



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU


## **RESEARCH APPENDIX - PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 03/26/2009 (Per: PG)




 Appendix A ... Part 03 of 10


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 The 2009 drafting file for LRB-1241/1

has been copied/added to the drafting file for

**2009 LRB-2456**

 The attached 2009 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

 This cover sheet was added to rear of the original 2009 drafting file. The drafting file was then returned, intact, to its folder and filed.



State of Wisconsin  
2009 - 2010 LEGISLATURE

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LRB-1241/P1

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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1 AN ACT...; relating to: providing benefits and protections to tribal schools and  
2 tribal school pupils and staff similar to those provided to private schools and  
3 private school pupils and staff and making an appropriation.

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component

**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:**

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JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft 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.; 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. *let two*

Current law imposes certain requirements on private schools and provides certain benefits and protections to private schools and private school pupils and staff. 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, <sup>three</sup> 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 ~~Wish~~ School. These schools have contracts with and are funded, in full or in part, by the U.S. Department of Interior, Bureau of Indian Affairs (BLA). (The Bad River Band of Lake Superior Chippewa Indians previously operated the Mashkiisibii Tribal School, but that school no longer exists.) The Waadookodaading Charter School is, in part, supported by funds contributed by the Lac Courte Oreilles Band of Lake Superior Chippewa Indians. However, it is a public charter school, chartered by the Hayward School District. Thus, the draft does not affect it.)

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 draft does not affect it.

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*Authority of the State with Regard to Tribally Operated Schools*

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.

THE DRAFT--GENERAL COMMENTS

The draft defines a "tribal school" in s. 115.001 (15m), 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: (a) controlled by the elected governing body of a federally recognized American Indian tribe or band in Wisconsin; (b) jointly controlled by the elected governing bodies of 2 or more federally recognized American Indian tribes or bands in Wisconsin; (c) controlled by the tribal educational authority established by a federally recognized American Indian tribe or band in Wisconsin; or (d) controlled by a tribal educational authority established jointly by 2 or more federally recognized American Indian tribes or bands in Wisconsin. That definition then applies in chs. 115 to 121 (statutes relating to K-12 education) under s. 115.001 (intro.), stats. The draft then uses the same definition by cross-reference in statutes outside chs. 115 to 121, stats.

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*Private School References-Benefits*

The draft amends statutes that refer specifically to private schools, private school pupils, or private school staff and provide a benefit or protection to them, with the exception of statutes relating to: pupil 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 pupils, or tribal school staff in those statutes.

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*Private School References-Benefit Linked to Requirement*

In some cases, the draft 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 records. For those statutes, the draft generally extends the benefit to a tribal school that chooses to comply with the required provision.

*Private School References-Requirements Not Imposed on Tribal Schools*

With respect to statutes that explicitly impose a requirement on private schools unrelated to a benefit, the draft does not add a reference to tribal schools. Such statutes

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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, tornado, or other hazard drills and file reports on those drills with the Department of Commerce and chief of the local fire department; distribute information about meningococcal disease; annually inform professional staff about resources available regarding suicide prevention; 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.

*Generic School References*

The draft 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 or protection applies to the school, school pupils, and school staff, the benefit also applies to tribal schools, tribal school pupils, and tribal school staff. The draft 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 requirements apply to tribal schools is an issue to be resolved by the courts.

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THE DRAFT--LIST OF BENEFITS AND PROTECTIONS PROVIDED TO TRIBAL SCHOOLS, TRIBAL SCHOOL PUPILS, AND TRIBAL SCHOOL STAFF

The benefits and protections provided in the draft to tribal schools, tribal school pupils, and tribal school staff are briefly listed below in each of these categories. Each listing is followed by a reference to the SECTION number in the draft. The provisions of the draft are further explained in the NOTE following each SECTION of the draft. In some cases, a benefit or protection could have been included in more than one category because of overlapping considerations (for example, permitting disclosure to tribal schools of certain confidential police records could ultimately benefit the tribal school, tribal school pupils, and tribal school staff). However, each provision in the draft is listed in only one category below, namely, what appeared to be the most pertinent category.

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*Benefits or Protections Provided to Tribal Schools*

The draft provides the following benefits or protections to tribal schools:

1. Permits a tribal school to ask the municipal clerk to conduct voter registration at the high school. [SECTION 1.]
2. Permits representatives of tribal schools to serve on the DPI Council on Special Education. [SECTION 3.]
3. Permits the Governor to nominate a representative to the Educational Communications Board who may represent either a tribal school or private school. [SECTION 5.]
4. 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. The draft permits DOA to provide telecommunications services to tribal schools that DOA considers appropriate and permits DOA to charge for such services. [SECTIONS 6, 7, 8, 9, 11, and 12.]

auto-ref 1 at p. 9, line 1

auto-ref 3 at p. 10, line 13

auto-ref 5 at p. 11, line 1

auto-ref 12 at p. 14, line 1

auto-ref 11 at p. 13, line 15

auto-ref 9 at p. 12, line 11

auto-ref 6 at p. 11, line 4

auto-ref 7 at p. 11, line 8

auto-ref 8 at p. 11, line 11

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5. 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. [SECTION 13.]

auto-ref 13 at p. 14, line 8

6. Extends to tribal schools the requirement that the Department of Natural Resources (DNR) create boating safety courses and offer them in cooperation with, among others, schools. [SECTION 16.]

auto-ref 16 at p. 15, line 11

7. 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. [SECTION 17.]

auto-ref 17 at p. 15, line 19

8. Provides that the purposes of the Technical College System (TCS) include contracting, coordinating, and cooperating with tribal schools; requires the TCS Board to 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; and authorizes a technical college district board to contract with tribal schools, among others, to provide educational services or fiscal and management services. [SECTIONS 18, 19, 20, and 21.]

auto-ref 18 at p. 16, line 8

auto-ref 20 at p. 16, line 18

auto-ref 19 at p. 16, line 16

auto-ref 21 at p. 17, line 4

9. Requires the Department of Veterans Affairs to award a certificate of achievement and appreciation to a veteran who completes 20 hours of volunteer service in a tribal school in a school term if certain conditions are met. [SECTIONS 25 and 26.]

auto-ref 25 at p. 20, line 4

auto-ref 26 at p. 20, line 6

10. Clarifies that a tribal school is not required to obtain a day care license. [SECTION 34.]

auto-ref 34 at p. 24, line 8

11. Requires the Department of Health Services (DHS) to cooperate with various entities, including tribal schools, to establish alcoholism prevention and treatment programs and to prepare curriculum materials on this subject. [SECTION 38.]

auto-ref 38 at p. 26, line 1

12. Establishes a process by which driver education courses offered in a tribal school can be accepted by the Department of Transportation (DOT) for purposes of obtaining a driver's license under certain circumstances. [SECTIONS 48, 96, 97, and 98.]

auto-ref 48 at p. 28, line 16

auto-ref 97 at p. 56, line 1

13. Requires the State Superintendent to make online courses available for a reasonable fee, through a statewide web academy, to tribal schools located in Wisconsin. [SECTION 49.]

auto-ref 49 at p. 54, line 18

auto-ref 52 at p. 31, line 9

auto-ref 53 at p. 31, line 21

auto-ref 98 at p. 56, line 9

auto-ref 49 at p. 30, line 1

14. Provides that tribal schools are eligible for the school lunch program, school breakfast program, school day milk program, and food services plan for the elderly. [SECTIONS 50, 51, 52, and 53.] (According to DPI staff, tribal schools currently receive funds for the school lunch program and school breakfast program, and no tribal schools currently offer the school day milk program or food services plan for the elderly.)

