

1993 Senate Bill 542

Date of enactment: April 28, 1994
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1993 Wisconsin Act 454 (Vetoed in Part)

AN ACT to amend 20.255 (1) (hg); and to create 118.19 (9) of the statutes, relating to requiring a background investigation for issuance or renewal of a license or permit by the state superintendent of public instruction and making appropriations.

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

SECTION 1. 20.255 (1) (hg) of the statutes is amended to read:

20.255 (1) (hg) *Personnel certification, teacher supply, information and analysis and teacher improvement.* The amounts in the schedule to fund certification administrative costs under s. 115.28 (7) (d) and 118.19 (9), teacher supply, information and analysis costs under s. 115.29 (5) and teacher improvement under s. 115.41. All moneys received from the certification of school and public library personnel under s. 115.28 (7) (d) and all moneys received under s. 115.41 shall be credited to this appropriation.

SECTION 2. 118.19 (9) of the statutes is created to read:

118.19 (9) (a) In this subsection, "educational agency" has the meaning given in s. 115.31 (1) (b).

(b) With the assistance of the department of justice, the state superintendent shall do all of the following:

1. Conduct a background investigation of each applicant for issuance or renewal of a license or permit.

Vetoed in Part 2. ~~Annually~~ over a 5-year period, conduct a background investigation of each person who holds a license, issued by the state superintendent, that has no expiration date and who is employed by an educational agency.

(c) If the person under par. (b) is a nonresident, or if the state superintendent determines that the person's employment, licensing or state court records provide a reasonable basis for further investigation, the state superintendent shall require the person to be photographed and fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrest and conviction.

(d) Upon request, an educational agency shall provide the state superintendent with all of the following

information about each person employed by the educational agency who holds a license, issued by the state superintendent, that has no expiration date:

1. The person's name.

2. The person's social security number or the license identification number given by the department when the person's original license was issued.

3. Other identifying information, including the person's birthdate, sex, race and any identifying physical characteristics.

(e) The state superintendent may issue or renew a license or permit conditioned upon the receipt of a satisfactory background investigation.

(f) The state superintendent shall keep confidential all information received under this subsection from the department of justice or the federal bureau of investigation. Such information is not subject to inspection or copying under s. 19.35.

SECTION 3. **Appropriation changes.** (1) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of public instruction under section 20.255 (1) (a) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$40,000 for fiscal year 1994-95 to pay a portion of the cost of background investigations under section 118.19 (9) of the statutes, as created by this act.

(2) In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of public instruction under section 20.255 (1) (hg) of the statutes, as affected by the acts of 1993, the dollar amount is increased by \$24,600 for fiscal year 1993-94 and the dollar amount is increased by \$104,000 for fiscal year 1994-95 to pay a portion of the cost of background investigations under section 118.19 (9) of the statutes, as created by this act.

SECTION 4. **Initial applicability.** This act first applies to applications for issuance or renewal of a license or permit received by the state superintendent of public instruction on the effective date of this SECTION.