or tribal high school shall certify to the board one or more of these
3 seniors as eligible for a higher education scholarship as a scholar under sub. (2) (a)
4 or (3) (a) until the scholarship may be awarded by the board.

5 (em) If the high school weights different courses differently to determine a
6 pupil's grade point average, and the senior designated as a scholar by the executive
7 secretary under par. (e) does not qualify for a higher education scholarship under
8 sub. (2) (a) or (3) (a), the faculty of the high school shall select one senior with the
9 same grade point average for certification as a scholar, or, if there is no senior with
10 the same grade point average, one senior with the next highest grade point average
11 for certification as a scholar, and the school board of the school district operating the
12 high school or the governing body of the private or tribal high school shall certify to
13 the board the selected senior as eligible for a higher education scholarship as a
14 scholar under sub. (2) (a) or (3) (a) until the scholarship may be awarded by the board.

15 (g) Notwithstanding par. (a), if a high school of at least 80 pupils closes or
16 merges in the 1991-92 school year or in any school year thereafter, the school board
17 of the school district operating the high school or the governing body of the private
18 or tribal high school shall, subject to par. (d), for each of the 2 school years following
19 the closure or merger, designate the same number of scholars from among the pupils
20 enrolled in the high school at the time of closure or merger as the number of scholars
21 designated for that high school in the school year the high school closed or merged.
22 Any seniors designated under this paragraph shall be eligible for an original
23 scholarship under this section.

24 (j) In the event that 2 or more seniors from the same high school of at least 80
25 pupils have the same grade point average and are otherwise eligible for designation

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1 under par. (a), the school board of the school district operating the high school or the
 2 governing body of the private or tribal high school shall make the designation of the
 3 faculty of the high school for purposes of par. (d) or (i).

NOTE: SECTIONS 22 to 24 include seniors at a tribal high school in the academic
 excellence higher education scholarships program that provides certain seniors with
 academic scholarships at the UW, technical college, or participating private institutions
 of higher education.

4 **SECTION 25.** 45.20 (2) (a) 1., (c) 1. and (d) 1. of the statutes are amended to read:

5 45.20 (2) (a) 1. The department shall administer a tuition reimbursement
 6 program for eligible veterans enrolling as undergraduates in any institution of
 7 higher education in this state, enrolling in a school that is approved under s. 45.03
 8 (11), enrolling in a proprietary school that is approved under s. 38.50, enrolling in a
 9 public or private high school, enrolling in a tribal school, as defined in s. 115.011 (16),
 10 that operates high school grades, or receiving a waiver of nonresident tuition under
 11 s. 39.47.

12 (c) 1. A veteran who meets the eligibility requirements under par. (b) 1. may
 13 be reimbursed upon satisfactory completion of an undergraduate semester in any
 14 institution of higher education in this state, or upon satisfactory completion of a
 15 course at any school that is approved under s. 45.03 (11), any proprietary school that
 16 is approved under s. 38.50, any public or private high school, any tribal school, as
 17 defined in s. 115.001 (16), that operates high school grades, or any institution from
 18 which the veteran receives a waiver of nonresident tuition under s. 39.47. Except as
 19 provided in par. (e), the amount of reimbursement may not exceed the total cost of
 20 the veteran's tuition minus any grants or scholarships that the veteran receives
 21 specifically for the payment of the tuition, or, if the tuition is for an undergraduate
 22 semester in any institution of higher education, the standard cost of tuition for a

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1 state resident for an equivalent undergraduate semester at the University of
2 Wisconsin–Madison, whichever is less.

3 (d) 1. A veteran’s eligibility for reimbursement under this subsection at any
4 institution of higher education in this state, at a school that is approved under s.
5 45.03 (11), at a proprietary school that is approved under s. 38.50, at a public or
6 private high school, at a tribal school, as defined in s. 115.001 (16), that operates high
7 school grades, or at an institution where he or she is receiving a waiver of nonresident
8 tuition under s. 39.47 is limited to the following:

NOTE: Provides that a veteran is eligible for reimbursement for a course taken at
a tribal high school under certain circumstances.