auto-ref 53 at p. 30, line 6

15. Includes tribal schools in DPI's programs to assist schools in developing: alcohol and other drug abuse programs; suicide prevention programs; and protective behavior programs. The bill also requires DPI to provide a model notice to the governing body of a tribal school, which can be used to inform professional staff of the tribal school about suicide prevention services that DPI has developed and how to access those services. [SECTIONS 54, 55, and 56.]

auto-ref 51 at p. 30, line 16

auto-ref 55 at p. 32, line 18

auto-ref 56 at p. 34, line 3

auto-ref 54 at p. 32, line 5

16. Includes tribal schools with those groups to which the Wisconsin Center for the Blind and Visually Impaired and the Wisconsin Educational Services Program for the Deaf and Hard of Hearing may provide technical assistance and consultation services and other specified services. [SECTIONS 59, 60, 61, and 62.]

auto-ref 62 at p. 36, line 13

17. Authorizes cooperative educational service agencies (CESAs) to facilitate communication and cooperation among public, private, and tribal schools, agencies, and

auto-ref 61 at p. 36, line 8

auto-ref 59 at p. 35, line 21

auto-ref 60 at p. 36, line 4

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organizations that provide services to pupils; subject to certain conditions, authorizes a CESA to contract with a tribal school. [SECTIONS 63 and 64.]

auto-ref 63 at p. 36, line 18

auto-ref 64 at p. 37, line 8

18. Specifies that tribal schools may request trees from the state forest nursery for Arbor Day observance. The (draft) also provides that tribal school pupils may be included in the distribution to school pupils by state forest nurseries of planting stock to celebrate Arbor Day. [SECTIONS 14 and 65.]

auto-ref 14 at p. 15, line 1

auto-ref 65 at p. 37, line 19

19. Requires DPI to provide information to tribal schools about meningococcal disease. [SECTION 66.]

auto-ref 66 at p. 38, line 3

20. Requires the authority in charge of a street or highway to erect school warning signs, including signs for tribal schools. [SECTION 67.]

auto-ref 67 at p. 38, line 17

21. Provides for the disclosure of certain confidential records to tribal schools under certain circumstances if enforceable protections are in place to ensure that tribal school officials will not disclose the records except under the same situations that private schools may do so. This includes: police and law enforcement records in a ch. 48, Stats. (Children's Code), proceeding; public school records in certain circumstances; records of the Department of Children and Families (DCF), a county department of human services or county department of social services, a licensed child welfare agency, or a licensed day care center, or of the Department of Corrections in a ch. 938, Stats. (Juvenile Justice Code), proceeding; records of a juvenile court in a ch. 938 proceeding; and law enforcement records in a ch. 938 proceeding. [SECTIONS 33, 35, 68, 70, 108, 109, 110, 111, and 112.]

auto-ref 112 at p. 67, line 6

auto-ref 33 at p. 23, line 3

auto-ref 35 at p. 24, line 10

auto-ref 68 at p. 39, line 3

auto-ref 70 at p. 40, line 15

auto-ref 108 at p. 60, line 9

auto-ref 109 at p. 60, line 17

auto-ref 110 at p. 61, line 1

auto-ref 111 at p. 62, line 15

22. Adds to the county committee that advises on school districts' truancy plans: (a) a representative of each tribal school in the county; and (b) a parent of a tribal school pupil. [SECTION 76.]

auto-ref 76 at p. 44, line 1

23. Requires the annual school district report submitted by the school district clerk to DPI to include certain information about tribal schools and tribal school pupils, if the information is voluntarily provided to the school district by the tribal school. [SECTION 84.]

auto-ref 84 at p. 49, line 1

24. Requires the State Superintendent to include tribal schools in the category of entities to which information about eye safety is provided. [SECTION 93.]

auto-ref 93 at p. 54, line 5

25. Adds tribal schools to the list of entities that may request information about persons on the sex offender registry; also amends the definition of "student" for the purpose of the sex offender registration law to also include students at a tribal educational institution, which would include tribal colleges as well as tribal schools. [SECTIONS 94 and 95.]

auto-ref 94 at p. 54, line 10

auto-ref 95 at p. 54, line 15

26. Permits a dental hygienist to be employed at or independently contract with a tribal school. [SECTION 99.]

auto-ref 99 at p. 56, line 13

Benefits or Protections Provided to Tribal School Pupils

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The (draft) provides the following benefits or protections to tribal school pupils:

1. Permits certain tribal school pupils to serve as inspectors at a polling place under certain conditions. [SECTION 2.]

auto-ref 2 at p. 9, line 10

2. Includes seniors at a tribal high school in the Academic Excellence Higher Education Scholarship Program. [SECTIONS 22, 23, and 24.]

auto-ref 23 at p. 17, line 16

auto-ref 24 at p. 17, line 18

auto-ref 22 at p. 17, line 11

3. Provides that a veteran is eligible for reimbursement for a course taken at a tribal high school under certain circumstances. [SECTION 27.]

auto-ref 27 at p. 20, line 10

4. Includes a tribal school in the list of schools that may serve a person relocated to the community by DHS from a state center for the developmentally disabled. [SECTION 28.]

auto-ref 28 at p. 21, line 17

auto-ref 29 at p. 22, line 1  
auto-ref 30 at p. 22 line 3  
auto-ref 31 at p. 22 line 6

5. Provides that in entering a child in need of protection or services (CHIPS), juvenile in need of protection or services (JIPS), or delinquency dispositional order, a court may order a child to attend a tribal school if the school district has a contract with the tribal school for such placements and also requires the court to order the supervising agency to disclose information to the tribal school necessary to assure appropriate educational services in such cases. The (draft) also provides that, in such cases, the educational placement at a tribal school must be paid for by the school district. [SECTIONS 29, 30, 31, 86, 87, 88, 102, 103, and 104.]

auto-ref 102 at p. 58, line 1  
auto-ref 103 at p. 58, line 3  
auto-ref 104 at p. 58, line 6  
bill

auto-ref 36 at p. 25, line 13  
auto-ref 41 at p. 26, line 16

6. If a CHIPS, JIPS, delinquency, or truancy or habitual truancy municipal ordinance dispositional order includes attendance at a tribal school as a condition of the order, requires that the court order request that a tribal school notify the court within five days of a violation of the condition. [SECTIONS 32, 106, and 107.]

7. Counts attendance at a tribal school for purposes of the Learnfare Program. [SECTIONS 36 and 37.]

8. Provides that minors doing fund raising by selling for a tribal school are exempt from the statutes relating to minors working in the street trades or fund raising on the same basis as minors doing fund raising for public or private schools. [SECTIONS 39, 40, 41, 42, 43, 44, and 45.]

9. Permits a child who has completed tribal high school to be employed during school hours. [SECTION 46.]

10. Clarifies that when a pupil transfers from a public school to a tribal school, the school district is required to transfer records to the tribal school. [SECTION 69.]

11. 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. [SECTION 71.]

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12. 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 high school in the school district in which the pupil resides if the school board determines that there is sufficient space in the classroom. [SECTION 71.]

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13. Explicitly provides that attendance at a tribal school satisfies the compulsory school attendance laws and provides that a child attending tribal school is not a "dropout." The (draft) also 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. [SECTIONS 72, 74, and 75.]

14. Permits a child's parent or the child to request that a school board provide a program or curriculum modification to attend a tribal school. If the school board approves, the (draft) also provides that, in such cases, the educational placement at a tribal school must be paid for by the school district. [SECTIONS 73, 85, 86, 87, and 89.]

auto-ref 73 at p. 43, line 1

15. 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. [SECTION 77.]

auto-ref 74 at p. 43, line 7  
auto-ref 75 at p. 43, line 12  
auto-ref 86 at p. 49, line 17  
auto-ref 87 at p. 50, line 3

16. Adds tribal schools to the definition of "school" for purposes of the statute that provides that it is a Class H felony for school staff at a public or private school to have sexual contact or sexual intercourse with a child who is age 16 or 17. [SECTION 115.]

