

1999 DRAFTING REQUEST**Assembly Substitute Amendment (ASA-AB194)**Received: **04/19/99**Received By: **grantpr**Wanted: **As time permits**

Identical to LRB:

For: **Carol Kelso (608) 266-0485**By/Representing: **Tom**This file may be shown to any legislator: **NO**Drafter: **grantpr**

May Contact:

Alt. Drafters:

Subject: **Education - state superintendent**Extra Copies: **MJL****Pre Topic:**

No specific pre topic given

Topic:

Background checks for charter school personnel

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr 04/20/99	jgeller 04/20/99		_____			
/1			jfrantze 04/20/99	_____	lrb_docadmin 04/20/99	lrb_docadmin 04/20/99	
/2	grantpr 04/20/99	jgeller 04/20/99	hhagen 04/20/99	_____	lrb_docadmin 04/20/99	lrb_docadmin 04/20/99	

FE Sent For:

<END>

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/?	grantpr 04/20/99	jgeller 04/20/99		_____			
/1		1/2 4/20 jlg	jfrantze 04/20/99 At 4:30	_____	lrb_docadmin 04/20/99	lrb_docadmin 04/20/99	

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1/?	grantpr	1/4/20 jlg	7/4/19	8/6/19 <u>4/19</u>			

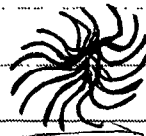
FE Sent For:

<END>

Tom Christensen — Kelsa

AB 194

delete all ^{in bill} except charter schools
instructional staff



delete ss number
p. 2 l. 13

W



sub. to AB 194

① 118.19 (4) (a) + (b)

mid. ~~permit~~ 

② ~~ph. school~~
if not licensed

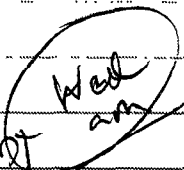
(^{permits})

still need before ✓

(but we need to be license of a pub sch.)

can't employ 'em if convicted

(→ 118.19 (4) (e))

~~by~~ 
had am

By WED. 8 a.m.

LRBs 0040/1
PG: jlg+wlj

A. SUBST. AMDT.
TO 1999 ASSEMBLY BILL 194

March 12, 1999 - Introduced by Representatives KELSO, RYBA, MUSSER, AINSWORTH, SYKORA, STONE, ALBERS, PETROWSKI, GUNDRUM, OWENS and NASS, cosponsored by Senators ROSENZWEIG, ROESSLER and DARLING. Referred to Committee on Education Reform.

referred

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

Analysis by the Legislative Reference Bureau

Under current law, the state superintendent of public instruction must conduct a background investigation of each applicant for issuance or renewal of a license or permit issued by the state superintendent.

Under this bill, before hiring a person who does not hold a license or permit issued by the state superintendent, a school district or charter school must request the state superintendent to conduct a background investigation of the person. The state superintendent must conduct the investigation and disclose the results to the school district or charter school that made the request. The bill also directs the state superintendent, before hiring a person who does not hold a license or permit issued by the state superintendent to work at the Wisconsin School for the Visually Handicapped or the Wisconsin School for the Deaf, to conduct a background investigation of the person.

SENATE BILL 80

crimes mentioned above if the person is licensed by the state superintendent or would be required to be licensed by the state superintendent if employed in a public school.

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

Restored

SECTION 1. 119.23 (2) (a) 6. of the statutes is created to read:

119.23 (2) (a) 6. Annually, the private school verifies to the state superintendent that, before hiring an applicant for employment in the private school, it conducts a background investigation of the applicant that is similar to the investigations conducted under s. 118.19 (10) and, once every 5 years, conducts a background investigation of each private school employe that is similar to the investigations conducted under s. 118.19 (10). This subdivision applies only to those individuals who hold a license issued by the state superintendent that has no expiration date and to those individuals who are not licensed by the state superintendent but who would be required to be licensed if employed in a public school.

INS
2-11

SECTION 2. ^{118.19 (4) (c) 4} ~~119.23 (2) (a) 7~~ of the statutes is created to read:

^{118.19 (4) (c)} ~~119.23 (2) (a) 7~~ ^{A charter may} The private school ^{agrees} not to employ any person who has been convicted of any Class A, B, C or D felony under ch. 940 or 948, except ss. 940.08 and 940.205, for a violation that occurs on or after the effective date of this ^{paragraph} ~~subdivision~~ [revisor inserts date], unless the person's conviction has been reversed, set aside or vacated. This ^{paragraph} ~~subdivision~~ applies only to those applicants for employment who are ^{licensed} ~~licensed~~ by the state superintendent or ^{ENS. A} who would be required to be licensed by the state superintendent if employed in a public school ~~and to those~~ to hold a license or permit issued

or of an equivalent crime in another state or country,

SENATE BILL 80

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3

employees who are licensed by the state superintendent or who would be required to
be licensed by the state superintendent if employed in a public school.

