

BILL**SECTION 52**

1 115.365 (1) The purpose of this section is to enable and encourage public and,
2 private, and tribal schools to develop programs designed to prevent suicide among
3 minors.

4 (2) (a) Develop and conduct training programs in suicide prevention for the
5 professional staff of public and, private, and tribal schools and county departments
6 under ss. 46.215, 46.22, and 51.42. The programs shall include information on how
7 to assist minors in the positive emotional development which will help prevent
8 suicidal tendencies; the detection, by minors, school staff, and parents, of conditions
9 which indicate suicidal tendencies; the proper action to take when there is reason to
10 believe that a minor has suicidal tendencies or is contemplating suicide; and the
11 coordination of school suicide prevention programs and activities with the suicide
12 prevention and intervention programs and activities of other state and local
13 agencies. Persons other than the professional staff of public and, private, and tribal
14 schools and county departments under ss. 46.215, 46.22, and 51.42 may attend the
15 training programs. The department may charge such persons a fee sufficient to cover
16 the increased costs to the department of their participation in the programs.

17 (b) Provide consultation and technical assistance to public and, private, and
18 tribal schools for the development and implementation of suicide prevention
19 programs and the coordination of those programs with the suicide prevention and
20 intervention programs of other state and local agencies.

NOTE: Includes tribal schools in DPI's program to assist schools in developing
suicide prevention programs.

21 **SECTION 53.** 115.368 (1) and (2) (a) and (b) of the statutes are amended to read:

22 115.368 (1) The purpose of this section is to enable and encourage public and,
23 private, and tribal schools to develop protective behaviors programs and

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1 anti-offender behavior programs designed to assist minors and their parents or
2 guardians in recognizing, avoiding, preventing, and halting physically or
3 psychologically intrusive or abusive situations that may be harmful to minors.

4 (2) (a) Develop and conduct protective behaviors training programs for the
5 professional staff of public ~~and, private, and tribal~~ schools and counties under ss.
6 46.034, 46.215, 46.22, 46.23, 51.42, and 51.437. The training programs shall include
7 information on how to assist a minor and his or her parent or guardian in
8 recognizing, avoiding, preventing, and halting physically or psychologically
9 intrusive or abusive situations that may be harmful to the minor, including child
10 abuse, sexual abuse, and child enticement. The training programs shall emphasize
11 how to help minors to develop positive psychological, emotional, and
12 problem-solving responses to such situations, and to avoid relying on negative,
13 fearful, or solely reactive methods of dealing with such situations. The training
14 programs shall also include information on the detection, by other minors, their
15 parents or guardians, and school staff, of conditions that indicate that a minor is
16 being or has been subjected to such situations; the proper action to take when there
17 is reason to believe that a minor is being or has been subjected to such situations; and
18 the coordination of school protective behaviors programs and activities with
19 programs and activities of other state and local agencies. Persons other than the
20 professional staff of public ~~and, private, and tribal~~ schools and counties under ss.
21 46.034, 46.215, 46.22, 46.23, 51.42, and 51.437 may attend the training programs.
22 The department may charge such persons a fee sufficient to cover the increased costs
23 of materials, but not personnel cost, to the department of their participation in the
24 programs. The department may not deny any resident of Wisconsin the opportunity
25 to participate in a program if the person is unable to pay any fee.

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1 (b) Provide consultation and technical assistance to public ~~and, private, and~~
2 tribal schools for the development and implementation of protective behaviors
3 programs and the coordination of those programs with programs of other state and
4 local agencies.

NOTE: Includes tribal schools in DPI's program to assist schools in developing protective behavior programs.

5 **SECTION 54.** 115.42 (1) (a) 2. of the statutes is amended to read:

6 115.42 (1) (a) 2. The person is licensed as a teacher by the state superintendent
7 or employed as a teacher in a private school or tribal school located in this state.