17. Adds tribal schools to the definition of "school" for purposes of the statute that provides a criminal penalty for strip searches of pupils by school employees. [SECTION 117.]

auto-ref 115 p. 69, line 1

auto-ref p. 69, line 7  
117 at



18. Adds tribal schools to the definition of "school" for purposes of the statutes that: restrict possession of alcohol beverages on school premises; generally restrict the location of premises that have a Class A or Class B liquor license from being within 300 feet from the main entrance of a school; prohibit hunting within 1,700 feet of certain facilities, including a school; prohibit a retailer from placing a vending machine that dispenses cigarettes within 500 feet of a school; provide a criminal penalty for possessing (subject to certain exceptions) certain dangerous weapons other than firearms on school premises; prohibit (subject to certain exceptions) possession of a firearm in or on the grounds of a school or within 1,000 feet of a school (school zone) and provide certain criminal penalties under certain circumstances for the discharge of a firearm in a school zone; and specify additional consequences for a delinquency disposition for firearms violation on school premises. [SECTIONS 15, 78 (cross-referenced definition of school in s. 134.66 (1) (h), Stats.), 90, 91, and 118.]

auto-ref 90 at p. 52, line 1  
 auto-ref 91 at p. 52, line 7

auto-ref 15 at p. 15, line 7  
 auto-ref 78 at p. 45, line 16

auto-ref 118 p. 69, line 13

19. Provides that the criminal penalty for possession of certain controlled substances on or within 1,000 feet of the premises of a school also applies to tribal schools and also extends the penalty enhancement to such violations. [SECTIONS 105, 119, and 120.]

auto-ref 120 at p. 70, line 6

auto-ref 105 at p. 58, line 13

auto-ref 119 at p. 70, line 3

20. Applies penalty enhancement for violent crimes committed in a school zone to tribal schools. [SECTION 113.]

auto-ref 113 at p. 68, line 3

*Benefits or Protections Provided to Tribal School Staff*

bill

The draft provides the following benefits or protections to tribal school staff:

1. Permits a licensed teacher employed by a tribal school to serve on the DPI Professional Standards Council for Teachers. [SECTION 4.]

auto-ref 4 at p. 10, line 16

2. Includes tribal school teachers in the DOA program to facilitate the purchase of computers by school teachers. [SECTION 10.]

auto-ref 10 at p. 13, line 7

3. 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. [SECTION 48.]

auto-ref 48 at p. 28, line 16

4. For the alternative education program license, specifies that, like a private school, an alternative educational program does not include a tribal school. [SECTION 48.]

auto-ref 48 at p. 28, line 16

5. Makes teachers employed at a tribal school eligible for grants if they are certified by the National Board for Professional Teaching Standards or are licensed by DPI as a master educator and meet other criteria. [SECTIONS 57 and 58.]

auto-ref 57 at p. 35, line 14  
 auto-ref 58 at p. 35, line 17

6. Extends immunity from liability under several state laws to certain tribal school officials and others, including: for removing a pupil from school premises or from school-sponsored activities for suspicion of certain activities relating to controlled substances; for administering certain drugs to pupils under certain circumstances; for rendering emergency care; for permitting or prohibiting the use of an asthma inhaler under certain circumstances; for a good faith attempt to prevent suicide; for rendering free health care by certain health care providers at an athletic event at a tribal school; and for death or injury caused by the donation by certain individuals of commercial equipment or technology to a tribal school. [SECTIONS 78, 79, 80, 81, 82, 83, 100, and 101.]

auto-ref 100 at p. 56, line 16

auto-ref 101 at p. 57, line 10

Extending immunity under state law does not affect liability under tribal law or whatever right a person may have to raise a defense of tribal sovereign immunity if sued.

7. Includes tribal school employees and certain health care providers who provide free health care at a tribal school athletic event in the category of persons who, when

auto-ref 78 at p. 45, line 16

auto-ref 79 at p. 46, line 1

auto-ref 80 at p. 47, line 12

auto-ref 81 at p. 47, line 17

auto-ref 82 at p. 48, line 2

auto-ref 83 at p. 48, line 8

significantly exposed to an individual (for example, by contact with the individual's blood) may require testing of that individual for human immunodeficiency virus (HIV) and receive the results of the test. [SECTIONS 92 and 100.]

*auto ref 92 at p. 52, line 17*

*auto ref 100 at p. 56, line 16*

8. Provides that an employee, member of the board of directors, or trustee of a tribal school, while in his or her capacity as such, may not be prosecuted under s. 944.21 (crimes relating to obscene materials or performance) or 948.11, Stats. (crimes relating to exposing a child to harmful material or harmful descriptions or narrations). [SECTIONS 114 and 116.]

*auto ref 114 at p. 68 line 12*

*auto ref 116 at p. 69, line 4*

*a.r. 1*

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 (15m), 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.

*2*

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 (15m), 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

*a.r. 2*

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.

a.r.3

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 (15m).

NOTE: Provides that representatives of tribal schools may serve on the DPI Council on Special Education.

a.r.4

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 (15m), 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.

Three x 3

bill

The draft 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.

a.r. 5

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 (15m), 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.

a.r. 6

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 (15m), with telecommunications access under s. 16.997 and contract with  
7 telecommunications providers to provide that access.

NOTE: Requires the 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 TEACH program that applies to private schools.

a.r. 7

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 (15m).

a.r. 8

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

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.

5  
 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 (15m), 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 (15m), 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

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 to permit DOA to provide telecommunications services to tribal schools that DOA considers appropriate and charge for such services. Also see the treatment of s. 20.505 (1) (is), stats., below.

A.R.  
10

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.

A.R.  
11

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 (15m), 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.

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

A.F. 12

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.

A.F. 13

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 tribal school as defined in s. 115.001 (15m), or a home-based private educational  
12 program under s. 118.15 (4) or for the purpose of transporting students to or from an  
13 outdoor academic class given by an accredited college or university in this state. The  
14 operator of a motor vehicle transporting pupils or students under this subdivision  
15 shall possess and exhibit for inspection a written authorization from an  
16 administrator of the school, home-based private educational program, or college or  
17 university indicating that admission to the vehicle admission area is part of an  
18 official school, home-based private educational program, or college or university  
19 function and indicating the date for which the authorization is applicable. A  
20 separate authorization is required for each date on which the motor vehicle is  
21 admitted to the vehicle admission area under this subdivision.

*h.r. 14*

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.

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

2 28.06 (1) LIMITATION. Only planting stock of species and sizes suitable for forest  
3 and woodlot planting and for planting by school pupils, including pupils at a tribal  
4 school, as defined in s. 115.001 (15m), to celebrate arbor day under s. 118.025 shall  
5 be produced in state forest nurseries. The department may employ labor at  
6 prevailing local wages for nursery operation or reforestation.

*h.r. 15*

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 draft specifies that tribal school pupils are included.

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

8 29.301 (1) (a) In this subsection, "school" means a public or private elementary  
9 or secondary school, including a charter school, a tribal school, as defined in s.  
10 115.001 (15m), or a technical college.

(b.11)

*h.r. 16*

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.

