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State of Misconsin 2011 - 2012 LEGISLATURE



ASSEMBLY SUBSTITUTE AMENDMENT 1, TO 2011 ASSEMBLY BILL 122

November 1, 2011 - Offered by Representatives C. Taylor, Kessler, Young, E. Coggs, Grigsby, Sinicki, Berceau, Bernard Schaber, Pocan, Milroy, Roys, Seidel, Pope-Roberts and Turner.

AN ACT to create 111.335 (1) (d) of the statutes; relating to: permitting an educational agency to refuse to employ or to terminate from employment a person who has been convicted of a violent offense that is a felony and who has not been pardoned for that violent offense.

Analysis by the Legislative Reference Bureau

Current law, subject to certain exceptions, prohibits discrimination in employment based on conviction record. Current law specifies, however, that it is not employment discrimination because of conviction record to refuse to employ or to terminate from employment an individual who has been convicted of a felony, misdemeanor, or other offense, the circumstances of which substantially relate to the circumstances of the particular job. This substitute amendment specifies that it is not employment discrimination because of conviction record for an educational agency to refuse to employ or to terminate from employment an individual who has been convicted of a violent offense that is a felony and who has not been pardoned for that violent offense, whether or not the circumstances of the violent offense substantially relate to the circumstances of the particular job.

Under the substitute amendment, an "educational agency" is defined as a school district, a cooperative educational service agency, a county children with disabilities education board, a state prison, a juvenile correctional facility, a secured

residential care center for children and youth, the Wisconsin Center for the Blind and Visually Impaired, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the Mendota Mental Health Institute, the Winnebago Mental Health Institute, a state center for the developmentally disabled, a private school, a charter school, an agency under contract with a school board to provide a program for children at risk, or a nonsectarian private school or agency under contract with the Milwaukee Public Schools board to provide educational programs for children enrolled in the school district.

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

Section 1. 111.335 (1) (d) of the statutes is created to read:

111.335 (1) (d) 1. In this paragraph, "educational agency" means a school district, a cooperative educational service agency, a county children with disabilities education board, a state prison under s. 302.01, a juvenile correctional facility, as defined in s. 938.02 (10p), a secured residential care center for children and youth, as defined in s. 938.02 (15g), the Wisconsin Center for the Blind and Visually Impaired, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the Mendota Mental Health Institute, the Winnebago Mental Health Institute, a state center for the developmentally disabled, a private school, a charter school, a private, nonprofit, nonsectarian agency under contract with a school board under s. 118.153 (3) (c), or a nonsectarian private school or agency under contract with the board of school directors in a 1st class city under s. 119.235 (1).

2. Notwithstanding s. 111.322, it is not employment discrimination because of conviction record for an educational agency to refuse to employ or to terminate from employment an individual who has been convicted of a violent offense, as defined in s. 301.048 (2) (bm) 1., that is a felony and who has not been pardoned for that violent offense.

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