9 **SECTION 26.** 46.275 (3r) (a) 3. of the statutes is amended to read:

10 46.275 (3r) (a) 3. The person will be relocated into the home of the person’s
11 parent or guardian and will be receiving state monitoring of the relocation and
12 services provided by a public or private school or a tribal school, as defined in s.
13 115.001 (16).

NOTE: Current law permits the department of health and family services (DHFS)
to relocate a resident of a state center for the developmentally disabled to the community
without county participation under certain circumstances, including the circumstance in
s. 46.275 (3r) (a) 3., stats., which is amended to include a tribal school.

14 **SECTION 27.** 48.02 (18m) of the statutes is created to read:

15 48.02 (18m) “Tribal school” has the meaning given in s. 115.001 (16).

16 **SECTION 28.** 48.345 (12) (a) 5. of the statutes is created to read:

17 48.345 (12) (a) 5. Pursuant to a contractual agreement with the school district
18 in which the child resides, an educational program provided by a tribal school.

19 **SECTION 29.** 48.345 (12) (c) of the statutes is amended to read:

20 48.345 (12) (c) The judge shall order the county department, department, in
21 a county having a population of 500,000 or more, or licensed child welfare agency

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1 responsible for supervising the child to disclose to the school board, technical college
2 district board, tribal school, or private, nonprofit, nonsectarian agency which is
3 providing an educational program under par. (a) 3. records or information about the
4 child, as necessary to assure the provision of appropriate educational services under
5 par. (a).

NOTE: Under current law, a child in need of protection or services (CHIPS) dispositional order may include an order that a child attend an educational program provided by the school district or one of several programs under contract with the school district. Current law does not include a tribal school.

Section 48.345 (12) (a) 5., stats., specifies that the court is permitted to order a child to attend a tribal school if the school district has a contract with the tribal school for such placements. Section 48.345 (12) (c), stats., is amended to require the court to order the supervising agency to disclose information to the tribal school necessary to assure appropriate educational services in such cases. Also see ss. 121.78 (4) and 938.34 (7d) (a) 5. and (c), stats., below.

6 **SECTION 30.** 48.355 (2) (c) of the statutes is amended to read:

7 48.355 (2) (c) If school attendance is a condition of an order under par. (b) 7.,
8 the order shall specify what constitutes a violation of the condition and shall direct
9 the school board of the school district, or the governing body of the private school, in
10 which the child is enrolled, or shall request the governing body of the tribal school
11 in which the child is enrolled, to notify the county department that is responsible for
12 supervising the child or, in a county having a population of 500,000 or more, the
13 department within 5 days after any violation of the condition by the child.

NOTE: Under s. 48.355 (2) (b) 7., stats., a CHIPS dispositional order may state the conditions with which the child must comply. If school attendance is a condition, current law requires that the order direct the school board or the governing body of a private school to notify the court within 5 days of a violation of the condition. The bill requires that the court order request that a tribal school do so.

14 **SECTION 31.** 48.396 (1) of the statutes is amended to read:

15 48.396 (1) Law enforcement officers' records of children shall be kept separate
16 from records of adults. Law enforcement officers' records of the adult expectant
17 mothers of unborn children shall be kept separate from records of other adults. Law

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1 enforcement officers' records of children and the adult expectant mothers of unborn
2 children shall not be open to inspection or their contents disclosed except under sub.
3 (1b), (1d), (5), or (6) or s. 48.293 or by order of the court. This subsection does not
4 apply to the representatives of newspapers or other reporters of news who wish to
5 obtain information for the purpose of reporting news without revealing the identity
6 of the child or adult expectant mother involved, to the confidential exchange of
7 information between the police and officials of the public or private school attended
8 by the child or other law enforcement or social welfare agencies, or to children 10
9 years of age or older who are subject to the jurisdiction of the court of criminal
10 jurisdiction. A public school official who obtains information under this subsection
11 shall keep the information confidential as required under s. 118.125, and a private
12 school official who obtains information under this subsection shall keep the
13 information confidential in the same manner as is required of a public school official
14 under s. 118.125. This subsection does not apply to the confidential exchange of
15 information between the police and officials of the tribal school attended by the child
16 if the police determine that enforceable protections are provided by a tribal school
17 policy or tribal law that requires tribal school officials to keep the information
18 confidential in a manner at least as stringent as is required of a public school official
19 under s. 118.125. A law enforcement agency that obtains information under this
20 subsection shall keep the information confidential as required under this subsection
21 and s. 938.396 (1) (a). A social welfare agency that obtains information under this
22 subsection shall keep the information confidential as required under ss. 48.78 and
23 938.78.

