



WISCONSIN LEGISLATIVE COUNCIL INFORMATION MEMORANDUM

Statutory Provisions Relating to Requests for School Programs or Curriculum Modifications

INTRODUCTION

Wisconsin statutes provide that a child's parent may request a public school board to provide their child with program or curriculum modifications. The statute, s. 118.15 (1) (d), (dm), (e), and (f), Stats., is described below and set forth in full at the end of the memorandum.

GENERAL PROVISIONS

Wisconsin law states that any child's parent or guardian, or the child if the parent or guardian is notified, can make a written request to the school board to provide the child with program or curriculum modifications. These modifications include changes such as the following:

- Modifications within the child's current academic program.
- A school work training or work study program.
- Enrollment in any alternative public school or program located in the school district in which the child resides.
- Enrollment in any nonsectarian private school or program, located in the school district in which the child resides, which complies with the requirements of 42 U.S.C. s. 2000d.* Enrollment of any child under

this provision must be pursuant to a contractual agreement which provides for the payment of the child's tuition by the school district.

- Homebound study, including nonsectarian correspondence courses or other courses of study approved by the school board or nonsectarian tutoring provided by the school in which the child is enrolled.
- Enrollment in any public educational program located outside the school district in which the child resides. Enrollment of a child under this provision may be pursuant to a contractual agreement between school districts.

SCHOOL BOARD DECISION

The statutes provide in s. 118.15 (1) (dm), Stats., that the school board must make its decision, in writing, within 90 days of a request. An exception is made if the request relates to a child who has been examined by a multidisciplinary team under the special education statutes and has not been recommended for special education. In this situation, the school board is required to render its decision within 30 days of the request. If the school board denies a request for modifications, the school board shall give its reasons for the denial.

In addition, the statutes provide in s. 118.15 (1) (e), Stats., that any decision made by a school board or designee of the school board in response to a request for program or curriculum modifications must be reviewed by the school board upon request of the child's parent or guardian. The school board must render its determination upon review, in writing, if the child's parent or guardian so requests.

NOTICE

At the beginning of each school term, the statutes require in s. 118.15 (1) (f), Stats., that the school board must notify the pupils enrolled in the school district and their parents or guardians of the substance of the statutes relating to these program modification request procedures.

STATUTE

Section 118.15 (1) (d) Any child's parent or guardian, or the child if the parent or guardian is notified, may request the school board, in writing, to provide the child with program or curriculum modifications, including but not limited to:

1. Modifications within the child's current academic program.
2. A school work training or work study program.
3. Enrollment in any alternative public school or program located in the school district in which the child resides.
4. Enrollment in any nonsectarian private school or program, located in the school district in which the child resides, which complies with the requirements of 42 USC 2000d. Enrollment of a child under this subdivision shall be pursuant to a contractual agreement which provides for the payment of the child's tuition by the school district.

5. Homebound study, including nonsectarian correspondence courses or other courses of study approved by the school board or nonsectarian tutoring provided by the school in which the child is enrolled.

6. Enrollment in any public educational program located outside the school district in which the child resides. Enrollment of a child under this subdivision may be pursuant to a contractual agreement between school districts.

(dm) The school board shall render its decision, in writing, within 90 days of a request under par. (d), except that if the request relates to a child who has been evaluated by an individualized education program team under s. 115.782 and has not been recommended for special education, the school board shall render its decision within 30 days of the request. If the school board denies the request, the school board shall give its reasons for the denial.

(e) Any decision made by a school board or a designee of the school board in response to a request for program or curriculum modifications under par. (d) shall be reviewed by the school board upon request of the child's parent or guardian. The school board shall render its determination upon review in writing, if the child's parent or guardian so requests.

(f) At the beginning of each school term, the school board shall notify the pupils enrolled in the school district and their parents or guardians of the substance of pars. (d), (dm) and (e).

This memorandum was prepared on October 6, 2004 by Russ Whitesel, Senior Staff Attorney. The Information Memorandum is not a policy statement of the Joint Legislative Council or its staff.

*** “42 USC 2000d. Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin**

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

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