



2013 ASSEMBLY BILL 893

March 27, 2014 – Introduced by Representatives ZAMARRIPA, WRIGHT, GOYKE, BARNES, BERCEAU, BEWLEY, BILLINGS, CLARK, DOYLE, HEBL, HESSELBEIN, HINTZ, JOHNSON, JORGENSEN, KAHL, KOLSTE, MASON, MILROY, OHNSTAD, PASCH, POPE, SARGENT, SHANKLAND, SINICKI, C. TAYLOR and WACHS, cosponsored by Senators T. CULLEN, HARRIS, LASSA, LEHMAN, RISSER, SCHULTZ, SHILLING and VINEHOUT. Referred to Committee on Education.

1 **AN ACT to amend** 118.60 (10) (c) and 119.23 (10) (c); and **to create** 118.60 (7) (h),
2 118.60 (10) (bg), 118.60 (10) (br), 119.23 (7) (h), 119.23 (10) (bg) and 119.23 (10)
3 (br) of the statutes; **relating to:** requiring teachers and administrators
4 employed by and owners of private schools participating in the Milwaukee
5 Parental Choice Program and in the choice program for other eligible school
6 districts to be subject to the background investigation requirements and
7 employment restrictions imposed upon teachers in public schools.

Analysis by the Legislative Reference Bureau

Under current law, the state superintendent of public instruction (state superintendent) must, with the assistance of the Department of Justice (DOJ), conduct a background investigation of each applicant for issuance or renewal of a license or permit. A license or permit is required for an applicant to teach in a public school. If the state superintendent determines that further investigation of the applicant is necessary, current law requires fingerprinting of the applicant, and DOJ may forward the fingerprinting cards to the Federal Bureau of Investigation to verify the applicant's identity and obtain records of the applicant's criminal arrest or conviction. The state superintendent may condition issuance of a license or permit upon the receipt of a satisfactory background investigation. Current law requires the state superintendent to revoke a license issued to an individual (licensee) by the

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state superintendent for incompetency or immoral conduct on the part of the licensee; if the licensee is convicted of certain Class A, B, C, D, E, F, G, or H felonies or certain other crimes or violations, including sex offenses; or if the licensee is liable for delinquent taxes or is delinquent in making court-ordered payments of child or family support payments.

This bill requires each private school participating in a parental choice program to conduct a background investigation of each teacher and administrator employed by the private school on the effective date of the bill and for a teacher or administrator that remains employed by the private school, at least once every five years after the last background investigation was conducted. The bill also requires each participating private school to conduct a background investigation prior to extending an offer of employment to an individual who applies to teach in or serve as an administrator of the private school. The bill prohibits a participating private school from employing a teacher or administrator who would not be eligible for employment in a public school for any of the reasons identified above. The bill also authorizes the state superintendent to immediately terminate a private school's participation in a parental choice program if the owner of the private school would not be eligible for employment for any of the reasons identified above or if the private school employs a teacher or administrator without conducting a background investigation or the teacher or administrator would be ineligible to be licensed for any of the reasons identified above.

For further information see the *state* 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:

1 **SECTION 1.** 118.60 (7) (h) of the statutes is created to read:

2 118.60 (7) (h) 1. Each private school participating in the program under this
3 section shall, with the assistance of the department of justice, conduct a background
4 investigation of all teachers and administrators employed by the private school on
5 the effective date of this subdivision [LRB inserts date]. At least once every 5
6 years after the date of the immediately preceding background investigation
7 conducted for a teacher or administrator who remains employed by a private school,
8 the private school shall, with the assistance of the department of justice, conduct
9 another background investigation of that teacher or administrator.

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1 2. Beginning on the effective date of this subdivision [LRB inserts date],
2 each private school participating in the program under this section shall, with the
3 assistance of the department of justice, conduct a background investigation of each
4 individual who applies to teach in or serve as an administrator of the private school
5 prior to extending an offer of employment to that individual.

6 3. A participating private school may not employ a person as a teacher or
7 administrator or contract with the person to serve as a teacher or administrator if
8 the person would not be eligible to be employed, licensed, or permitted for any of the
9 reasons specified under s. 115.31 (2g) or (6m) or 115.315.

10 **SECTION 2.** 118.60 (10) (bg) of the statutes is created to read:

11 118.60 (10) (bg) The state superintendent may issue an order immediately
12 terminating a private school's participation in the program under this section if he
13 or she determines that the owner of the private school would not be eligible or
14 permitted to be employed, licensed, or permitted for any of the reasons specified
15 under s. 115.31 (2g) or (6m) or 115.315.

16 **SECTION 3.** 118.60 (10) (br) of the statutes is created to read:

17 118.60 (10) (br) The state superintendent may issue an order immediately
18 terminating a private school's participation in the program under this section if he
19 or she determines that the private school has failed to comply with the requirements
20 under sub. (7) (h) 1. or 2. or if the private school employs an individual in
21 contravention of the prohibitions under sub. (7) (h) 3.

22 **SECTION 4.** 118.60 (10) (c) of the statutes, as affected by 2013 Wisconsin Act 20,
23 is amended to read:

ASSEMBLY BILL 893**SECTION 4**

1 118.60 (10) (c) Whenever the state superintendent issues an order under par.
2 (a), (am), (ar), ~~or~~ (b), (bg), or (br), he or she shall immediately notify the parent or
3 guardian of each pupil attending the private school under this section.

4 **SECTION 5.** 119.23 (7) (h) of the statutes is created to read:

5 119.23 (7) (h) 1. Each private school participating in the program under this
6 section shall, with the assistance of the department of justice, conduct a background
7 investigation of all teachers and administrators employed by the private school on
8 the effective date of this subdivision [LRB inserts date]. At least once every 5
9 years after the date of the immediately preceding background investigation
10 conducted for a teacher or administrator who remains employed by a private school,
11 the private school shall, with the assistance of the department of justice, conduct
12 another background investigation of that teacher or administrator.

13 2. Beginning on the effective date of this subdivision [LRB inserts date],
14 each private school participating in the program under this section shall, with the
15 assistance of the department of justice, conduct a background investigation of each
16 individual who applies to teach in or serve as an administrator of the private school
17 prior to extending an offer of employment to that individual.

18 3. A participating private school may not employ a person as a teacher or
19 administrator or contract with the person to serve as a teacher or administrator if
20 the person would not be eligible to be employed, licensed, or permitted for any of the
21 reasons specified under s. 115.31 (2g) or (6m) or 115.315.

22 **SECTION 6.** 119.23 (10) (bg) of the statutes is created to read:

23 119.23 (10) (bg) The state superintendent may issue an order immediately
24 terminating a private school's participation in the program under this section if he
25 or she determines that the owner of the private school would not be eligible or

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1 permitted to be employed, licensed, or permitted for any of the reasons specified
2 under s. 115.31 (2g) or (6m) or 115.315.

3 **SECTION 7.** 119.23 (10) (br) of the statutes is created to read:

4 119.23 (10) (br) The state superintendent may issue an order immediately
5 terminating a private school's participation in the program under this section if he
6 or she determines that the private school has failed to comply with the requirements
7 under sub. (7) (h) 1. or 2. or if the private school employs an individual in
8 contravention of the prohibitions under sub. (7) (h) 3.

9 **SECTION 8.** 119.23 (10) (c) of the statutes, as affected by 2013 Wisconsin Act 20,
10 is amended to read:

11 119.23 (10) (c) Whenever the state superintendent issues an order under par.
12 (a), (am), (ar), ~~or (b), (bg), or (br)~~, he or she shall immediately notify the parent or
13 guardian of each pupil attending the private school under this section.

14 (END)