NOTE: Current law provides that the subsection which specifies that, subject to certain exceptions, law enforcement records relating to children under ch. 48 (the children's code) are confidential does not apply to the confidential exchange of

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information between the police and school officials. Current law further requires that public school officials who obtain information under this provision keep the information confidential as required in s. 118.125, stats. (relating to the confidentiality of pupil records). Current law also requires that private school officials who obtain information under this provision keep the information confidential in the same manner as is required of a public school official. The bill permits the police to confidentially exchange information with tribal school officials if the police determine that a tribal school policy or tribal law provides enforceable protections that require tribal school officials to keep the information confidential in a manner at least as stringent as is required of public and private school officials.

1 **SECTION 32.** 48.65 (2) (b) of the statutes is amended to read:

2 48.65 (2) (b) A public or parochial school or a tribal school.

NOTE: The day care license statute requires that, with certain exceptions, a facility that provides care for 4 or more children under the age of 7 must obtain a day care center license. Because the day care license statute is a state civil regulatory law, it is not clear that this statute applies to a facility operated by a tribe or tribal member on a reservation or off-reservation trust land, although a tribe or tribal member may choose to obtain a license. In the event a court interprets the day care license statute as applying to a tribe or tribal member, the bill makes clear that a tribal school is not subject to this statute.

3 **SECTION 33.** 48.78 (2) (b) of the statutes is amended to read:

4 48.78 (2) (b) Paragraph (a) does not apply to the confidential exchange of
5 information between an agency and another social welfare agency, a law
6 enforcement agency, a public school, or a private school regarding an individual in
7 the care or legal custody of the agency. A social welfare agency that obtains
8 information under this paragraph shall keep the information confidential as
9 required under this section and s. 938.78. A law enforcement agency that obtains
10 information under this paragraph shall keep the information confidential as
11 required under ss. 48.396 (1) and 938.396 (1) (a). A public school that obtains
12 information under this paragraph shall keep the information confidential as
13 required under s. 118.125, and a private school that obtains information under this
14 paragraph shall keep the information confidential in the same manner as is required
15 of a public school under s. 118.125. Paragraph (a) does not apply to the confidential
16 exchange of information between an agency and officials of a tribal school regarding

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1 an individual in the care or legal custody of the agency if the agency determines that
2 enforceable protections are provided by a tribal school policy or tribal law that
3 requires tribal school officials to keep the information confidential in a manner at
4 least as stringent as is required of a public school official under s. 118.125.

NOTE: Section 48.78 (2) (a), stats., provides that, subject to certain exceptions, DHFS, a county department of human services or county department of social services, a licensed child welfare agency, or a licensed day care center (collectively referred to as agency) must keep its records relating to children under ch. 48, stats., confidential. Section 48.78 (2) (b), stats., provides an exception and permits the confidential exchange of information with a public or private school which is then required to keep the information confidential if required to do so under the pupil records statute. The bill permits an agency to confidentially exchange information with tribal school officials if the agency determines that a tribal school policy or tribal law provides enforceable protections that require tribal school officials to keep the information confidential in a manner at least as stringent as is required of public and private school officials.

5 **SECTION 34.** 49.26 (1) (a) 2. bm. of the statutes is created to read:

6 49.26 (1) (a) 2. bm. A tribal school, as defined in s. 115.001 (16).

NOTE: Includes a tribal school in the definition of a “school” under the learnfare program, which requires certain individuals to attend school under certain circumstances as a condition of eligibility under the Wisconsin works program.