8 **SECTION 55.** 115.42 (2) (a) 2. of the statutes is amended to read:

9 115.42 (2) (a) 2. The person maintains his or her license as a teacher by the state
10 superintendent or remains employed in a private school or tribal school located in
11 this state.

NOTE: Includes teachers employed at a tribal school as those eligible for grants if they are certified by the national board for professional teaching standards and meet other criteria.

12 **SECTION 56.** 115.52 (3) (b) 1. of the statutes is amended to read:

13 115.52 (3) (b) 1. Provide evaluation services to assist local educational agencies,
14 cooperative educational service agencies, county children with disabilities education
15 boards, private schools, tribal schools, and others.

16 **SECTION 57.** 115.52 (3) (b) 2. of the statutes is amended to read:

17 115.52 (3) (b) 2. Provide technical assistance and consultation services to local
18 educational agencies, cooperative educational service agencies, county children with
19 disabilities education boards, private schools, tribal schools, and others.

20 **SECTION 58.** 115.52 (3) (b) 10. of the statutes is amended to read:

21 115.52 (3) (b) 10. Rent or lease technological materials and assistive technology
22 devices, as defined in s. 115.76 (1), to local educational agencies, cooperative

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1 educational service agencies, county children with disabilities education boards, and
2 private schools, and tribal schools.

NOTE: Includes tribal schools with those groups to which the Wisconsin educational services program for the deaf and hard of hearing may provide the services specified.

3 **SECTION 59.** 115.525 (3) (b) 2. of the statutes is amended to read:

4 115.525 (3) (b) 2. Provide technical assistance and consultation services to
5 entities such as local educational agencies, cooperative educational service agencies,
6 county children with disabilities education boards ~~and~~, private schools, and tribal
7 schools.

NOTE: Includes tribal schools with those groups to which the Wisconsin center for the blind and visually impaired may provide technical assistance and consultation services.

8 **SECTION 60.** 116.01 of the statutes is amended to read:

9 **116.01 Purpose.** The organization of school districts in Wisconsin is such that
10 the legislature recognizes the need for a service unit between the school district and
11 the state superintendent. The cooperative educational service agencies are designed
12 to serve educational needs in all areas of Wisconsin by serving as a link both between
13 school districts and between school districts and the state. Cooperative educational
14 service agencies may provide leadership, coordination, and education services to
15 school districts, University of Wisconsin System institutions, and technical colleges.
16 Cooperative educational service agencies may facilitate communication and
17 cooperation among all public ~~and~~, private, and tribal schools, agencies, and
18 organizations that provide services to pupils.

NOTE: Authorizes cooperative educational service agencies (CESAs) to facilitate communication and cooperation among public, private, and tribal schools, agencies, and organizations that provide services to pupils.

19 **SECTION 61.** 116.032 (1) and (3) (a) (intro.) of the statutes are amended to read:

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1 116.032 (1) Subject to subs. (2) to (5), for the purpose of providing services to
2 pupils, a board of control may contract with school districts, University of Wisconsin
3 System institutions, technical college district boards, private schools, tribal schools,
4 and agencies or organizations that provide services to pupils. A board of control may
5 also contract with one or more school boards to operate a charter school under s.
6 118.40 (3) (c).

7 **(3)** (a) (intro.) A board of control may contract with a private school, tribal
8 school, or private agency or organization to provide a service or program to that
9 private school, tribal school, or private agency or organization only if all of the
10 following apply:

NOTE: Subject to certain conditions, authorizes a CESA to contract with a tribal
school.

11 **SECTION 62.** 118.025 of the statutes is amended to read:

12 **118.025 Arbor day observance.** ~~A school~~ The principal of a public, private,
13 or tribal school may request one free tree provided from state forest nurseries by the
14 department of natural resources under s. 28.06 for each 4th grade pupil in the school
15 for planting in conjunction with an annual observance and celebration of arbor day.

NOTE: Specifies that tribal schools may request trees from the state forest nursery
for arbor day observance.

