



2011 SENATE BILL 163

August 10, 2011 – Introduced by Senators TAYLOR, C. LARSON, S. COGGS, RISSER and LASSA, cosponsored by Representatives GRIGSBY, JORGENSEN, PASCH, MASON, SINICKI, TURNER, RADCLIFFE, HULSEY, ZAMARRIPA, TOLES and KESSLER. 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) (a) 8., 118.60 (10) (bm), 119.23 (7) (h), 119.23 (10) (a) 8. and 119.23
3 (10) (bm) 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, the applicant shall be fingerprinted and the fingerprinting cards may be forwarded by DOJ to the Federal Bureau of Investigation for the purpose of verifying the applicant's identity and obtaining 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

SENATE BILL 163

individual (licensee) by the 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.

Under the Milwaukee Parental Choice Program (MPCP), a pupil who resides in the city of Milwaukee may attend a participating private school at state expense if, among other requirements, the pupil is a member of a family that has a total family income that does not exceed 300 percent of the poverty level. The Biennial Budget Act, 2011 Wisconsin Act 32 (the act), created a parental choice program for eligible school districts (program). Under the program, a pupil who resides in an eligible school district may attend a participating private school if, among other requirements, the pupil is a member of a family that has a total family income that does not exceed 300 percent of the poverty level.

This bill requires the state superintendent to ensure that, on an annual basis, teachers in and administrators and owners of private schools participating in the MPCP and in the program are subject to the same background investigations applicable to licensees. The bill requires the state superintendent to charge each private school a fee sufficient to reimburse the Department of Public Instruction for the costs to conduct the investigations required under the bill. The state superintendent may prohibit a private school from participating in the MPCP or in the program in the current school year if the private school has failed to pay the fee charged for the background investigations. 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 the MPCP or the program if the owner of the private school would not be eligible for employment for any of the reasons identified above.

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:

- 1 **SECTION 1.** 118.60 (7) (h) of the statutes is created to read:
- 2 118.60 (7) (h) 1. Annually, by August 1, the state superintendent shall, with the
- 3 assistance of the department of justice, ensure that each teacher and administrator
- 4 employed by a participating private school is subject to the same background
- 5 investigation and, if a reasonable basis for further investigation exists,
- 6 fingerprinting, as is conducted with respect to an applicant for issuance or renewal

SENATE BILL 163

1 of a license or permit as specified in s. 118.19 (10) (b) 1. and (c). A participating
2 private school may not employ a person as a teacher or administrator or contract with
3 the person to serve as a teacher or administrator if the person would not be eligible
4 to be employed, licensed, or permitted for any of the reasons specified under s. 115.31
5 or 115.315.

6 2. Annually, by August 1, the state superintendent shall, with the assistance
7 of the department of justice, ensure that each owner of a participating private school
8 is subject to the same background investigation and, if a reasonable basis for further
9 investigation exists, fingerprinting, as is conducted for each teacher and
10 administrator employed by the participating private school under subd. 1.

11 3. The state superintendent shall charge the participating private school a fee
12 sufficient to reimburse the department for the costs of the investigations required
13 under this paragraph.

14 **SECTION 2.** 118.60 (10) (a) 8. of the statutes is created to read:

15 118.60 (10) (a) 8. Failed to pay the fee charged to the private school under sub.
16 (7) (h) 3.

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

18 118.60 (10) (bm) The state superintendent may issue an order immediately
19 terminating a private school's participation in the program under this section if he
20 or she determines that the owner of the private school would not be eligible or
21 permitted to be employed, licensed, or permitted for any of the reasons specified
22 under s. 115.31 or 115.315.

23 **SECTION 4.** 118.60 (10) (c) of the statutes, as created by 2011 Wisconsin Act 32,
24 is amended to read:

SENATE BILL 163

1 118.60 (10) (c) Whenever the state superintendent issues an order under par.
2 (a), (am), ~~or~~ (b), or (bm), he or she shall immediately notify the parent or guardian
3 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. Annually, by August 1, the state superintendent shall, with the
6 assistance of the department of justice, ensure that each teacher and administrator
7 employed by a participating private school is subject to the same background
8 investigation and, if a reasonable basis for further investigation exists,
9 fingerprinting, as is conducted with respect to an applicant for issuance or renewal
10 of a license or permit as specified in s. 118.19 (10) (b) 1. and (c). A participating
11 private school may not employ a person as a teacher or administrator or contract with
12 the person to serve as a teacher or administrator if the person would not be eligible
13 to be employed, licensed, or permitted for any of the reasons specified under s. 115.31
14 or 115.315.

15 2. Annually, by August 1, the state superintendent shall, with the assistance
16 of the department of justice, ensure that each owner of a participating private school
17 is subject to the same background investigation and, if a reasonable basis for further
18 investigation exists, fingerprinting, as is conducted for each teacher and
19 administrator employed by the participating private school under subd. 1.

20 3. The state superintendent shall charge the participating private school a fee
21 sufficient to reimburse the department for the costs of the investigations required
22 under this paragraph.

23 **SECTION 6.** 119.23 (10) (a) 8. of the statutes is created to read:

24 119.23 (10) (a) 8. Failed to pay the fee charged to the private school under sub.
25 (7) (h) 3.

SENATE BILL 163

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

2 119.23 **(10)** (bm) The state superintendent may issue an order immediately
3 terminating a private school's participation in the program under this section if he
4 or she determines that the owner of the private school would not be eligible or
5 permitted to be employed, licensed, or permitted for any of the reasons specified
6 under s. 115.31 or 115.315.

7 **SECTION 8.** 119.23 (10) (c) of the statutes is amended to read:

8 119.23 **(10)** (c) Whenever the state superintendent issues an order under par.
9 (a), (am), ~~or~~ (b), or (bm), he or she shall immediately notify the parent or guardian
10 of each pupil attending the private school under this section.

11

(END)