7 **SECTION 35.** 49.26 (1) (g) 2. of the statutes is amended to read:

8 49.26 (1) (g) 2. The individual has not graduated from a public ~~or~~, private, or
9 tribal high school or obtained a declaration of equivalency of high school graduation
10 under s. 115.29 (4).

NOTE: Provides an exception for the school attendance requirement under the learnfare program if an individual has graduated from a tribal high school.

11 **SECTION 36.** 51.45 (4) (d) of the statutes is amended to read:

12 51.45 (4) (d) Cooperate with the department of public instruction, local boards
13 of education, schools, including tribal schools, as defined in s. 115.001 (16), police
14 departments, courts, and other public and private agencies, organizations, and
15 individuals in establishing programs for the prevention of alcoholism and treatment
16 of alcoholics and intoxicated persons, and preparing curriculum materials thereon
17 for use at all levels of school education.

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NOTE: Requires DHFS to cooperate with various entities, including tribal schools, to establish alcoholism prevention and treatment programs and to prepare curriculum materials.

1 **SECTION 37.** 103.21 (7) of the statutes is created to read:

2 103.21 (7) “Tribal school” has the meaning given in s. 115.001 (16).

3 **SECTION 38.** 103.23 (2) (intro.) and (a) of the statutes are amended to read:

4 103.23 (2) (intro.) A minor under 12 years of age may work in a fund-raising
5 sale for a nonprofit organization, a public school ~~or~~, a private school, or a tribal school
6 under the following conditions:

7 (a) Each minor must give the nonprofit organization, public school ~~or~~, private
8 school, or tribal school written approval from the minor’s parent or guardian.

9 **SECTION 39.** 103.25 (3m) (c) and (5) of the statutes are amended to read:

10 103.25 (3m) (c) This subsection does not apply to employment of a minor by a
11 newspaper publisher or in a fund-raising sale for a nonprofit organization, a public
12 school ~~or~~, a private school, or a tribal school.

13 (5) This section does not apply to employment of a minor in a fund-raising sale
14 for a nonprofit organization, a public school ~~or~~, a private school, or a tribal school.

15 **SECTION 40.** 103.27 (3) of the statutes is amended to read:

16 103.27 (3) This section does not apply to employment of a minor in a
17 fund-raising sale for a nonprofit organization, a public school ~~or~~, a private school, or
18 a tribal school.

19 **SECTION 41.** 103.275 (8) of the statutes is amended to read:

20 103.275 (8) EXCEPTION. This section does not apply to the employment of a
21 minor by a newspaper publisher or in a fund-raising sale for a nonprofit
22 organization, a public school ~~or~~, a private school, or a tribal school.

NOTE: SECTION 37 creates a definition of “tribal school” for purposes of the statutes relating to minors working in the street trades or fund raising. In general, minors doing

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fund raising by selling for a public or private school are exempt from these statutes. The courts have not made clear if these statutes may be applied on reservations or on off-reservation trust land to minors who are engaged in such activities for a tribal school. While a court may be less likely to apply the statute to American Indian minors who are fund raising on their own reservation or off-reservation trust land, it is possible that a court would apply the statute to non-Indian minors who are fund raising for a tribal school.

SECTIONS 38 to 41 specify that the statutes do not apply if a minor is engaged in fund-raising activities for a tribal school.

1 **SECTION 42.** 103.64 (6) of the statutes is created to read:

2 103.64 (6) “Tribal school” has the meaning given in s. 115.001 (16).

NOTE: Defines tribal school as used in ss. 103.67 (2) (c) and 103.71 (1) (b), below.

3 **SECTION 43.** 103.67 (2) (c) of the statutes is amended to read:

4 103.67 (2) (c) Minors 12 years of age or older may be employed in street trades,
5 and any minor may work in fund-raising sales for nonprofit organizations, public
6 schools ~~or~~, private schools, or tribal schools, as provided in ss. 103.21 to 103.31.

NOTE: Relates to SECTIONS 37 and 41, above.