~~(END)~~



ASSEMBLY BILL 194

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

2 118.19 (10) (b) 3. Upon receipt of a request under par. (dm),[✓] conduct a
3 background investigation of the person specified in the request.

4 4. Before hiring a person who does not hold a license or permit issued by the
5 state superintendent for one of the state schools under s. 115.52, conduct a
6 background investigation of the person.

INS
2-6

7 SECTION 2. 118.19 (10) (dm) of the statutes is created to read:

INS. 2-9 ✓

8 118.19 (10) (dm) Before hiring a person who ~~does not hold a license or permit~~
9 ~~issued by the state superintendent, a school district or~~ charter school shall provide
10 the state superintendent with all of the following information about the person and
11 request the state superintendent to conduct a background investigation:

- 12 1. The person's name.
- 13 ~~2. The person's social security number.~~
- 14 ~~2.3~~ Other identifying information, including the person's birthdate, sex, race
15 and any identifying physical characteristics.

16 SECTION 3. 118.19 (10) (f) of the statutes is amended to read:

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

ASSEMBLY BILL 194

1 SECTION 4. 118.19 (10) (g) of the statutes is renumbered 118.19 (10) (g) 1.

2 SECTION 5. 118.19 (10) (g) 2. of the statutes is created to read:

3 118.19 (10) (g) 2. The state superintendent shall disclose the results of a

4 background investigation conducted under par. (b) 3. to the ~~school district or~~ charter

5 school that requested it under par. (dm). *and shall disclose the results*

6 (END) *of a background investigation conducted under par. (b) 4. to the charter school in which the person is employed*

(A)

(NO #) not instructional staff, as defined by
the state superintendent under

s. 121.02(1)(a) 2. ✓, but (NO #)

Section #. 118.19 (4) of the statutes ~~is~~ ^{(a) and (b)} amended to read: _{are}

118.19 (4) (a) ^{or permit} Notwithstanding subch. II of ch. 111, the state superintendent may not grant a license ^{check A} to any person who has been convicted of any Class A, B, C or D felony under ch. 940 or 948, except ss. 940.08 and 940.205, or of an equivalent crime in another state or country, for a violation that occurs on or after September 12, 1991, for 6 years following the date of the conviction, and may grant the license ^{or permit} only if the person establishes by clear and convincing evidence that he or she is entitled to the license. ^{or permit}

~~TP~~(b) ^{or permit} Notwithstanding par. (a), the state superintendent shall grant a license to a person convicted of a crime described under par. (a), prior to the expiration of the 6-year period following the conviction, if the conviction is reversed, set aside or vacated.

History: 1971 c. 154; 1975 c. 39, 95; 1979 c. 346; 1981 c. 314 s. 146; 1985 a. 29, 207; 1989 a. 31; 1991 a. 42, 108, 164, 315; 1993 a. 16, 334, 339, 454, 491; 1995 a. 27 ss. 3951m, 9145 (1); 1995 a. 299; 1997 a. 27, 113, 191, 237.

(end ins 2-11)

2-6

Once every 5 years,
¶ 4. conduct a background investigation
of each person who is employed in a
charter school and whose background
was ~~at~~ investigated under ^{subd.} subd. 3. ✓

2-9

NO
#

but who would be required to hold
issued by the state superintendent
~~and~~ a license or permit if employed in
a public school

NO
#

is not instructional staff, as defined
by the state superintendent under
s. 121.02² (1)(a) 2²,

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRBs0040/1
PG:jlg&wlj:jf

Wed - 8 am

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

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

regenerate

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) (dm) of the statutes is created to read:

22 118.19 (10) (dm) Before hiring a person who is not instructional staff, as
23 defined by the state superintendent under s. 121.02 (1) (a) 2., but who would be
24 required to hold a license or permit issued by the state superintendent if employed
25 in a public school, a charter school shall provide the state superintendent with all of

INS.
2-20

1 the following information about the person and request the state superintendent to
2 conduct a background investigation:

3 1. The person's name.

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

6 **SECTION 5.** 118.19 (10) (f) of the statutes is amended to read:

7 118.19 (10) (f) ~~The state superintendent shall keep confidential~~ Except as
8 provided in par. (g), all information received under this subsection from the
9 department of justice or the federal bureau of investigation. ~~Except as provided in~~
10 ~~par. (g), such information is~~ is confidential and not subject to inspection or copying
11 under s. 19.35.

12 **SECTION 6.** 118.19 (10) (g) of the statutes is renumbered 118.19 (10) (g) 1.

