



1999 ASSEMBLY BILL 412

July 15, 1999 - Introduced by Representatives JESKEWITZ, KEDZIE, JENSEN, RHOADES, PLALE, ALBERS, HUEBSCH, STONE, J. LEHMAN, MUSSER, OWENS, GRONEMUS, HAHN, GOETSCH, SUDER, KELSO, TOWNSEND, REYNOLDS, POCAN, KLUSMAN, TURNER, SCHNEIDER, BOCK, PLOUFF, STASKUNAS, BRANDEMUEHL, PETROWSKI, KREIBICH, MEYER, LASSA, HUNDERTMARK and GUNDERSON, cosponsored by Senators GROBSCHMIDT, ROSENZWEIG, PANZER, HUELSMAN, FARROW, ERPENBACH, CLAUSING and DARLING. Referred to Committee on Family Law.

1 **AN ACT to amend** 115.76 (12) of the statutes; **relating to:** modifying the
2 definition of a parent of a child with a disability and granting rule-making
3 authority.

Analysis by the Legislative Reference Bureau

Under current law, a parent for special education purposes is defined, among other things, as a biological parent of a child with a disability (CWD), an adoptive parent of a CWD or a legal guardian of a CWD. This bill expands the definition of parent to include a foster parent of a CWD if the biological or adoptive parents or the legal guardian of the CWD have died or if the local educational agency (generally a school district) cannot locate the biological or adoptive parents or the legal guardian of the CWD after reasonable efforts.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

4 **SECTION 1.** 115.76 (12) of the statutes is amended to read:
5 115.76 (12) "Parent" means a biological parent; a husband who has consented
6 to the artificial insemination of his wife under s. 891.40; a male who is presumed to

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1 be the child’s father under s. 891.41; a male who has been adjudicated the child’s
2 father under subch. VIII of ch. 48, under ss. 767.45 to 767.51, by final order or
3 judgment of an Indian tribal court of competent jurisdiction or by final order or
4 judgment of a court of competent jurisdiction in another state; an adoptive parent;
5 a legal guardian; a person acting as a parent of a child; a person appointed as a
6 sustaining parent under s. 48.428; a foster parent of the child if the child’s biological
7 or adoptive parents or the child’s legal guardian have died or if the local educational
8 agency cannot locate the child’s biological or adoptive parents or the child’s legal
9 guardian after reasonable efforts, as determined by the department by rule; or a
10 person assigned as a surrogate parent under s. 115.792 (1) (a) 2. “Parent” does not
11 include any person whose parental rights have been terminated; the state or a county
12 or a child welfare agency if a child was made a ward of the state or a county or child
13 welfare agency under ch. 880 or if a child has been placed in the legal custody or
14 guardianship of the state or a county or a child welfare agency under ch. 48 or ch. 767;
15 or an American Indian tribal agency if the child was made a ward of the agency or
16 placed in the legal custody or guardianship of the agency.

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(END)