7 **SECTION 44.** 103.71 (1) (b) of the statutes is amended to read:

8 103.71 (1) (b) A diploma or certificate to this effect issued by the superintendent
9 of the parochial school system or by the principal of the parochial or private school
10 or tribal school last attended by such minor. Such superintendent, principal, or clerk
11 shall issue such diploma or certificate upon receipt of any application in behalf of any
12 minor entitled thereto. As used in this paragraph the term “school district” shall
13 apply to all regularly constituted school districts, including union free high school
14 districts.

NOTE: Permits a child who has completed high school, including a tribal high school, to be employed during school hours.

15 **SECTION 45.** 115.001 (16) of the statutes is created to read:

16 115.001 (16) “Tribal school” means an institution with an educational program
17 that has as its primary purpose providing education in any grade or grades from
18 kindergarten to 12 and that is controlled by the elected governing body of a federally

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1 recognized American Indian tribe or band in Wisconsin or by a tribal educational
2 authority established under the laws of a federally recognized American Indian tribe
3 or band in Wisconsin.

NOTE: Defines tribal school for purposes of chs. 115 to 121, stats., which relate to
K-12 education. This definition is also cross-referenced in statutes outside these
chapters that are being amended to refer to tribal schools.

4 **SECTION 46.** 115.28 (7) (b) and (e) 1. and (11) (intro.) of the statutes are amended
5 to read:

6 115.28 (7) (b) Subject to the same rules and laws concerning qualifications of
7 applicants and granting and revocation of licenses or certificates under par. (a), the
8 state superintendent shall grant certificates and licenses to teachers in private
9 schools and tribal schools, except that teaching experience requirements for such
10 certificates and licenses may be fulfilled by teaching experience in ~~either public or,~~
11 ~~private, or tribal~~ schools. An applicant is not eligible for a license or certificate unless
12 the state superintendent finds that the private school or tribal school in which the
13 applicant taught offered an adequate educational program during the period of the
14 applicant's teaching therein. Private schools are not obligated to employ only
15 licensed or certified teachers.

NOTE: Provides that, although state law does not require that teachers in tribal
schools have a state license, a state license may be issued if the applicant who teaches in
a tribal school meets the state license criteria. Further provides that appropriate
experience in a tribal school is counted in determining teaching experience under the
state licensure law.

Whether a tribal school is obligated to employ only state licensed or certified
teachers is determined by tribal law (or by federal law if the tribal school receives funding
from the BIA). Because the issue is not determined by state law, the bill does not include
language regarding the matter.

16 (e) 1. In this paragraph, "alternative education program" means an
17 instructional program, approved by the school board, that utilizes successful
18 alternative or adaptive school structures and teaching techniques and that is
19 incorporated into existing, traditional classrooms or regularly scheduled curricular

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1 programs or that is offered in place of regularly scheduled curricular programs.
2 “Alternative educational program” does not include a private school, a tribal school,
3 or a home-based private educational program.

NOTE: For the alternative education program license, specifies that, like a private school, an alternative educational program does not include a tribal school.

4 **(11) DRIVER EDUCATION COURSES.** (intro.) Approve driver education courses
5 offered by school districts, county children with disabilities education boards, and
6 technical college districts for the purposes of s. 343.16 (1) (c) 1. and establish
7 minimum standards for driver education courses offered in private schools and tribal
8 schools for the purposes of s. 343.16 (1) (c) 3. All driver education courses approved
9 or for which standards are established under this subsection shall do all of the
10 following:

NOTE: Requires the state superintendent to establish minimum standards for driver education courses offered in tribal schools so that the courses can be accepted by the department of transportation (DOT) under ss. 343.06 (1) (c) and 343.16, stats., which relate to qualifications for a driver’s license and examining applicants for a driver’s license.

If the tribal school does not comply with the requirements for the driver education course, the consequence would be that DOT cannot accept the tribal school course for purposes of the driver’s license statute.

