

WISCONSIN STATE  
LEGISLATURE  
COMMITTEE HEARING  
RECORDS

1997-98

(session year)

Senate

(Assembly, Senate or Joint)

Committee on  
Education  
(SC-Ed)

(Form Updated: 11/20/2008)

**COMMITTEE NOTICES ...**

➤ Committee Reports ... CR  
\*\*

➤ Executive Sessions ... ES  
\*\*

➤ Public Hearings ... PH  
\*\*

➤ Record of Comm. Proceedings ... RCP  
\*\*

**INFORMATION COLLECTED BY COMMITTEE  
FOR AND AGAINST PROPOSAL ...**

➤ Appointments ... Appt  
\*\*

Name:

➤ Clearinghouse Rules ... CRule  
\*\*

➤ Hearing Records ... HR (bills and resolutions)

**\*\*97hr\_sb0051\_SC-Ed\_pt01**

➤ Miscellaneous ... Misc  
\*\*



---

---

## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536  
Telephone (608) 266-1304  
Fax (608) 266-3830

---

---

DATE: February 24, 1997

TO: SENATOR CALVIN POTTER, CHAIRPERSON; MEMBERS OF THE SENATE EDUCATION COMMITTEE; AND INTERESTED LEGISLATORS

FROM: Russ Whitesel, Senior Staff Attorney

SUBJECT: Senate Substitute Amendment 1 to 1997 Senate Bill 51, Relating to Employment of Persons by Private Schools Participating in the Milwaukee Parental Choice Program

This memorandum, prepared at your request, provides a description of 1997 Senate Bill 51 and Senate Substitute Amendment 1 to the Bill.

### **A. LEGISLATIVE HISTORY**

1997 Senate Bill 51 was introduced on January 30, 1997 and referred to the Senate Committee on Education. The Bill was introduced by Senator Jauch and others; and cosponsored by Representative Murat and others. A public hearing on the Bill was held before the Senate Education Committee on February 19, 1997. At an Executive Session held following the hearing, the Committee voted to introduce Senate Substitute Amendment 1 and recommended passage of the Bill, as amended, by a vote of Ayes, 7; Noes, 0.

### **B. PROVISIONS OF ORIGINAL BILL**

Currently, the statutes prohibit the Department of Public Instruction (DPI) from granting a license to an individual who has been convicted of any of a number of specified crimes. [See s. 118.19 (4) (a), Stats.] With the assistance of the Department of Justice (DOJ), DPI must conduct a background investigation of each applicant for issue or renewal of a license or permit to determine whether the applicant has been convicted of any of these crimes. [See s. 118.19 (10), Stats.]

Senate Bill 51 requires each private school that wishes to participate in the Milwaukee Parental Choice Program (MPCP)--which permits a certain number of pupils in the City of Milwaukee to attend a private school at state expense--to conduct a background investigation of each applicant for employment in the private school and, once every five years, of each private

school employe that is similar to the background investigation conducted by DPI for license issuance or renewal. Under the original bill, the requirement applies only to those applicants and employes who are not licensed by DPI, but who would be required to be licensed if employed in the public school.

### C. PROVISIONS OF SUBSTITUTE AMENDMENT 1

Senate Substitute Amendment 1 contains the substantive provisions of the original Senate Bill 51 with the following changes:

1. A provision is added to provide that the private school must agree not to employ any person who has been convicted of any Class A, B, C or D felony under ch. 940 or 948, Stats., except as ss. 940.08 and 940.205, Stats., for a violation that occurs on or after the effective date of the act, unless the person's conviction has been revised, set aside or vacated. This provision parallels the current provision which applies to teacher license issuance in s. 118.19 (4), Stats. The Substitute Amendment states that this provision applies only to those *applicants* for employment who are licensed by the department or who would be required to be licensed by the department if employed in a public school and to those *employes* who are licensed by the department or who would be required to be licensed by the department if employed in a public school.

2. The Substitute Amendment provides that the background investigation requirement also applies to persons holding a life license, that is, a license issued by the DPI that has no expiration date. This change was made in response to testimony received at the public hearing on the Bill indicating that the Bill was not clear as to the treatment of this particular group of license holders.

3. The Substitute Amendment also amends the original Bill to require the private school to *annually verify* to the department that it has conducted a background investigation required by the Bill. The original legislation required the private school to conduct a background investigation of each applicant of employment without specifying the annual verification of such an investigation.

4. The Substitute Amendment also makes a technical change in the relating clause in order to conform that clause with the other changes being made by the Substitute Amendment.

The Substitute Amendment makes no other changes in the original legislation.

If you have any questions regarding this matter or the legislation, please feel free to contact me directly at the Legislative Council Staff offices.

RW:rjl:ksm:wu