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

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

*h.r. 17*

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

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



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 (15m), 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 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.

a.r. 18

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.

a.r. 19

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 (15m).

a.r. 20

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

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.

a.s. 21

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.

a.s. 22

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.

a.s. 23

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 (15m).

a.s. 24

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:

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

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

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 25 to 26 include seniors at a tribal high school in the Academic Excellence Higher Education Scholarship Program that provides certain seniors with academic scholarships at the UW, technical college, or participating private institutions of higher education.

a.r. 25

4 SECTION 25. 45.09 (1) (d) of the statutes is created to read:

5 45.09 (1) (d) "Tribal school" has the meaning given in s. 115.001 (15m).

a.r. 26

6 SECTION 26. 45.09 (2) of the statutes is amended to read:

7 45.09 (2) Subject to sub. (3), the department shall award a certificate of  
8 achievement and appreciation to any veteran who completes 20 hours of volunteer  
9 service in a public or private, or tribal school during a school term.

NOTE: Current law provides that the Department of Veterans Affairs must award a certificate of achievement and appreciation to any veteran who completes 20 hours of volunteer service in a public or private school during a school term if certain conditions are met. The draft also includes such volunteer service in a tribal school.

a.r. 27

10 SECTION 27. 45.20 (2) (a) 1., (c) 1. and (d) 1. of the statutes are amended to read:

11 45.20 (2) (a) 1. The department shall administer a tuition reimbursement  
12 program for eligible veterans enrolling as undergraduates in any institution of  
13 higher education in this state, enrolling in a school that is approved under s. 45.03  
14 (11), enrolling in a proprietary school that is approved under s. 38.50, enrolling in a  
15 public or private high school, enrolling in a tribal school, as defined in s. 115.011  
16 (15m) in any grade from 9 to 12 ~~that operates high school grades,~~ or receiving a waiver of nonresident tuition  
17 under s. 39.47.

18 (c) 1. A veteran who meets the eligibility requirements under par. (b) 1. may  
19 be reimbursed upon satisfactory completion of an undergraduate semester in any  
20 institution of higher education in this state, or upon satisfactory completion of a

1 course at any school that is approved under s. 45.03 (11), any proprietary school that  
 2 is approved under s. 38.50, any public or private high school, any tribal school, as  
 3 defined in s. 115.001 (15m), that operates <sup>any grade from 9 to 12</sup> ~~high school grades,~~ or any institution from  
 4 which the veteran receives a waiver of nonresident tuition under s. 39.47. Except as  
 5 provided in par. (e), the amount of reimbursement may not exceed the total cost of  
 6 the veteran's tuition minus any grants or scholarships that the veteran receives  
 7 specifically for the payment of the tuition, or, if the tuition is for an undergraduate  
 8 semester in any institution of higher education, the standard cost of tuition for a  
 9 state resident for an equivalent undergraduate semester at the University of  
 10 Wisconsin-Madison, whichever is less.

11 (d) 1. A veteran's eligibility for reimbursement under this subsection at any  
 12 institution of higher education in this state, at a school that is approved under s.  
 13 45.03 (11), at a proprietary school that is approved under s. 38.50, at a public or  
 14 private high school, at a tribal school, as defined in s. 115.001 (15m), that operates  
 15 <sup>any grade from 9 to 12</sup> ~~high school grades,~~ or at an institution where he or she is receiving a waiver of  
 16 nonresident 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.

a.r. 2/6

17 **SECTION 28.** 46.275 (3r) (a) 3. of the statutes is amended to read:  
 18 46.275 (3r) (a) 3. The person will be relocated into the home of the person's  
 19 parent or guardian and will be receiving state monitoring of the relocation and  
 20 services provided by a public or private school or a tribal school, as defined in s.  
 21 115.001 (15m).

NOTE: Current law permits DHS 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.

*h.r. 29*

1 SECTION 29. 48.02 (18m) of the statutes is created to read:

2 48.02 (18m) "Tribal school" has the meaning given in s. 115.001 (15m).

*h.r. 30*

3 SECTION 30. 48.345 (12) (a) 5. of the statutes is created to read:

4 48.345 (12) (a) 5. Pursuant to a contractual agreement with the school district  
5 in which the child resides, an educational program provided by a tribal school.

*h.r. 31*

6 SECTION 31. 48.345 (12) (c) of the statutes is amended to read:

7 48.345 (12) (c) The judge shall order the county department, department, in  
8 a county having a population of 500,000 or more, or licensed child welfare agency  
9 responsible for supervising the child to disclose to the school board, technical college  
10 district board, tribal school, or private, nonprofit, nonsectarian agency which is  
11 providing an educational program under par. (a) 3. records or information about the  
12 child, as necessary to assure the provision of appropriate educational services under  
13 par. (a).

NOTE: Under current law, a 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 the treatment of ss. 121.78 (4) and 938.34 (7d) (a) 5. and (c), stats., below.

*h.r. 32*

14 SECTION 32. 48.355 (2) (c) of the statutes is amended to read:

15 48.355 (2) (c) If school attendance is a condition of an order under par. (b) 7.,  
16 the order shall specify what constitutes a violation of the condition and shall direct  
17 the school board of the school district, or the governing body of the private school, in  
18 which the child is enrolled, or shall request the governing body of the tribal school  
19 in which the child is enrolled, to notify the county department that is responsible for

1 supervising the child or, in a county having a population of 500,000 or more, the  
2 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 draft requires that the court order request that a tribal school do so.

a.r. 33

3 SECTION 33. 48.396 (1) of the statutes is amended to read:

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4 48.396 (1) Law enforcement officers' records of children shall be kept separate  
5 from records of adults. Law enforcement officers' records of the adult expectant  
6 mothers of unborn children shall be kept separate from records of other adults. Law  
7 enforcement officers' records of children and the adult expectant mothers of unborn  
8 children shall not be open to inspection or their contents disclosed except under sub.  
9 (1b), (1d), (5), or (6) or s. 48.293 or by order of the court. This subsection does not  
10 apply to the representatives of newspapers or other reporters of news who wish to  
11 obtain information for the purpose of reporting news without revealing the identity  
12 of the child or adult expectant mother involved, to the confidential exchange of  
13 information between the police and officials of the public or private school attended  
14 by the child or other law enforcement or social welfare agencies, or to children 10  
15 years of age or older who are subject to the jurisdiction of the court of criminal  
16 jurisdiction. A public school official who obtains information under this subsection  
17 shall keep the information confidential as required under s. 118.125, and a private  
18 school official who obtains information under this subsection shall keep the  
19 information confidential in the same manner as is required of a public school official  
20 under s. 118.125. This subsection does not apply to the confidential exchange of  
21 information between the police and officials of the tribal school attended by the child  
22 if the police determine that enforceable protections are provided by a tribal school



1 policy or tribal law that requires tribal school officials to keep the information  
 2 confidential in a manner at least as stringent as is required of a public school official  
 3 under s. 118.125. A law enforcement agency that obtains information under this  
 4 subsection shall keep the information confidential as required under this subsection  
 5 and s. 938.396 (1) (a). A social welfare agency that obtains information under this  
 6 subsection shall keep the information confidential as required under ss. 48.78 and  
 7 938.78.

NOTE: Current law provides that the subsection that 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 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 (draft) 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.

A.R. 34

8 **SECTION 34.** 48.65 (2) (b) of the statutes is amended to read:

9 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 (draft) makes clear that a tribal school is not subject to this statute.

A.R. 35

10 **SECTION 35.** 48.78 (2) (b) of the statutes is amended to read:

11 48.78 (2) (b) Paragraph (a) does not apply to the confidential exchange of  
 12 information between an agency and another social welfare agency, a law  
 13 enforcement agency, a public school, or a private school regarding an individual in  
 14 the care or legal custody of the agency. A social welfare agency that obtains  
 15 information under this paragraph shall keep the information confidential as

1 required under this section and s. 938.78. A law enforcement agency that obtains  
 2 information under this paragraph shall keep the information confidential as  
 3 required under ss. 48.396 (1) and 938.396 (1) (a). A public school that obtains  
 4 information under this paragraph shall keep the information confidential as  
 5 required under s. 118.125, and a private school that obtains information under this  
 6 paragraph shall keep the information confidential in the same manner as is required  
 7 of a public school under s. 118.125. Paragraph (a) does not apply to the confidential  
 8 exchange of information between an agency and officials of a tribal school regarding  
 9 an individual in the care or legal custody of the agency if the agency determines that  
 10 enforceable protections are provided by a tribal school policy or tribal law that  
 11 requires tribal school officials to keep the information confidential in a manner at  
 12 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, DCF, 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 draft 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.

a.r. 36

13 **SECTION 36.** 49.26 (1) (a) 2. bm. of the statutes is created to read:

14 49.26 (1) (a) 2. bm. A tribal school, as defined in s. 115.001 (15m).