11 **SECTION 47.** 115.34 (2) of the statutes is amended to read:

12 115.34 (2) The state superintendent shall make payments to school districts,
13 private schools, charter schools under s. 118.40 (2r), tribal schools, the program
14 under s. 115.52, and the center under s. 115.525 for school lunches served to children
15 in the prior year as determined by the state superintendent from the appropriation
16 under s. 20.255 (2) (cn). Payments shall equal the state’s matching obligation under
17 42 USC 1751 et seq. Payments in the current year shall be determined by prorating
18 the state’s matching obligation based on the number of school lunches served to
19 children in the prior year. In this subsection, “private school” means any school
20 defined in s. 115.001 (3r) which complies with the requirements of 42 USC 2000d.

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NOTE: Adds tribal schools to the school lunch program.

1 **SECTION 48.** 115.341 of the statutes is amended to read:

2 **115.341 School breakfast program.** (1) From the appropriation under s.
3 20.255 (2) (cm), the state superintendent shall reimburse each school board 10 cents
4 for each breakfast served at a school that meets the requirements of 7 CFR 220.8 or
5 220.8a, whichever is applicable, and shall reimburse each governing body of a
6 private school or tribal school 10 cents for each breakfast served at the private school
7 or tribal school that meets the requirements of 7 CFR 220.8 or 220.8a, whichever is
8 applicable.

9 (2) If the appropriation under s. 20.255 (2) (cm) in any fiscal year is insufficient
10 to pay the full amount of aid under this section, the state superintendent shall
11 prorate state aid payments among the school boards and governing bodies of private
12 schools and tribal schools entitled to the aid.

NOTE: Adds tribal schools to the school breakfast program.

13 **SECTION 49.** 115.343 (1) of the statutes is amended to read:

14 115.343 (1) The department shall establish a school day milk program. A
15 public, private, or tribal school participating in the program shall offer each eligible
16 child one half-pint of Wisconsin-produced whole milk, 2% milk, 1.5% milk, one
17 percent milk, 0.5% milk, skim milk or chocolate milk on each day in which school is
18 in session. If a child is allergic to milk or has metabolic disorders or other conditions
19 which prohibit him or her from drinking milk, the child shall be offered juice as a
20 substitute. Any school that participates in the program is encouraged to consider
21 bids from local milk suppliers. The school shall keep all information related to the
22 identity of the pupils who receive a beverage under the program confidential. In this

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1 subsection, “Wisconsin-produced” means that all or part of the raw milk used by the
2 milk processor was produced in this state.

NOTE: Current law provides aid for the school day milk program. According to DPI staff, this statute is interpreted as applying to all schools, including tribal schools. The bill clearly specifies that tribal schools may be participating schools.

3 **SECTION 50.** 115.345 (7m) of the statutes is amended to read:

4 115.345 (7m) A private school or tribal school may establish a food services plan
5 for elderly persons. If the plan meets all of the requirements of this section and is
6 approved by the state superintendent, the private school or tribal school is eligible
7 for reimbursement in the same manner as school districts under sub. (5).

NOTE: Adds tribal schools as eligible for reimbursement for a food services plan for the elderly.

8 **SECTION 51.** 115.36 (1) and (2) (a), (b) and (d) 3. of the statutes are amended
9 to read:

10 115.36 (1) The purpose of this section is to enable and encourage public ~~and,~~
11 private, and tribal schools to develop comprehensive programs to prevent or
12 ameliorate alcohol and other drug abuse among minors.

13 (2) (a) Develop and conduct training programs for the professional staff of
14 public ~~and,~~ private, and tribal schools in alcohol and other drug abuse prevention,
15 intervention, and instruction programs.

16 (b) Provide consultation and technical assistance to public ~~and,~~ private, and
17 tribal schools for the development and implementation of alcohol and other drug
18 abuse prevention, intervention, and instruction programs.

19 (d) 3. The systematic dissemination of information concerning available
20 resources to appropriate public ~~and,~~ private, and tribal school staff.

NOTE: Includes tribal schools in DPI’s program to assist schools in developing alcohol and other drug abuse programs.

21 **SECTION 52.** 115.365 (1) and (2) (a) and (b) of the statutes are amended to read: