

**MILWAUKEE PUBLIC SCHOOLS****OFFICE OF GOVERNMENTAL RELATIONS**

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February 1, 2000

TO: Members of the Wisconsin Assembly
FROM: Mickey Beil, Governmental Relations Specialist *Mickey Beil*
RE: Support for AB 412 (Expands Parent Definition for Special Education Purposes)

This memo requests support for AB 412 as amended and unanimously passed by the Assembly Committee on Family Law. AB 412 is sponsored by Representative Suzanne Jeskewitz (R-Menomonie Falls) and requested by the Milwaukee Public Schools.

AB 412 adds foster parents to the definition of "parent" within Chapter 115. As of July, 1999, there were 7,117 children in foster care within Milwaukee County. The addition of foster parents to the definition authorizes them to act on behalf of a student with disabilities without jeopardizing the rights of the student's parents.

Support for this bill will help expedite special education services to disabled students in foster care not only within MPS but in school districts across the state.

If you have any questions, please call me at (414) 475-8725.

Thank you for your consideration.

MB/dz

C: Milwaukee Board of School Directors
Dr. Spence Korté
Dr. Suzanne Lundin
Ms. Jacqueline Patterson
Mr. Willie Jude
Mr. Robert Plath
Ms. Cynthia Gallant
Ms. Carol Topinka
Ms. Pat Yahle



State of Wisconsin Department of Public Instruction

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John T. Benson
State Superintendent

Steven B. Dold
Deputy State Superintendent

February 4, 2000

Thomas K. Phillipson
We Care Parents' Network
835 North Fourteenth Street, Suite 122
Milwaukee, WI 53233

Dear Mr. Phillipson:

Thank you for your letter of January 19, 2000, in which you raised a number of issues and requested information regarding the legislative proposal contained in Assembly Bill 412 and its substitute amendment. That proposal clarifies the circumstances in which a foster parent may "act as a parent" for a child with disabilities. The department's objections to AB 412 raised in my August 18, 1999 letter to Senator Richard Grobschmidt and Representative Suzanne Jeskewitz were remedied by the language in the substitute amendment. As you know, a department representative testified in support of AB 412 with the substitute amendment.

As I pointed out in that letter, and as the substitute amendment language reflects, federal law permits foster parents to act as parents if parental rights have been extinguished and if the foster parent has an ongoing, long-term parental relationship with the child, is willing to make the educational decisions that are required of a parent, and has no interest that would conflict with the interests of the child. AB 412 and its substitute amendment parallel this federal provision and clarify that parental rights to make educational decisions concerning a child may be extinguished by termination of parental rights, by transfer of guardianship or legal custody or by other court order.

If a foster parent were acting as the parent under the provisions of AB 412 and its substitute amendment, the local educational agency (LEA) would notify the foster parent when the LEA proposed or refused to take action. Natural parents would not be notified under these circumstances because their parental rights would already have been extinguished as that is one of the provisions necessary for the foster parent to "act as the parent." Similarly, were the foster parents acting as a parent under the provisions of AB 412 or its substitute amendment, the foster parent would have access to pupil records. The natural parent, whose rights were already extinguished, would not have rights to pupil records.

Under the provisions of state and federal law, a foster parent also can be appointed as a surrogate parent if the parent cannot be identified, cannot after reasonable efforts be located, or if the child is a ward of the state. In addition, the foster parent may not be an employee of the Department of Public Instruction, the district, or any other agency involved in the education or care of the child, may not have an interest that conflicts with the interest of the child, and must have knowledge and skills that ensure adequate representation of the child. The department will propose eliminating additional state law requirements in PI-11.14 regarding surrogate parents so that the procedure for appointing surrogate parents in this state is not unduly cumbersome.

If you need additional information, please contact the department. I look forward to continuing to work with Milwaukee Public Schools and other interested parties to improve services for children with disabilities.

Sincerely,



John T. Benson
State Superintendent

sks

cc: Juanita S. Pawlisch, Ph.D., Assistant Superintendent
Division for Learning Support: Equity and Advocacy
Stephanie J. Petska, Ph.D., Director, Special Education

Vote Record

Senate Committee on Education

Date: 3-8-00
 Moved by: Darling Seconded by: Roessler
 AB: 4/2 Clearinghouse Rule: _____
 AB: _____ Appointment: _____
 AJR: _____ SR: _____ Other: _____
 A: _____ SR: _____

A/S Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____
 A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Sub Amdt: _____
 A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

- Be recommended for:
- Passage
 - Introduction
 - Adoption
 - Rejection
 - Indefinite Postponement
 - Tabling
 - Concurrence
 - Nonconcurrence
 - Confirmation

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Richard Grobschmidt, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Jauch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kevin Shibilski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Jim Baumgart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Judy Robson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Jon Erpenbach	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Alberta Darling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Carol Roessler	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Joanne Huelsman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Mary Lazich	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Margaret Farrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____