

State of Wisconsin



1999 Assembly Bill 412

Date of enactment: **May 8, 2000**
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1999 WISCONSIN ACT 116

AN ACT to renumber and amend 115.76 (12); and to create 115.76 (12) (a) 10. of the statutes; relating to: modifying the definition of a parent of a child with a disability for special education purposes.

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

SECTION 1. 115.76 (12) of the statutes is renumbered 115.76 (12) (a) and amended to read:

115.76 (12) (a) "Parent" means a any of the following:

1. A biological parent; a
2. A husband who has consented to the artificial insemination of his wife under s. 891.40; a
3. A male who is presumed to be the child's father under s. 891.41; a
4. A male who has been adjudicated the child's father under subch. VIII of ch. 48, under ss. 767.45 to 767.51, by final order or judgment of an Indian tribal court of competent jurisdiction or by final order or judgment of a court of competent jurisdiction in another state; an
5. An adoptive parent; a
6. A legal guardian; a
7. A person acting as a parent of a child; a
8. A person appointed as a sustaining parent under s. 48.428; or a
9. A person assigned as a surrogate parent under s. 115.792 (1) (a) 2.

(b) "Parent" does not include any of the following:

1. A person whose parental rights have been terminated; the
2. The state or a county or a child welfare agency, if a child was made a ward of the state or a county or child welfare agency under ch. 880 or if a child has been placed in the legal custody or guardianship of the state or a county or a child welfare agency under ch. 48 or ch. 767; or an
3. An American Indian tribal agency if the child was made a ward of the agency or placed in the legal custody or guardianship of the agency.

SECTION 2. 115.76 (12) (a) 10. of the statutes is created to read:

115.76 (12) (a) 10. A foster parent, if the right and the responsibility of all of the persons specified in subsds. 1. to 5. to make educational decisions concerning a child have been extinguished by termination of parental rights, by transfer of guardianship or legal custody or by other court order, 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 under this subchapter and has no interests that would conflict with the interests of the child.

* Section 991.11, WISCONSIN STATUTES 1997-98: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].