16 **SECTION 63.** 118.07 (3) of the statutes is amended to read:

17 118.07 **(3)** The department shall make available to school districts, private
18 schools, tribal schools, and charter schools information about meningococcal disease,
19 including the causes and symptoms of the disease, how it is spread, and how to obtain
20 additional information about the disease and the availability, effectiveness, and
21 risks of vaccinations against the disease. The department may do so by posting the
22 information on its Internet site. At the beginning of the 2006–07 to 2011–12 school

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1 years, each school board and the governing body of each private school and each
2 charter school shall provide the parents and guardians of pupils enrolled in grades
3 6 to 12 in the school district or school with the information. At the beginning of the
4 2012 school year and each school year thereafter, each school board and the
5 governing body of each private school and each charter school shall provide the
6 parents and guardians of pupils enrolled in grade 6 in the school district or school
7 with the information.

NOTE: Requires DPI to provide information to tribal schools about meningococcal disease. However, in contrast to requirements imposed on public, private, and charter schools, the bill does not require that tribal schools provide the information to parents and guardians of pupils.

8 **SECTION 64.** 118.08 (1) of the statutes is amended to read:

9 118.08 (1) On any street or highway which borders the grounds of any public
10 ~~or, private, or tribal~~ school in which school is held for a term of not less than 6 months,
11 the authority in charge of the maintenance of the street or highway shall erect black
12 and yellow “school” warning signs. The authority may also designate school
13 crossings across any street or highway, whether or not the street or highway borders
14 on the grounds of a school.

NOTE: Requires the authority in charge of a street or highway to erect school warning signs, including signs for tribal schools.

15 **SECTION 65.** 118.125 (2) (n) of the statutes is amended to read:

16 118.125 (2) (n) For the purpose of providing services to a pupil before
17 adjudication, a school board may disclose pupil records to a law enforcement agency,
18 district attorney, city attorney, corporation counsel, agency, as defined in s. 938.78
19 (1), intake worker under s. 48.067 or 938.067, court of record, municipal court,
20 private school, or another school board if disclosure is pursuant to an interagency
21 agreement and the person to whom the records are disclosed certifies in writing that

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1 the records will not be disclosed to any other person except as permitted under this
2 subsection. For the purpose of providing services to a pupil before adjudication, a
3 school board may disclose pupil records to a tribal school if disclosure is pursuant to
4 an agreement between the school board and the governing body of the tribal school
5 and if the school board determines that enforceable protections are provided by a
6 tribal school policy or tribal law that requires the tribal school official to whom the
7 records are disclosed not to disclose the records to any other person except as
8 permitted under this subsection.

NOTE: Current law provides that, for the purpose of providing services to a pupil before adjudication, a school board may disclose pupil records to certain entities, including a private school, if disclosure is pursuant to an interagency agreement and the person to whom records are disclosed certifies that the records will not be disclosed to any other person except as permitted under s. 118.125 (2), stats. The bill permits a school board to disclose pupil records to a tribal school under this provision if disclosure is pursuant to an agreement between the school board and the governing body of the tribal school and if the school board determines that enforceable protections are provided by a tribal school policy or tribal law that requires the tribal school official to whom the records are disclosed not to disclose the records to any other person except as permitted under s. 118.125 (2), stats.

9 **SECTION 66.** 118.125 (4) of the statutes is amended to read:

10 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall
11 transfer to another school, including a private or tribal school, or school district all
12 pupil records relating to a specific pupil if the transferring school district has
13 received written notice from the pupil if he or she is an adult or his or her parent or
14 guardian if the pupil is a minor that the pupil intends to enroll in the other school
15 or school district or written notice from the other school or school district that the
16 pupil has enrolled or from a court that the pupil has been placed in a juvenile
17 correctional facility, as defined in s. 938.02 (10p), or a secured residential care center
18 for children and youth, as defined in s. 938.02 (15g). In this subsection, “school” and
19 “school district” include any juvenile correctional facility, secured residential care

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1 center for children and youth, adult correctional institution, mental health institute,
2 or center for the developmentally disabled, that provides an educational program for
3 its residents instead of or in addition to that which is provided by public and, private,
4 and tribal schools.