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.

a.r. 37

15 **SECTION 37.** 49.26 (1) (g) 2. of the statutes is amended to read:

16 49.26 (1) (g) 2. The individual has not graduated from a public or, private, or  
 17 tribal high school or obtained a declaration of equivalency of high school graduation  
 18 under s. 115.29 (4).

bill

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

1            **SECTION 38.** 51.45 (4) (d) of the statutes is amended to read:  
 2            51.45 (4) (d) Cooperate with the department of public instruction, local boards  
 3            of education, schools, including tribal schools, as defined in s. 115.001 (15m), police  
 4            departments, courts, and other public and private agencies, organizations, and  
 5            individuals in establishing programs for the prevention of alcoholism and treatment  
 6            of alcoholics and intoxicated persons, and preparing curriculum materials thereon  
 7            for use at all levels of school education.

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

8            **SECTION 39.** 103.21 (7) of the statutes is created to read:  
 9            103.21 (7) "Tribal school" has the meaning given in s. 115.001 (15m).  
 10           **SECTION 40.** 103.23 (2) (intro.) and (a) of the statutes are amended to read:  
 11           103.23 (2) (intro.) A minor under 12 years of age may work in a fund-raising  
 12           sale for a nonprofit organization, a public school ~~or~~, a private school, or a tribal school  
 13           under the following conditions:

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

16           **SECTION 41.** 103.25 (3m) (c) and (5) of the statutes are amended to read:  
 17           103.25 (3m) (c) This subsection does not apply to employment of a minor by a  
 18           newspaper publisher or in a fund-raising sale for a nonprofit organization, a public  
 19           school ~~or~~, a private school, or a tribal school.

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

**SECTION 42.** 103.27 (3) of the statutes is amended to read:

a.r. 38

a.r. 39

a.r. 40

a.r. 41

a.r. 42

1 103.27 (3) This section does not apply to employment of a minor in a  
2 fund-raising sale for a nonprofit organization, a public school or, a private school, or  
3 a tribal school.

A.C. 43

4 SECTION 43. 103.275 (8) of the statutes is amended to read:

5 103.275 (8) EXCEPTION. This section does not apply to the employment of a  
6 minor by a newspaper publisher or in a fund-raising sale for a nonprofit  
7 organization, a public school or, a private school, or a tribal school.

NOTE: SECTION 39 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~~ ~~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.

X3 raising funds

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

A.C. 44

8 SECTION 44. 103.64 (6) of the statutes is created to read:

9 103.64 (6) "Tribal school" has the meaning given in s. 115.001 (15m).

A.C. 45

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

10 SECTION 45. 103.67 (2) (c) of the statutes is amended to read:

11 103.67 (2) (c) Minors 12 years of age or older may be employed in street trades,  
12 and any minor may work in fund-raising sales for nonprofit organizations, public  
13 schools or, private schools, or tribal schools, as provided in ss. 103.21 to 103.31.

A.C. 46

NOTE: Relates to SECTIONS and , above.

14 SECTION 46. 103.71 (1) (b) of the statutes is amended to read:

15 103.71 (1) (b) A diploma or certificate to this effect issued by the superintendent  
16 of the parochial school system or by the principal of the parochial or private school  
17 or tribal school last attended by such minor. Such superintendent, principal, or clerk  
18 shall issue such diploma or certificate upon receipt of any application in behalf of any

1 minor entitled thereto. As used in this paragraph the term "school district" shall  
2 apply to all regularly constituted school districts, including union free high school  
3 districts.

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

4 SECTION 47. 115.001 (15m) of the statutes is created to read:

5 115.001 (15m) "Tribal school" means an institution with an educational  
6 program that has as its primary purpose providing education in any grade or grades  
7 from kindergarten to 12 and that is one of the following:

8 (a) Controlled by the elected governing body of a federally recognized American  
9 Indian tribe or band in ~~Wisconsin~~ <sup>2</sup> this state

10 (b) Jointly controlled by the elected governing bodies of 2 or more federally  
11 recognized American Indian tribes or bands in ~~Wisconsin~~ <sup>2</sup> this state x3

12 (c) Controlled by a tribal educational authority established by a federally  
13 recognized American Indian tribe or band in ~~Wisconsin~~ <sup>2</sup> this state

14 (d) Controlled by a tribal educational authority established jointly by 2 or more  
15 federally recognized American Indian tribes or bands in ~~Wisconsin~~ <sup>2</sup> this state

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 by this (draft) to refer to tribal schools.

act-ref 48

16 SECTION 48. 115.28 (7) (b) and (e) 1. and (11) (intro.) of the statutes are amended  
17 to read:

18 115.28 (7) (b) Subject to the same rules and laws concerning qualifications of  
19 applicants and granting and revocation of licenses or certificates under par. (a), the  
20 state superintendent shall grant certificates and licenses to teachers in private  
21 schools and tribal schools, except that teaching experience requirements for such  
22 certificates and licenses may be fulfilled by teaching experience in ~~either~~ public or,

1 private, or tribal schools. An applicant is not eligible for a license or certificate unless  
2 the state superintendent finds that the private school or tribal school in which the  
3 applicant taught offered an adequate educational program during the period of the  
4 applicant's teaching therein. Private schools are not obligated to employ only  
5 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 draft does not include language regarding the matter. e (bill)

6 (e) 1. In this paragraph, "alternative education program" means an  
7 instructional program, approved by the school board, that utilizes successful  
8 alternative or adaptive school structures and teaching techniques and that is  
9 incorporated into existing, traditional classrooms or regularly scheduled curricular  
10 programs or that is offered in place of regularly scheduled curricular programs.  
11 "Alternative educational program" does not include a private school, a tribal school,  
12 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.

13 (11) DRIVER EDUCATION COURSES. (intro.) Approve driver education courses  
14 offered by school districts, county children with disabilities education boards, and  
15 technical college districts for the purposes of s. 343.16 (1) (c) 1. and establish  
16 minimum standards for driver education courses offered in private schools and tribal  
17 schools for the purposes of s. 343.16 (1) (c) 3. All driver education courses approved  
18 or for which standards are established under this subsection shall do all of the  
19 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 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.

a.r. 49

1 SECTION 49. 115.28 (53) of the statutes is amended to read:

2 115.28 (53) ONLINE COURSES. Make online courses available for a reasonable  
3 fee, through a statewide web academy, to school districts, cooperative educational  
4 service agencies, and charter schools and, private schools, and tribal schools located  
5 in this state.

NOTE: Requires the State Superintendent to make online courses available for a reasonable fee, through a statewide web academy, to tribal schools located in Wisconsin.

a.r. 50

6 SECTION 50. 115.34 (2) of the statutes is amended to read:

7 115.34 (2) The state superintendent shall make payments to school districts,  
8 private schools, charter schools under s. 118.40 (2r), tribal schools, the program  
9 under s. 115.52, and the center under s. 115.525 for school lunches served to children  
10 in the prior year as determined by the state superintendent from the appropriation  
11 under s. 20.255 (2) (cn). Payments shall equal the state's matching obligation under  
12 42 USC 1751 et seq. Payments in the current year shall be determined by prorating  
13 the state's matching obligation based on the number of school lunches served to  
14 children in the prior year. In this subsection, "private school" means any school  
15 defined in s. 115.001 (3r) which complies with the requirements of 42 USC 2000d.

