



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3903/1
TKK:amn

2015 SENATE BILL 425

December 3, 2015 – Introduced by Senator WIRCH, cosponsored by Representatives MASON, BERCEAU, BOWEN, HINTZ, MEYERS, MILROY, SINICKI and C. TAYLOR. Referred to Committee on Education.

1 **AN ACT** *to amend* 118.15 (3) (a) and 118.16 (4) (a); and *to create* 118.16 (2) (cg)
2 2m. of the statutes; **relating to:** requiring an evaluation by a local educational
3 agency of whether a pupil with an extended absence from school is a child with
4 a disability.

Analysis by the Legislative Reference Bureau

This bill requires a school attendance officer to direct the school board to determine whether to refer a child who has been excused absent for ten or more days 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. 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 requires the school attendance officer to notify the parent or guardian of a pupil that has been excused absent for ten or more days that the parent or guardian may request an evaluation of whether the child is a child with a disability.

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

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

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1 118.15 (3) (a) Any child who is excused by the school board because the child
2 is temporarily not in proper physical or mental condition to attend a school program
3 but who can be expected to return to a school program upon termination or
4 abatement of the illness or condition. The school attendance officer may request the
5 parent or guardian of the child to obtain a written statement from a licensed
6 physician, dentist, chiropractor, optometrist, psychologist, physician assistant, or
7 nurse practitioner, as defined in s. 255.06 (1) (d), or certified advanced practice nurse
8 prescriber or Christian Science practitioner living and residing in this state, who is
9 listed in the Christian Science Journal, as sufficient proof of the physical or mental
10 condition of the child. An excuse under this paragraph shall be in writing and shall
11 state the time period for which it is valid, not to exceed 30 days. The school
12 attendance officer shall direct the local educational agency, as defined in s. 115.76
13 (10), to determine whether to refer a child who is excused under this paragraph for
14 10 or more days for an evaluation as to whether the child is a child with a disability
15 under s. 115.76 (5). The school attendance officer shall direct the local educational
16 agency to provide the parent or guardian of that child with the information described
17 under s. 115.777 (3) (d).

18 **SECTION 2.** 118.16 (2) (cg) 2m. of the statutes is created to read:

19 118.16 (2) (cg) 2m. A statement that the parent or guardian may request a
20 referral under s. 115.777 for an evaluation of whether the child is a child with a
21 disability under s. 115.76 (5), together with the information described under s.
22 115.777 (3) (d).

23 **SECTION 3.** 118.16 (4) (a) of the statutes is amended to read:

24 118.16 (4) (a) The school board shall establish a written attendance policy
25 specifying the reasons for which pupils may be permitted to be absent from a public

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1 school under s. 118.15 and shall require the teachers employed in the school district
2 to submit to the school attendance officer daily attendance reports on all pupils under
3 their charge. The attendance policy under this paragraph shall require the school
4 attendance officer to direct the local educational agency, as defined in s. 115.76 (10),
5 to determine whether to refer a child who is absent for 10 or more days for an
6 evaluation as to whether the child is a child with a disability under s. 115.76 (5).

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(END)