NOTE: Clarifies that, under current law, the requirement that a school district transfer records to a school includes a requirement that a school district transfer records to a tribal school. The bill also adds a reference to tribal schools in referring to a center for the developmentally disabled that provides an educational program directly or in addition to that provided by a tribal school.

5 **SECTION 67.** 118.127 (2) of the statutes is amended to read:

6 118.127 (2) A school district ~~or~~, private school, or tribal school may disclose
7 information from law enforcement officers' records obtained under s. 938.396 (1) (c)
8 3. only to persons employed by the school district who are required by the department
9 under s. 115.28 (7) to hold a license, to persons employed by the private school or
10 tribal school as teachers, and to other school district ~~or~~, private school, or tribal school
11 officials who have been determined by the school board or governing body of the
12 private school or tribal school to have legitimate educational interests, including
13 safety interests, in that information. In addition, if that information relates to a
14 pupil of the school district ~~or~~, private school or tribal school, the school district ~~or~~,
15 private school, or tribal school may also disclose that information to those employees
16 of the school district ~~or~~, private school, or tribal school who have been designated by
17 the school board or governing body of the private school or tribal school to receive that
18 information for the purpose of providing treatment programs for pupils enrolled in
19 the school district ~~or~~, private school, or tribal school. A school district may not use
20 law enforcement officers' records obtained under s. 938.396 (1) (c) 3. as the sole basis
21 for expelling or suspending a pupil or as the sole basis for taking any other

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1 disciplinary action, including action under the school district's athletic code, against
2 a pupil.

NOTE: This amendment relates to the amendment to s. 938.396 (1) (c) 3., below. If law enforcement records are disclosed to a tribal school under that provision, the amendment to s. 118.127 (2), stats., imposes duties on the tribal school that are the same as those duties imposed on a private school that receives such information, namely, limiting to whom the tribal school may disclose the information. (The amendment to s. 938.396 (1) (c) 3., stats., below, specifies that the law enforcement agency policy must specify that the law enforcement agency cannot provide information under s. 938.396 (1) (c) 3., stats., to a tribal school unless the governing body of the tribal school agrees that the information will be used by the tribal school in the same manner as public and private schools as provided under s. 118.127 (2), stats.)

3 **SECTION 68.** 118.145 (3) and (4) of the statutes are amended to read:

4 118.145 (3) If the superintendent or principal of a private school or of a tribal
5 school files with the department the course of study for elementary grades prescribed
6 by such school and if such course of study is substantially equivalent to the course
7 of study prepared for elementary grades by the department, a certificate or diploma
8 or other written evidence issued by the superintendent or principal of the private
9 school or tribal school showing that the pupil has completed such course of study
10 shall entitle the pupil to admission to a public high school. The certificate or diploma
11 or a certified copy thereof or a certified copy of a list of graduates shall be filed with
12 the school district clerk of the school district operating the high school.

13 (4) The school board of a school district operating high school grades shall allow
14 a pupil enrolled in a private school, a pupil enrolled in a tribal school, or a pupil
15 enrolled in a home-based educational program, who has met the standards for
16 admission to high school under sub. (1), to take up to 2 courses during each school
17 semester if the pupil resides in the school district in which the public school is located
18 and if the school board determines that there is sufficient space in the classroom.

NOTE: Permits a tribal school to file with DPI information about the elementary school course of study which entitles a pupil having completed that course of study to be admitted to a public high school. Also permits a tribal school pupil who has met the standards for admission to high school to take up to 2 courses each semester at a public

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high school in the school district in which the pupil resides if the school board determines that there is sufficient space in the classroom. (Under s. 121.004 (7) (e), stats., public schools receive some equalization aid for providing this instruction; under s. 121.05 (1) (a) 12., stats., the number of these pupils is included in the annual school district report; and under s. 121.54 (2) (c), stats., a school district may elect, but is not required, to provide transportation for pupils under s. 118.145 (4), stats.)