NOTE: Adds tribal schools to the school lunch program. (According to DPI staff, tribal schools currently receive funds for the school lunch program.)

a.r. 51

16 SECTION 51. 115.341 of the statutes is amended to read:

17 115.341 School breakfast program. (1) From the appropriation under s.  
18 20.255 (2) (cm), the state superintendent shall reimburse each school board 15 cents  
19 for each breakfast served at a school that meets the requirements of 7 CFR 220.8 or

1 220.8a, whichever is applicable, and shall reimburse each governing body of a  
2 private school or tribal school 15 cents for each breakfast served at the private school  
3 or tribal school that meets the requirements of 7 CFR 220.8 or 220.8a, whichever is  
4 applicable.

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

NOTE: Adds tribal schools to the school breakfast program. (According to DPI staff,  
tribal schools currently receive funds for the school breakfast program.)

A.F. 52

9 SECTION 52. 115.343 (1) of the statutes is amended to read:

10 115.343 (1) The department shall establish a school day milk program. A  
11 public, private, or tribal school participating in the program shall offer each eligible  
12 child one half-pint of Wisconsin-produced whole milk, 2% milk, 1.5% milk, one  
13 percent milk, 0.5% milk, skim milk or chocolate milk on each day in which school is  
14 in session. If a child is allergic to milk or has metabolic disorders or other conditions  
15 which prohibit him or her from drinking milk, the child shall be offered juice as a  
16 substitute. Any school that participates in the program is encouraged to consider  
17 bids from local milk suppliers. The school shall keep all information related to the  
18 identity of the pupils who receive a beverage under the program confidential. In this  
19 subsection, "Wisconsin-produced" means that all or part of the raw milk used by the  
20 milk processor was produced in this state.

NOTE: Current law provides aid for the school day milk program. The draft clearly  
specifies that tribal schools may be participating schools.

Auth-ref  
53

21 SECTION 53. 115.345 (7m) of the statutes is amended to read:

bill



1           115.345 (7m) A private school or tribal school may establish a food services plan  
 2 for elderly persons. If the plan meets all of the requirements of this section and is  
 3 approved by the state superintendent, the private school or tribal school is eligible  
 4 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.

*a.r. 54*

5           **SECTION 54.** 115.36 (1) and (2) (a), (b) and (d) 3. of the statutes are amended  
 6 to read:

7           115.36 (1) The purpose of this section is to enable and encourage public and,  
 8 private, and tribal schools to develop comprehensive programs to prevent or  
 9 ameliorate alcohol and other drug abuse among minors.

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

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

16           (d) 3. The systematic dissemination of information concerning available  
 17 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.

*Auth. ref 55*

18           **SECTION 55.** 115.365 <sup>(1) (2) (a) and (b) and (3)</sup> of the statutes <sup>are</sup> amended to read:

19           ~~115.365 Assistance to schools for suicide prevention programs.~~ (1) The  
 20 purpose of this section is to enable and encourage public and, private schools ~~and~~  
 21 ~~tribal schools~~ to develop programs designed to prevent suicide among minors.

*and tribal*

*(NO B)*

18  
19  
20  
21

(1) (2) The department, in conjunction with the department of health services and  
2 the department of children and families, shall:

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

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

20 (3) Each school board and the governing body of each private school annually  
21 shall inform their professional staff of the resources available from the department  
22 and other sources regarding suicide prevention. The department annually shall  
23 provide school boards and the governing bodies of private and tribal schools with a  
24 model notice, describing the suicide prevention services that it has developed and

1 how staff may access those services, that school boards and governing bodies of  
2 private and tribal schools may use to inform their professional staff.

NOTE: Includes tribal schools in DPI's program to assist schools in developing  
suicide prevention programs. Requires that DPI provide a model notice to the governing  
body of a tribal school, which can be used to inform tribal school professional staff about  
suicide prevention services that DPI has developed and how to access those services.  
However, in contrast to requirements imposed on public, private, and charter schools, the  
draft does not require that tribal schools annually inform professional staff about  
resources available regarding suicide prevention.

b.11

a. r. 56

3 SECTION 56. 115.368 (1) and (2) (a) and (b) of the statutes are amended to read:

4 115.368 (1) The purpose of this section is to enable and encourage public and,  
5 private, and tribal schools to develop protective behaviors programs and  
6 anti-offender behavior programs designed to assist minors and their parents or  
7 guardians in recognizing, avoiding, preventing, and halting physically or  
8 psychologically intrusive or abusive situations that may be harmful to minors.

9 (2) (a) Develop and conduct protective behaviors training programs for the  
10 professional staff of public and, private, and tribal schools and counties under ss.  
11 46.034, 46.215, 46.22, 46.23, 51.42, and 51.437. The training programs shall include  
12 information on how to assist a minor and his or her parent or guardian in  
13 recognizing, avoiding, preventing, and halting physically or psychologically  
14 intrusive or abusive situations that may be harmful to the minor, including child  
15 abuse, sexual abuse, and child enticement. The training programs shall emphasize  
16 how to help minors to develop positive psychological, emotional, and  
17 problem-solving responses to such situations, and to avoid relying on negative,  
18 fearful, or solely reactive methods of dealing with such situations. The training  
19 programs shall also include information on the detection, by other minors, their  
20 parents or guardians, and school staff, of conditions that indicate that a minor is  
21 being or has been subjected to such situations; the proper action to take when there

1 is reason to believe that a minor is being or has been subjected to such situations; and  
 2 the coordination of school protective behaviors programs and activities with  
 3 programs and activities of other state and local agencies. Persons other than the  
 4 professional staff of public ~~and~~, private, and tribal schools and counties under ss.  
 5 46.034, 46.215, 46.22, 46.23, 51.42, and 51.437 may attend the training programs.  
 6 The department may charge such persons a fee sufficient to cover the increased costs  
 7 of materials, but not personnel cost, to the department of their participation in the  
 8 programs. The department may not deny any resident of Wisconsin the opportunity  
 9 to participate in a program if the person is unable to pay any fee.

10 (b) Provide consultation and technical assistance to public ~~and~~, private, and  
 11 tribal schools for the development and implementation of protective behaviors  
 12 programs and the coordination of those programs with programs of other state and  
 13 local agencies.

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

A.F. 57

14 SECTION 57. 115.42 (1) (a) 2. of the statutes is amended to read:

15 115.42 (1) (a) 2. The person is licensed as a teacher by the state superintendent  
 16 or employed as a teacher in a private school or tribal school located in this state.

A.F. 58

17 SECTION 58. 115.42 (2) (a) 2. of the statutes is amended to read:

18 115.42 (2) (a) 2. The person maintains his or her license as a teacher issued by  
 19 the state superintendent or remains employed in a private school or tribal school  
 20 located in 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 or are licensed by DPI as a master educator and meet other criteria.

