1

2

3

2005 SENATE BILL 151

March 30, 2005 – Introduced by Senators Darling, A. Lasee, Lazich, Leibham, Kanavas, Harsdorf, Roessler, Grothman and Brown, cosponsored by Representatives Petrowski, Nass, Gundrum, Bies, Nischke, Townsend, Pridemore, Kleefisch, Pettis, Vos, Lothian, Kerkman, Honadel, Suder, Montgomery, Hines, Wood, Krawczyk, J. Fitzgerald, Hahn, Ballweg, Vrakas, McCormick, Moulton, Gard, Gunderson, Musser, Jensen, M. Williams, Albers, Owens, F. Lasee, Vukmir, Ziegelbauer, Stone, Hundertmark, Freese, Gielow, Huebsch, Loeffelholz, Kestell and Kreibich. Referred to Committee on Education.

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 an unpardoned felon.

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 bill 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 felony and who has not been pardoned for that felony, whether or not the circumstances of the felony substantially relate to the circumstances of the particular job.

Under the bill, an "educational agency" is defined as a school district, a cooperative educational service agency, a county children with disabilities education board, a state correctional institution, a juvenile secured correctional facility, a secured child caring institution, 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

SENATE BILL 151

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.

- 2 -

For further information see the *state and local* 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:

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 correctional institution under s. 302.01, a secured correctional facility, as defined in s. 938.02 (15m), a secured child caring institution, 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 felony and who has not been pardoned for that felony.

17

16

1

 $\mathbf{2}$

3

4

5

6

7

8

9

10

11

12

13

14

15