1 **SECTION 69.** 118.15 (1) (a) of the statutes is amended to read:

2 118.15 (1) (a) Except as provided under pars. (b) to (d) and sub. (4), unless the
3 child is excused under sub. (3) or has graduated from high school, any person having
4 under control a child who is between the ages of 6 and 18 years shall cause the child
5 to attend school regularly during the full period and hours, religious holidays
6 excepted, that the public ~~or~~, private, or tribal school in which the child should be
7 enrolled is in session until the end of the school term, quarter, or semester of the
8 school year in which the child becomes 18 years of age.

NOTE: Current law does not clearly provide that attendance at a tribal school satisfies the compulsory school attendance laws. The bill explicitly refers to attendance at a tribal school.

The bill does not treat tribal schools similarly to private schools under the compulsory school attendance laws in that private schools are required to: (1) keep records, including: the dates school is held, the names and ages of pupils, the names and addresses of parents of the pupils, and the dates pupils were present at school; and (2) make that information available to the school board's school attendance officer. The bill does not require tribal schools to do so.

9 **SECTION 70.** 118.15 (1) (d) 4. of the statutes is amended to read:

10 118.15 (1) (d) 4. Enrollment in any nonsectarian private school or program, or
11 tribal school, located in the school district in which the child resides, which complies
12 with the requirements of 42 USC 2000d. Enrollment of a child under this subdivision
13 shall be pursuant to a contractual agreement ~~which~~ under s. 121.78 (5) that provides
14 for the payment of the child's tuition by the school district.

NOTE: Under current law, a child's parent or the child may request that the school board provide program or curriculum modifications, including several items specified in the statutes, including a request to attend a private school, rather than the public school. The school board then decides the matter. The bill permits a curriculum modification to be requested to attend a tribal school.

15 **SECTION 71.** 118.153 (1) (b) of the statutes is amended to read:

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1 118.153 (1) (b) “Dropout” means a child who ceased to attend school, does not
2 attend a public ~~or~~, private, or tribal school, technical college, or home-based private
3 educational program on a full-time basis, has not graduated from high school, and
4 does not have an acceptable excuse under s. 118.15 (1) (b) to (d) or (3).

NOTE: Exempts a child who attends tribal school from the definition of “dropout” in the statute for children at risk of not graduating from high school programs. That definition is used by cross-reference in several other statutes.

The bill does not amend s. 118.163, stats., relating to municipal truancy and school dropout ordinances. However, the effect of the amendments noted above that include tribal schools will affect s. 118.163, stats.

5 **SECTION 72.** 118.16 (2) (em) of the statutes is created to read:

6 118.16 (2) (em) Shall request information regarding the attendance of any child
7 between the ages of 6 and 18 who is a resident of the school district and who claims
8 or is claimed to be in attendance at a tribal school.

NOTE: As part of the school attendance enforcement statute, current law requires private schools to keep a record containing certain information about pupils, including their attendance. Current law also specifies that a school attendance officer must have access to this information at all reasonable times. [s. 118.16 (2) (e) and (3), stats.] The bill requires a school attendance officer to request information about the attendance of a child between the ages of 6 and 18 who is a resident of the school district and who claims or is claimed to be attending a tribal school. The bill does not require the tribal school to keep or provide the information to the school attendance officer.

9 **SECTION 73.** 118.162 (1) (am) and (m) of the statutes are created to read:

10 118.162 (1) (am) A representative from each tribal school in the county,
11 designated by the governing body of that tribal school that he or she represents, who
12 may be a member of the tribal school governing body, school administrator, teacher,
13 pupil services professional, or parent of a child enrolled in that tribal school.

14 (m) A parent of a pupil enrolled in a tribal school located in the county, who
15 resides in the county, designated by the county board.

