AN ACT to amend 118.15 (3) (a); and to create 118.16 (2) (cg) 2m. of the statutes; relating to: requiring an evaluation to determine whether a pupil with an extended absence from school is a child with a disability.

Analysis by the Legislative Reference Bureau

This bill requires a school attendance officer to direct a pupil services professional to determine whether to refer a child who has been excused absent for ten or more days in a school year because the child is temporarily not in proper physical or mental condition to attend school for an evaluation as to whether the child is a child with a disability. Under current law, a child who has been evaluated and determined to be a child with a disability may be eligible for certain special education and related services. Under current law, a “pupil services professional” is a school counselor, school social worker, school psychologist, or school nurse. Current law defines a “school attendance officer” as an employee designated by the school board to deal with matters relating to school attendance and truancy.

The bill also requires the school attendance officer to notify the parent or guardian of a pupil that has been absent without an excuse for part or all of five or more days that the parent or guardian may request an evaluation of whether the child is a child with a disability or, for a child who has been identified as a child with
a disability and for whom an individualized education program has been prepared, a review and, if appropriate, revision of the child’s IEP.

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

SECTION 1. 118.15 (3) (a) of the statutes is amended to read:

118.15 (3) (a) Any child who is excused by the school board because the child is temporarily not in proper physical or mental condition to attend a school program but who can be expected to return to a school program upon termination or abatement of the illness or condition. The school attendance officer may request the parent or guardian of the child to obtain a written statement from a licensed physician, dentist, chiropractor, optometrist, psychologist, physician assistant, or nurse practitioner, as defined in s. 255.06 (1) (d), or certified advanced practice nurse prescriber or Christian Science practitioner living and residing in this state, who is listed in the Christian Science Journal, as sufficient proof of the physical or mental condition of the child. An excuse under this paragraph shall be in writing and shall state the time period for which it is valid, not to exceed 30 days. A written attendance policy established under s. 118.16 (4) (a) shall require the school attendance officer to direct a pupil services professional, as defined in s. 118.257 (1) (c), to determine whether to refer a child who is excused under this paragraph for 10 or more days in a school year for an evaluation as to whether the child is a child with a disability under s. 115.76 (5) if the district has not already identified the child as a child with a disability. The school attendance officer shall direct the pupil services professional to provide the parent or guardian of that child with the information described under s. 115.777 (3) (d).

SECTION 2. 118.16 (2) (cg) 2m. of the statutes is created to read:
118.16 (2) (cg) 2m. A statement that the parent or guardian may request any
of the following:

a. A referral under s. 115.777 for an evaluation of whether the child is a child
with a disability under s. 115.76 (5).

b. A copy of the information described under s. 115.777 (3) (d).

c. For a child who has been identified as a child with a disability under s. 115.76
(5) and for whom an individualized education program under s. 115.787 is in effect,
a meeting of the child's individualized education program team to review, and, if
appropriate, revise, that individualized education program as provided under s.
115.787 (4).

(END)