

1999 SENATE BILL 80

March 16, 1999 – Introduced by Senators JAUCH, ERPENBACH, RUDE, GROBSCHMIDT, HUELSMAN, PLACHE, MOEN, CLAUSING and WIRCH, cosponsored by Representatives NASS, BOCK, GOETSCH, BOYLE, SINICKI, POCAN, J. LEHMAN, WASSERMAN, RYBA, BLACK, LA FAVE, MUSSER, LASSA, CULLEN and COLON. Referred to Committee on Education.

1 **AN ACT to create** 119.23 (2) (a) 6. and 119.23 (2) (a) 7. of the statutes; **relating**
2 **to:** employment of persons by private schools participating in the Milwaukee
3 parental choice program.

Analysis by the Legislative Reference Bureau

Under current law, the state superintendent of public instruction may not grant a license to an individual who has been convicted of any of a number of specified crimes. With the assistance of the department of justice, the state superintendent must conduct a background investigation of each applicant for issuance or renewal of a license or permit to determine whether the applicant has been convicted of any of those crimes.

This bill requires each private school that wishes to participate in the Milwaukee parental choice program (which allows a certain number of pupils in the city of Milwaukee to attend a private school at state expense) to verify that, before hiring an applicant for employment in the private school, it conducts a background investigation of the applicant and, once every five years, conducts a background investigation of each private school employee. The background investigation must be similar to the background investigation conducted by the state superintendent for license issuance or renewal. The requirement applies only to those individuals who hold a life license issued by the state superintendent or who are not licensed by the state superintendent but who would be required to be licensed if employed in a public school.

The bill also requires each private school that wishes to participate in the program to agree not to employ any person who has been convicted of any of the

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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:

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

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

12 **SECTION 2.** 119.23 (2) (a) 7. of the statutes is created to read:

13 119.23 **(2)** (a) 7. The private school agrees not to employ any person who has
14 been convicted of any Class A, B, C or D felony under ch. 940 or 948, except ss. 940.08
15 and 940.205, for a violation that occurs on or after the effective date of this
16 subdivision [revisor inserts date], unless the person's conviction has been
17 reversed, set aside or vacated. This subdivision applies only to those applicants for
18 employment who are licensed by the state superintendent or who would be required
19 to be licensed by the state superintendent if employed in a public school and to those

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

3 (END)