NOTE: Adds to the county committee that advises on school districts’ truancy plans: (1) a representative of each tribal school in the county; and (2) a parent of a tribal school pupil. The latter provision is modeled after the provision for a parent of a private school pupil being appointed to the county committee.

16 **SECTION 74.** 118.255 (2) of the statutes is amended to read:

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1 118.255 (2) (a) If a school board, cooperative educational service agency, or
2 county children with disabilities education board provides physical or mental health
3 treatment services to its pupils, it may also provide such services within the private
4 school or tribal school facilities to those private school or tribal school pupils who are
5 referred to the public school board, cooperative educational service agency, or county
6 children with disabilities education board by the administrator of a private school
7 or tribal school for evaluation for possible servicing. There shall be no charge for
8 health treatment services provided to any pupils unless public school students or
9 their parents are charged for similar services. For purposes of state aid, as it is
10 provided under s. 115.88 to the public school district, for the health treatment service
11 program, private school and tribal school pupils receiving such health treatment
12 services shall be counted among the pupils of the public school district receiving such
13 services, although each child may receive health treatment services within the
14 child's own school facilities, whether public ~~or~~, private, or tribal.

15 (b) A school board, cooperative educational service agency, or county children
16 with disabilities education board providing services under this section may enter
17 into agreements with the administrator of a private school or tribal school on the
18 scheduling, space, and other necessary arrangements for performance of such health
19 treatment services. A school board, cooperative educational service agency, or county
20 children with disabilities education board shall not pay any private school or tribal
21 school for any services or facilities provided under this section. Control of the health
22 treatment services program shall rest with the public school board, cooperative
23 educational service agency, or county children with disabilities education board.

24 (c) A school board, cooperative educational service agency, or county children
25 with disabilities education board may provide health treatment services only within

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1 private school or tribal school facilities located within the boundaries of the school
2 district, cooperative educational service agency, or county.

NOTE: Permits school boards, CESAs, and county children with disabilities education boards to provide health treatment services to tribal school pupils at tribal schools under certain circumstances. One of the required circumstances is that the pupil be referred by the tribal school administrator.

3 **SECTION 75.** 118.257 (1) (d) of the statutes is amended to read:

4 118.257 (1) (d) “School” means a public, parochial ~~or~~, private, or tribal school
5 which provides an educational program for one or more grades between grades 1 and
6 12 and which is commonly known as an elementary school, middle school, junior high
7 school, senior high school, or high school.

NOTE: Current law exempts from liability certain staff at a private school for removing a pupil from school premises or from school-sponsored activities for suspicion of certain activities relating to controlled substances. Changing this definition has the effect of extending to certain tribal school officials the same exemption from liability under state law. It also has the effect of adding tribal schools to the definition of school in s. 134.66 (1) (h), stats., which cross-references this definition. This would prohibit a retailer from placing a vending machine that dispenses cigarettes within 500 feet of a tribal school.

Extending the immunity protections under state law to certain tribal school staff does not affect whatever right such staff have to raise a defense of tribal sovereign immunity if sued.

8 **SECTION 76.** 118.29 (2) (a) (intro.) and 3. and (b) and (3) of the statutes are
9 amended to read:

10 118.29 (2) (a) (intro.) Notwithstanding chs. 441, 447, 448, and 450, a school bus
11 operator validly authorized under ss. 343.12 and 343.17 (3) (c) to operate the school
12 bus he or she is operating, any school employee or volunteer, county children with
13 disabilities education board employee or volunteer or cooperative educational
14 service agency employee or volunteer authorized in writing by the administrator of
15 the school district, the board or the agency, respectively, or by a school principal, and
16 any private school employee or volunteer authorized in writing by a private school
17 administrator or private school principal, and any tribal school employee or

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1 volunteer authorized in writing by a tribal school administrator or tribal school
2 principal:

3 3. Is Subject to sub. (4m), is immune from civil liability for his or her acts or
4 omissions in administering a drug or prescription drug to a pupil under subd. 1., 2.,
5 2m., or 2r. unless the act or omission constitutes a high degree of negligence. This
6 subdivision does not apply to health care professionals.