A.F. 59

21 SECTION 59. 115.52 (3) (b) 1. of the statutes is amended to read:

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

a.s. 66

4           **SECTION 60.** 115.52 (3) (b) 2. of the statutes is amended to read:

5           115.52 (3) (b) 2. Provide technical assistance and consultation services to local  
 6 educational agencies, cooperative educational service agencies, county children with  
 7 disabilities education boards, private schools, tribal schools, and others.

a.s. 61

8           **SECTION 61.** 115.52 (3) (b) 10. of the statutes is amended to read:

9           115.52 (3) (b) 10. Rent or lease technological materials and assistive technology  
 10 devices, as defined in s. 115.76 (1), to local educational agencies, cooperative  
 11 educational service agencies, county children with disabilities education boards, and  
 12 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.

a.s. 62

13          **SECTION 62.** 115.525 (3) (b) 2. of the statutes is amended to read:

14          115.525 (3) (b) 2. Provide technical assistance and consultation services to  
 15 entities such as local educational agencies, cooperative educational service agencies,  
 16 county children with disabilities education boards and, private schools, and tribal  
 17 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.

a.s. 63

18          **SECTION 63.** 116.01 of the statutes is amended to read:

19          **116.01 Purpose.** The organization of school districts in Wisconsin is such that  
 20 the legislature recognizes the need for a service unit between the school district and  
 21 the state superintendent. The cooperative educational service agencies are designed

1 to serve educational needs in all areas of Wisconsin by serving as a link both between  
2 school districts and between school districts and the state. Cooperative educational  
3 service agencies may provide leadership, coordination, and education services to  
4 school districts, University of Wisconsin System institutions, and technical colleges.

5 Cooperative educational service agencies may facilitate communication and  
6 cooperation among all public and, private, and tribal schools, <sup>and all public and</sup> agencies, and  
7 organizations that provide services to pupils. <sub>private</sub>

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

u.r. 64

8 SECTION 64. 116.032 (1) and (3) (a) (intro.) of the statutes are amended to read:  
9 116.032 (1) Subject to subs. (2) to (5), for the purpose of providing services to  
10 pupils, a board of control may contract with school districts, University of Wisconsin  
11 System institutions, technical college district boards, private schools, tribal schools,  
12 and agencies or organizations that provide services to pupils. A board of control may  
13 also contract with one or more school boards to operate a charter school under s.  
14 118.40 (3) (c).

15 (3) (a) (intro.) A board of control may contract with a private school, tribal  
16 school, or private agency or organization to provide a service or program to that  
17 private school, tribal school, or private agency or organization only if all of the  
18 following apply:

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

u.r. 65

19 SECTION 65. 118.025 of the statutes is amended to read:  
20 118.025 **Arbor day observance.** ~~A school~~ The principal of a public, private,  
21 or tribal school may request one free tree provided from state forest nurseries by the

1 department of natural resources under s. 28.06 for each 4th grade pupil in the school  
2 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.

3 **SECTION 66.** 118.07 (3) of the statutes is amended to read:

4 118.07 (3) The department shall make available to school districts, private  
5 schools, tribal schools, and charter schools information about meningococcal disease,  
6 including the causes and symptoms of the disease, how it is spread, and how to obtain  
7 additional information about the disease and the availability, effectiveness, and  
8 risks of vaccinations against the disease. The department may do so by posting the  
9 information on its Internet site. At the beginning of the 2006-07 to 2011-12 school  
10 years, each school board and the governing body of each private school and each  
11 charter school shall provide the parents and guardians of pupils enrolled in grades  
12 6 to 12 in the school district or school with the information. At the beginning of the  
13 2012-13 school year and each school year thereafter, each school board and the  
14 governing body of each private school and each charter school shall provide the  
15 parents and guardians of pupils enrolled in grade 6 in the school district or school  
16 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 draft does not require that tribal schools provide the information to parents and guardians of pupils.

17 **SECTION 67.** 118.08 (1) of the statutes is amended to read:

18 118.08 (1) On any street or highway which borders the grounds of any public  
19 or, private, or tribal school in which school is held for a term of not less than 6 months,  
20 the authority in charge of the maintenance of the street or highway shall erect black  
21 and yellow "school" warning signs. The authority may also designate school

1 crossings across any street or highway, whether or not the street or highway borders  
2 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.

h.r. 68

3 SECTION 68. 118.125 (2) (n) of the statutes is amended to read:

4 118.125 (2) (n) For the purpose of providing services to a pupil before  
5 adjudication, a school board may disclose pupil records to a law enforcement agency,  
6 district attorney, city attorney, corporation counsel, agency, as defined in s. 938.78  
7 (1), intake worker under s. 48.067 or 938.067, court of record, municipal court,  
8 private school, or another school board if disclosure is pursuant to an interagency  
9 agreement and the person to whom the records are disclosed certifies in writing that  
10 the records will not be disclosed to any other person except as permitted under this  
11 subsection. For the purpose of providing services to a pupil before adjudication, a  
12 school board may disclose pupil records to a tribal school if disclosure is pursuant to  
13 an agreement between the school board and the governing body of the tribal school  
14 and if the school board determines that enforceable protections are provided by a  
15 tribal school policy or tribal law that requires the tribal school official to whom the  
16 records are disclosed not to disclose the records to any other person except as  
17 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 draft 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.

b11

h.r. 68

18 SECTION 69. 118.125 (4) of the statutes is amended to read:



1           118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district shall  
 2 transfer to another school, including a private or tribal school, or school district all  
 3 pupil records relating to a specific pupil if the transferring school district has  
 4 received written notice from the pupil if he or she is an adult or his or her parent or  
 5 guardian if the pupil is a minor that the pupil intends to enroll in the other school  
 6 or school district or written notice from the other school or school district that the  
 7 pupil has enrolled or from a court that the pupil has been placed in a juvenile  
 8 correctional facility, as defined in s. 938.02 (10p), or a secured residential care center  
 9 for children and youth, as defined in s. 938.02 (15g). In this subsection, "school" and  
 10 "school district" include any juvenile correctional facility, secured residential care  
 11 center for children and youth, adult correctional institution, mental health institute,  
 12 or center for the developmentally disabled, that provides an educational program for  
 13 its residents instead of or in addition to that which is provided by public and, private,  
 14 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 draft 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.

a.f. 70

bill

15           **SECTION 70.** 118.127 (2) of the statutes is amended to read:  
 16           118.127 (2) A school district ~~or~~, private school, or tribal school may disclose  
 17 information from law enforcement officers' records obtained under s. 938.396 (1) (c)  
 18 3. only to persons employed by the school district who are required by the department  
 19 under s. 115.28 (7) to hold a license, to persons employed by the private school or  
 20 tribal school as teachers, and to other school district ~~or~~, private school, or tribal school  
 21 officials who have been determined by the school board or governing body of the  
 22 private school or tribal school to have legitimate educational interests, including

1 safety interests, in that information. In addition, if that information relates to a  
 2 pupil of the school district ~~or~~, private school, or tribal school, the school district ~~or~~,  
 3 private school, or tribal school may also disclose that information to those employees  
 4 of the school district ~~or~~, private school, or tribal school who have been designated by  
 5 the school board or governing body of the private school or tribal school to receive that  
 6 information for the purpose of providing treatment programs for pupils enrolled in  
 7 the school district ~~or~~, private school, or tribal school. A school district may not use  
 8 law enforcement officers' records obtained under s. 938.396 (1) (c) 3. as the sole basis  
 9 for expelling or suspending a pupil or as the sole basis for taking any other  
 10 disciplinary action, including action under the school district's athletic code, against  
 11 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.)

A.C. 71

12 **SECTION 71.** 118.145 (3) and (4) of the statutes are amended to read:  
 13 118.145 (3) If the superintendent or principal of a private school or of a tribal  
 14 school files with the department the course of study for elementary grades prescribed  
 15 by such school and if such course of study is substantially equivalent to the course  
 16 of study prepared for elementary grades by the department, a certificate or diploma  
 17 or other written evidence issued by the superintendent or principal of the private  
 18 school or tribal school showing that the pupil has completed such course of study  
 19 shall entitle the pupil to admission to a public high school. The certificate or diploma

1 or a certified copy thereof or a certified copy of a list of graduates shall be filed with  
2 the school district clerk of the school district operating the high school.

