



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Assembly Bill 71

**Assembly Substitute
Amendment 1**

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Current Law

Under current law, the Department of Public Instruction (DPI) may revoke any license granted by DPI for incompetency or immoral conduct on the part of the licensee after providing the licensee with a written notice of the charges and an opportunity for defense. Current law defines “immoral conduct” as conduct or behavior that is contrary to commonly accepted moral or ethical standards and that endangers the health, safety, welfare, or education of any pupil.

Assembly Bill 71

The bill provides that “immoral conduct” includes the intentional use of an educational agency’s equipment to download, view, or distribute pornographic material in violation of the educational agency’s policy.

Under the bill, DPI is required to initiate proceedings to revoke a license granted by DPI if the licensee is dismissed or his or her contract is not renewed based in whole or in part on evidence that the licensee engaged in immoral conduct, as defined in the bill.

The bill requires DPI to post the name of the licensee and the results of the revocation proceeding on the DPI website.

Assembly Substitute Amendment 1

Assembly Substitute Amendment 1 changes the definition of “immoral conduct” so that “immoral conduct” includes the intentional use of an educational agency’s equipment to download, view, distribute, solicit, seek, or display pornographic material.

The substitute amendment adds a new provision that requires an administrator, when reporting to DPI about a licensee's conduct, to include a complete copy of the licensee's personnel file and all records related to any investigation of the licensee conducted by or on behalf of the educational agency, and exempts the transfer of these records to DPI from the provision of the open records law that requires the authority disclosing a record to notify any subject of the record that the authority is permitting access to the record.

The substitute amendment removes the current requirement that DPI destroy all information pertaining to an investigation or a revocation proceeding after three years. Instead, the substitute amendment requires DPI to maintain a record of all investigations it conducts that indicates the name of the licensee, the date the investigation began, the reason for the investigation, and the result of the investigation. Whenever an investigation results in the revocation of a license, DPI must post the name of the person whose license was revoked on the DPI website.

The substitute amendment requires DPI to post the name of a licensee who is under investigation on the DPI website.

Legislative History

Assembly Substitute Amendment 1 was offered by Representative Kestell on May 18, 2011. On June 2, 2011, the Assembly Committee on Education recommended adoption of Assembly Substitute Amendment 1 on a vote of Ayes, 11; Noes, 0, and recommended passage of the bill, as amended, by the same vote.

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