7 (b) Any Subject to sub. (4m), any school district administrator, county children
8 with disabilities education board administrator, cooperative educational service
9 agency administrator, public ~~or~~, private, or tribal school principal, or private or tribal
10 school administrator who authorizes an employee or volunteer to administer a drug
11 or prescription drug to a pupil under par. (a) is immune from civil liability for the act
12 of authorization unless it constitutes a high degree of negligence.

13 (3) EMERGENCY CARE; CIVIL LIABILITY EXEMPTION. Any school bus operator validly
14 authorized under ss. 343.12 and 343.17 (3) (c) to operate the school bus he or she is
15 operating and any public ~~or~~, private, or tribal school employee or volunteer, county
16 children with disabilities education board employee or volunteer, or cooperative
17 educational service agency employee or volunteer, other than a health care
18 professional, who in good faith renders emergency care to a pupil of a public ~~or~~,
19 private, or tribal school is immune from civil liability for his or her acts or omissions
20 in rendering such emergency care. The immunity from civil liability provided under
21 this subsection is in addition to and not in lieu of that provided under s. 895.48 (1).

22 **SECTION 77.** 118.29 (4m) of the statutes is created to read:

23 118.29 (4m) APPLICABILITY TO TRIBAL SCHOOL EMPLOYEES. The immunity under
24 sub. (2) applies to a tribal school employee, administrator, or volunteer only if the

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1 governing body of the tribal school has adopted a written policy that complies with
2 sub. (4).

NOTE: Current law, in pertinent part, permits private school employees and volunteers to administer certain drugs to pupils under certain circumstances and exempts them from liability under state law for doing so. It also requires the governing board of a private school to adopt a written policy governing such administration. The bill permits tribal school employees and volunteers to do so in the same situations and extends to them the same exemptions from liability under state law if the governing body of the tribal school has adopted a written policy that complies with the requirements for a written policy that apply to private schools. The bill also extends to tribal school employees and volunteers the same exemption from liability under state law when they are rendering emergency care that applies to certain others, including private school employees and volunteers.

Extending the immunity protections under state law to tribal school employees and volunteers does not affect whatever right they have to raise a defense of tribal sovereign immunity if sued.

3 **SECTION 78.** 118.291 (1g) (b) of the statutes is amended to read:

4 118.291 (1g) (b) “School” includes a public ~~and a~~, private, or tribal school.

5 **SECTION 79.** 118.291 (2) (c) of the statutes is created to read:

6 118.291 (2) (c) No tribal school or tribal school employee is civilly liable for
7 injury to a pupil caused by a tribal school employee who prohibits a pupil from using
8 an inhaler because of the employee’s good faith belief that the requirements of sub.
9 (1r) had not been satisfied or who allows a pupil to use an inhaler because of the
10 employee’s good faith belief that the requirements of sub. (1r) had been satisfied.

NOTE: Current law, as amended by 2005 Wisconsin Act 398, permits a pupil with asthma to use an inhaler at school under circumstances when the pupil has provided the school principal with written approval of the pupil’s physician and parent. Current statutes provide immunity under state law for school employees who permit inhaler use because of a good faith belief that these conditions have been satisfied or who prohibit use because of a good faith belief that these conditions have not been satisfied.

The bill extends the immunity to tribal school employees under the same conditions. This extension of immunity protections under state law does not affect whatever right a tribal school employee may have to raise a defense of tribal sovereign immunity if sued.

11 **SECTION 80.** 118.295 of the statutes is amended to read:

12 **118.295 Suicide intervention; civil liability exemption.** Any school
13 board, private school, tribal school, county children with disabilities education

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1 board, or cooperative educational service agency, and any officer, employee, or
2 volunteer thereof, who in good faith attempts to prevent suicide by a pupil is immune
3 from civil liability for his or her acts or omissions in respect to the suicide or
4 attempted suicide. The civil liability immunity provided in this section is in addition
5 to and not in lieu of that provided under s. 895.48 (1).