3 (4) The school board of a school district operating high school grades shall allow  
4 a pupil enrolled in a private school, a pupil enrolled in a tribal school, or a pupil  
5 enrolled in a home-based educational program, who has met the standards for  
6 admission to high school under sub. (1), to take up to 2 courses during each school  
7 semester if the pupil resides in the school district in which the public school is located  
8 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 <sup>2 two</sup> 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 <sup>2</sup> courses each semester at a public 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.)

h. 1.72

9 SECTION 72. 118.15 (1) (a) of the statutes is amended to read:

10 118.15 (1) (a) Except as provided under pars. (b) to (d) and (g) and sub. (4),  
11 unless the child is excused under sub. (3) or has graduated from high school, any  
12 person having under control a child who is between the ages of 6 and 18 years shall  
13 cause the child to attend school regularly during the full period and hours, religious  
14 holidays excepted, that the public or, private, or tribal school in which the child  
15 should be enrolled is in session until the end of the school term, quarter or semester  
16 of the 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 draft explicitly refers to attendance at a tribal school.

The draft 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)

bill x2

*h.r. 73*

make that information available to the school board's school attendance officer. The ~~draft~~ <sup>bill</sup> does not require tribal schools to do so.

1 SECTION 73. 118.15 (1) (d) 4. of the statutes is amended to read:

2 118.15 (1) (d) 4. Enrollment in any nonsectarian private school or program, or  
3 tribal school, located in the school district in which the child resides, which complies  
4 with the requirements of 42 USC 2000d. Enrollment of a child under this subdivision  
5 shall be pursuant to a contractual agreement ~~which under s. 121.78 (5) that~~ provides  
6 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 ~~draft~~ <sup>bill</sup> permits a curriculum modification to be requested to attend a tribal school.

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7 SECTION 74. 118.153 (1) (b) of the statutes is amended to read:

8 118.153 (1) (b) "Dropout" means a child who ceased to attend school, does not  
9 attend a public ~~or~~, private, or tribal school, technical college, or home-based private  
10 educational program on a full-time basis, has not graduated from high school, and  
11 does not have an acceptable excuse under s. 118.15 (1) (b) to (d) or (3).

NOTE: Exempts a child who attends <sup>a</sup> 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 ~~draft~~ <sup>bill</sup> 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.

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*auto-ref  
15* SECTION 75. 118.16 (2) ~~(e)~~ <sup>(f)</sup> of the statutes is created to read:

118.16 (2) ~~(e)~~ <sup>(f)</sup> Shall request information regarding the attendance of any child  
14 between the ages of 6 and 18 who is a resident of the school district and who claims  
15 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 ~~draft~~ <sup>bill</sup> 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

*bill*

*or who is not a resident of the school district and who claims or is claimed to be in attendance at a tribal school located in the school district*

bill

claims or is claimed to be attending a tribal school. The ~~draft~~ does not require the tribal school to keep or provide the information to the school attendance officer.

h.f. 14

1 SECTION 76. 118.162 (1) (am) and (m) of the statutes are created to read:

2 118.162 (1) (am) A representative from each tribal school in the county,  
3 designated by the governing body of ~~that~~ <sup>the</sup> tribal school that he or she represents, who  
4 may be a member of the tribal school governing body, school administrator, teacher,  
5 pupil services professional, or parent of a child enrolled in that tribal school.

6 (m) A parent of a pupil enrolled in a tribal school located in the county, who  
7 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.

h.f. 14

8 SECTION 77. 118.255 (2) of the statutes is amended to read:

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

1 services, although each child may receive health treatment services within the  
2 child's own school facilities, whether public or private, or tribal.

3 (b) A school board, cooperative educational service agency, or county children  
4 with disabilities education board providing services under this section may enter  
5 into agreements with the administrator of a private school or tribal school on the  
6 scheduling, space, and other necessary arrangements for performance of such health  
7 treatment services. A school board, cooperative educational service agency, or county  
8 children with disabilities education board shall not pay any private school or tribal  
9 school for any services or facilities provided under this section. Control of the health  
10 treatment services program shall rest with the public school board, cooperative  
11 educational service agency, or county children with disabilities education board.

12 (c) A school board, cooperative educational service agency, or county children  
13 with disabilities education board may provide health treatment services only within  
14 private school <sup>plain space</sup> or tribal school facilities located within the boundaries of the school  
15 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.

h.r. 78

16 SECTION 78. 118.257 (1) (d) of the statutes is amended to read:

17 118.257 (1) (d) "School" means a public, parochial or private, or tribal school  
18 which provides an educational program for one or more grades between grades 1 and  
19 12 and which is commonly known as an elementary school, middle school, junior high  
20 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 liability under tribal law or whatever right such staff may have to raise a defense of tribal sovereign immunity if sued.

4.1.19

1 SECTION 79. 118.29 (2) (a) (intro.) and 3. and (b) and (3) of the statutes are  
2 amended to read:

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

13 3. Is Subject to sub. (4m), is immune from civil liability for his or her acts or  
14 omissions in administering a drug or prescription drug to a pupil under subd. 1., 2.,  
15 2m., or 2r. unless the act or omission constitutes a high degree of negligence. This  
16 subdivision does not apply to health care professionals.

17 (b) Any Subject to sub. (4m), any school district administrator, county children  
18 with disabilities education board administrator, cooperative educational service  
19 agency administrator, public <sup>comma is scored only</sup> private, or tribal school principal, or private or tribal  
20 school administrator who authorizes an employee or volunteer to administer a drug

1 or prescription drug to a pupil under par. (a) is immune from civil liability for the act  
2 of authorization unless it constitutes a high degree of negligence.

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

S.R. 80

12 SECTION 80. 118.29 (4m) of the statutes is created to read:

13 118.29 (4m) APPLICABILITY TO TRIBAL SCHOOL EMPLOYEES. The immunity under  
14 sub. (2) applies to a tribal school employee, administrator, or volunteer only if the  
15 governing body of the tribal school has adopted a written policy that complies with  
16 sub. (4).

bill

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  
draft 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 draft 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.

bill

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

A.T. 81

17 SECTION 81. 118.291 (1g) (b) of the statutes is amended to read:



1 <sup>u.f. 82</sup> 118.291 (1g) (b) "School" includes a public and <sup>and</sup> a private, ~~and~~ tribal school.

2 SECTION 82. 118.291 (2) (c) of the statutes is created to read:

3 118.291 (2) (c) No tribal school or tribal school employee is civilly liable for  
4 injury to a pupil caused by a tribal school employee who prohibits a pupil from using  
5 an inhaler because of the employee's good faith belief that the requirements of sub.  
6 (1r) had not been satisfied or who allows a pupil to use an inhaler because of the  
7 employee's good faith belief that the requirements of sub. (1r) had been satisfied.

NOTE: Current law 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 <sup>bill</sup> draft extends the immunity to tribal school employees under the same conditions. This extension of immunity protections under state law does not affect liability under tribal law or whatever right a tribal school employee may have to raise a defense of tribal sovereign immunity if sued.

8 <sup>u.f. 83</sup> SECTION 83. 118.295 of the statutes is amended to read:

9 **118.295 Suicide intervention; civil liability exemption.** Any school  
10 board, private school, tribal school, county children with disabilities education  
11 board, or cooperative educational service agency, and any officer, employee, or  
12 volunteer thereof, who in good faith attempts to prevent suicide by a pupil is immune  
13 from civil liability for his or her acts or omissions in respect to the suicide or  
14 attempted suicide. The civil liability immunity provided in this section is in addition  
15 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 <sup>bill</sup> draft 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 liability under tribal law or whatever right tribal school officers, employees, and volunteers may have to raise a defense of tribal sovereign immunity if sued.