13 **SECTION 7.** 118.19 (10) (g) 2. of the statutes is created to read:

14 118.19 (10) (g) 2. The state superintendent shall disclose the results of a
15 background investigation conducted under par. (b) 3. to the charter school that
16 requested it under par. (dm) and shall disclose the results of a background
17 investigation conducted under par. (b) 4. to the charter school in which the person
18 is employed.

19 (END)



11

2-20

Section #. 118.19 (10) (c) of the statutes is amended to read:

of a person
under par. (b) 1. or 2

1. or 2.

118.19 (10) (c) If the person under par. (b) is a nonresident, or if the state superintendent determines that the ~~person's~~ employment, licensing or state court records provide a reasonable basis for further investigation, the state superintendent shall require the person to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints. The department of justice may provide for the submission of the fingerprint cards to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrest and conviction.

History: 1971 c. 154; 1975 c. 39, 95; 1979 c. 346; 1981 c. 314 s. 146; 1985 a. 29, 207; 1989 a. 31; 1991 a. 42, 108, 164, 315; 1993 a. 16, 334, 339, 454, 491; 1995 a. 27 ss. 3951m, 9145 (1); 1995 a. 299; 1997 a. 27, 113, 191, 237.

Barman, Mike

From: Barman, Mike
Sent: Wednesday, May 05, 1999 1:21 PM
To: Frank-Reece, Regina; Johnson, Thomas
Subject: FE for ASA 1 to AB 194

Attached is the Fiscal Estimate you prepared for ASA 1 to AB 194.

The 1st is as received.

The 2nd is with the changes that Tom Johnson OKed. This is the version that will be used.



FE As Rec.pdf



New FE.pdf

Please give me a call if you have any questions.

Thank you,

Mike Barman

Mike Barman - Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

FISCAL ESTIMATE FORM
 1999 Session

LRB # 1651/2s
 Introduction # ASA1 to Assembly Bill 194

ORIGINAL
 SUPPLEMENTAL
 UPDATED

Subject: Background investigations of persons hired by charter schools

State: No State Fiscal Effect
 Increase Existing Revenues
 Decrease Existing Revenues
 Create New Appropriation

Local: No local government costs
 Increase Costs
 Permissive
 Mandatory

1. Increase Revenues
 Permissive
 Mandatory

2. Decrease Costs
 Permissive
 Mandatory

3. Increase Revenues
 Permissive
 Mandatory

4. Decrease Revenues
 Permissive
 Mandatory

5. Types of Local Governmental Units Affected:
 Cities
 Villages
 Towns
 Courts
 School Districts
 WTCS Districts

Fund Sources Affected
 GPR
 FED
 PRO
 PRS
 SEG

Assumptions Used in Arriving at Fiscal Estimate:

The substitute amendment requires that the state superintendent of public instruction, in cooperation with the department of justice (DOJ) conduct background investigations on all charter school staff who are not "instructional" staff, as defined by the department by rule, but who would be required to hold a license or permit issued by the state superintendent if employed by a public school.

Currently, there are two known individuals who would be investigated under this bill, at a minimal cost and associated staff time. However, it is assumed that this bill will apply only to newly-hired individuals. Therefore, the department will not incur any costs until charter schools hire new employees who are not "instructional" staff, but who would be required to be licensed by the state superintendent if employed in a public school. It is unknown how many more individuals would be required to be investigated as the charter school program expands, but these costs are expected to be minimal and absorbed within the agency's budget.

Long-Range Fiscal Implications:

Prepared By: (Name & Phone # / Agency Name) Dina Frank-Reese (608) 266-2819
 Department of Public Instruction
 Authorized Signature / Telephone No. *Dina Frank-Reese / 608 266-2819*
 Date 5-14-99

FISCAL ESTIMATE FORM
 1999 Session

LRB # 99s0040/2
 Introduction # ASA1 to Assembly Bill 194

ORIGINAL
 SUPPLEMENTAL
 UPDATED

Subject: Background investigations of persons hired by charter schools

State: No State Fiscal Effect
 Increase Existing Revenues
 Decrease Existing Revenues
 Create New Appropriation

Local: No local government costs
 Increase Costs
 Permissive
 Mandatory

1. Increase Revenues
 Permissive
 Mandatory

2. Decrease Costs
 Permissive
 Mandatory

3. Increase Revenues
 Permissive
 Mandatory

4. Decrease Revenues
 Permissive
 Mandatory

5. Types of Local Governmental Units Affected:
 Cities
 Villages
 Towns
 Courts
 School Districts
 WTCS Districts

Fund Sources Affected
 GPR
 FED
 PRO
 PRS
 SEG

Assumptions Used in Arriving at Fiscal Estimate:

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 Department of Public Instruction
 Authorized Signature / Telephone No. *Dina Frank-Reese / 608 266-2819*
 Date 5-14-99