NOTE: Current law, in pertinent part, specifies that private school officers, employees, and volunteers who in good faith attempt to prevent suicide by a pupil are exempt under state law from civil liability for their acts or omissions. The bill extends the same exemptions from liability under state law to tribal school officers, employees, and volunteers.

Extending the immunity protections to tribal school officers, employees, and volunteers does not affect whatever right they have to raise a defense of tribal sovereign immunity if sued.

6 **SECTION 81.** 120.18 (1) (a) 2. and (s) of the statutes are amended to read:

7 120.18 (1) (a) 2. Adding the number of persons under this paragraph who were
8 residents of the school district and were enrolled in the school district on the 3rd
9 Friday of September of the previous school year; plus the number of persons under
10 this paragraph who were residents of the school district and who were enrolled in
11 private schools, tribal schools, home-based private educational programs, or other
12 school districts on the 3rd Friday of September of the previous school year; plus the
13 number or an estimate of the number of those persons under this paragraph who
14 were residents of the school district and not enrolled in the school district, private
15 schools, tribal schools, home-based private educational programs, or other school
16 districts on the 3rd Friday of September of the previous school year.

17 (s) Such other facts and statistics in relation to the schools, public or, private,
18 or tribal, in the school district as the department requires.

NOTE: In the annual school district report submitted by the school district clerk to DPI, requires inclusion of the above information about tribal schools and tribal school pupils. (This information can be included only if the tribal school voluntarily provides the information to the school district.)

19 **SECTION 82.** 121.05 (1) (a) 7. of the statutes is amended to read:

BILL**SECTION 82**

1 121.05 (1) (a) 7. Pupils enrolled in a nonsectarian private school or program,
2 or tribal school, under s. 118.15 (1) (d) 4.

NOTE: Current law requires that the pupil membership report (which is used to calculate state aid to school districts) include pupils enrolled in a nonsectarian private school or program if the school district is paying tuition for the pupil to attend such a private school or program because of a curriculum modification agreed to by the school board. This SECTION adds tribal schools to reflect the proposed amendment to s. 118.15 (1) (d) 4., stats., above.

3 **SECTION 83.** 121.76 (1) (a) of the statutes is amended to read:

4 121.76 (1) (a) “Agency of service” means a school board, board of control of a
5 cooperative educational service agency, county children with disabilities education
6 board, or governing body of a nonsectarian private school ~~or~~, university model school,
7 or tribal school, which provides services for which tuition may be charged.

NOTE: Current law defines “agency of service” for purposes of subch. V, ch. 121, stats., which describes various circumstances under which a pupil may attend a school other than a public school in the school district of residence, how tuition and aid are calculated if the school district is paying for it, and how tuition is otherwise calculated. The entity providing the services is the agency of service. As a result of other provisions of this bill, a tribal school may be providing the services due to curriculum modification or court-ordered educational placement.

8 **SECTION 84.** 121.76 (2) (c) of the statutes is amended to read:

9 121.76 (2) (c) The agency of service, other than a tribal school, shall rebate a
10 proportional share of state or federal aid received for pupils for whom it received
11 tuition. The rebate shall be paid to the agency or person who paid the tuition within
12 30 days of its receipt by the agency of service.

NOTE: Under current law, if an agency of service, including a private school, receives tuition from a school district, it must rebate a proportional share of any federal or state aid it received. Because a tribal school could assert a defense of sovereign immunity in any lawsuit to collect a rebate, the bill does not require a tribal school to rebate such aid. Rather, the bill provides in s. 121.78 (4) and (5), stats., below, that federal and state aid are subtracted in determining the amount of tuition paid to a tribal school that is providing either court-ordered educational placement under an agreement with the school district or curriculum modification under an agreement with the school district.

13 **SECTION 85.** 121.78 (4) of the statutes is amended to read: