

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 194**

April 22, 1999 – Offered by Representative KELSO.

1 **AN ACT** *to renumber* 118.19 (10) (g); *to amend* 118.19 (4) (a) and (b), 118.19 (10)
2 (c) and 118.19 (10) (f); and *to create* 118.19 (4) (c), 118.19 (10) (b) 3. and 4.,
3 118.19 (10) (dm) and 118.19 (10) (g) 2. of the statutes; **relating to:** background
4 investigations of persons hired by charter schools.

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

5 **SECTION 1.** 118.19 (4) (a) and (b) of the statutes are amended to read:
6 118.19 **(4)** (a) Notwithstanding subch. II of ch. 111, the state superintendent
7 may not grant a license or permit to any person who has been convicted of any Class
8 A, B, C or D felony under ch. 940 or 948, except ss. 940.08 and 940.205, or of an
9 equivalent crime in another state or country, for a violation that occurs on or after
10 September 12, 1991, for 6 years following the date of the conviction, and may grant
11 the license or permit only if the person establishes by clear and convincing evidence
12 that he or she is entitled to the license or permit.

1 (b) Notwithstanding par. (a), the state superintendent shall grant a license or
2 permit to a person convicted of a crime described under par. (a), prior to the
3 expiration of the 6–year period following the conviction, if the conviction is reversed,
4 set aside or vacated.

5 **SECTION 2.** 118.19 (4) (c) of the statutes is created to read:

6 118.19 (4) (c) A charter school may not employ any person who has been
7 convicted of any Class A, B, C or D felony under ch. 940 or 948, except ss. 940.08 and
8 940.205, or of an equivalent crime in another state or country, for a violation that
9 occurs on or after the effective date of this paragraph [revisor inserts date], unless
10 the person’s conviction has been reversed, set aside or vacated. This paragraph
11 applies only to those applicants for employment who are not instructional staff, as
12 defined by the state superintendent under s. 121.02 (1) (a) 2., but who would be
13 required to hold a license or permit issued by the state superintendent if employed
14 in a public school.

15 **SECTION 3.** 118.19 (10) (b) 3. and 4. of the statutes are created to read:

16 118.19 (10) (b) 3. Upon receipt of a request under par. (dm), conduct a
17 background investigation of the person specified in the request.

18 4. Once every 5 years, conduct a background investigation of each person who
19 is employed in a charter school and whose background was investigated under subd.
20 3.

21 **SECTION 4.** 118.19 (10) (c) of the statutes is amended to read:

22 118.19 (10) (c) If the person under par. (b) 1. or 2. is a nonresident, or if the state
23 superintendent determines that the person’s employment, licensing or state court
24 records of a person under par. (b) 1. or 2. provide a reasonable basis for further
25 investigation, the state superintendent shall require the person to be fingerprinted

1 on 2 fingerprint cards, each bearing a complete set of the person's fingerprints. The
2 department of justice may provide for the submission of the fingerprint cards to the
3 federal bureau of investigation for the purposes of verifying the identity of the person
4 fingerprinted and obtaining records of his or her criminal arrest and conviction.

5 **SECTION 5.** 118.19 (10) (dm) of the statutes is created to read:

6 118.19 **(10)** (dm) Before hiring a person who is not instructional staff, as
7 defined by the state superintendent under s. 121.02 (1) (a) 2., but who would be
8 required to hold a license or permit issued by the state superintendent if employed
9 in a public school, a charter school shall provide the state superintendent with all of
10 the following information about the person and request the state superintendent to
11 conduct a background investigation:

12 1. The person's name.

13 2. Other identifying information, including the person's birthdate, sex, race
14 and any identifying physical characteristics.

15 **SECTION 6.** 118.19 (10) (f) of the statutes is amended to read:

16 118.19 **(10)** (f) ~~The state superintendent shall keep confidential~~ Except as
17 provided in par. (g), all information received under this subsection from the
18 department of justice or the federal bureau of investigation. ~~Except as provided in~~
19 ~~par. (g), such information is~~ is confidential and not subject to inspection or copying
20 under s. 19.35.

21 **SECTION 7.** 118.19 (10) (g) of the statutes is renumbered 118.19 (10) (g) 1.

22 **SECTION 8.** 118.19 (10) (g) 2. of the statutes is created to read:

23 118.19 **(10)** (g) 2. The state superintendent shall disclose the results of a
24 background investigation conducted under par. (b) 3. to the charter school that
25 requested it under par. (dm) and shall disclose the results of a background

1 investigation conducted under par. (b) 4. to the charter school in which the person
2 is employed.

3 (END)