

**1999 DRAFTING REQUEST**

**Bill**

Received: 11/23/98

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Robert Jauch (608) 266-3510

By/Representing: Bill McClenahan

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Alt. Drafters:

Subject: Education - MPS

Extra Copies: MJL

**Topic:**

Background investigations of choice school employees

**Instructions:**

SSA 1 to 1997 SB 51, as affected by AA 1.

**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>
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/2	grantpr 11/25/98	igeller 11/25/98	hhagen 11/30/98	_____	lrb_docadmin 11/30/98	lrb_docadmin 12/2/98	

FE Sent For:

*Not Needed*

<END>

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1?	grantpr	1-11-24-98 JLG	IS 11/25	IS/LP 11/25			

FE Sent For:

<END>

LRB-0992/1

PG: WLJ  
+ Jlg

# 1997 SENATE BILL 51

January 30, 1997 - Introduced by Senators JAUCH, RUDE, WINEKE, MOEN, WIRCH, BRESKE, PLACHE, HUELSMAN, CLAUSING and SCHULTZ, cosponsored by Representatives MURAT, KREUSER, MUSSER, PLALE, HASENOHRL, BOCK, SERATTI, R. YOUNG, LA FAVE, CULLEN, DOBYNS, BOYLE, WASSERMAN and DUEHOLM. Referred to Committee on Education.

1 AN ACT to create ~~119.23 (2) (a) 6.~~ of the statutes; relating to; background  
2 investigations of applicants for employment in, and employees of, private  
3 schools participating in the Milwaukee parental choice program.

employment of persons by

repeals

the state superintendent

state superintendent

### Analysis by the Legislative Reference Bureau

Under current law, the ~~department~~ of public instruction (~~PSI~~) 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, ~~DJI~~ 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.

verify that it conducts

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 ~~conduct~~ a background investigation of each applicant for employment in the private school and, once every <sup>five</sup> years, of each private school employee ~~that is~~ similar to the background investigation conducted by ~~PSI~~ for license issuance or renewal. The requirement applies only to those ~~applicants and employees~~ who are not licensed by ~~PSI~~ but who would be required to be licensed if employed in a public school.

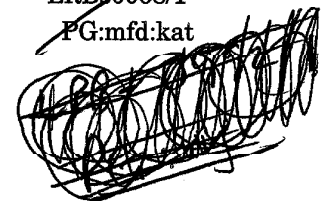
The background investigation

must be

INSERT  
A

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

individuals who hold a life license issued by the state superintendent or



**SENATE SUBSTITUTE AMENDMENT 1,  
TO 1997 SENATE BILL 51**

February 25, 1997 - Offered by COMMITTEE ON EDUCATION.

before hiring an applicant for employment in the private school,

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.

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

4 **SECTION 1.** 119.23 (2) (a) 6. of the statutes is created to read:  
5 119.23 (2) (a) 6. Annually, the private school verifies to the <sup>state superintendent</sup> ~~department~~ that it  
6 conducts a background investigation of ~~each applicant for employment in the private~~  
7 ~~school and, once every 5 years,~~ <sup>INSERT BY</sup> of each private school employee, that is similar to the  
8 investigations conducted under s. 118.19 (10). This subdivision applies only to those  
9 individuals who hold a license issued by the ~~department~~ that has no expiration  
10 date, and to those individuals who are not licensed by the ~~department~~ but who would  
11 be required to be licensed if employed in a public school.

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

state superintendent



A ✓

¶ The bill also requires each private school that wishes to participate in the program to agree not to employ any <sup>person</sup> ~~person~~ who has been convicted of any of the crimes mentioned above. ~~Again, the~~ ~~if the person~~ ~~is not~~ licensed by the state superintendent <sup>or</sup> would be required to be licensed if employed in a public school, by the state superintendent.



INSERT 3

**ASSEMBLY AMENDMENT 1,  
TO 1997 SENATE BILL 51**

April 8, 1997 - Offered by COMMITTEE ON EDUCATION.

1 At the locations indicated, amend the bill, as shown by senate substitute  
2 amendment 1, as follows:

3 **1.** Page 1, line 5: after "that" insert: ", before hiring an applicant for  
4 employment in the private school,".

5 **2.** Page 1, line 6: on lines 6 and 7, delete: "each applicant for employment in  
6 the private school and, once every 5 years," and substitute: "the applicant that is  
7 similar to the investigations conducted under s. 118.19 (10) and, once every 5 years,  
8 conducts a background investigation".

9 **3.** Page 1, line 7: delete the comma after "employe".

10

(END)



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-0992/2  
PG:wlj&jlg:ijs

SOON

Stamp

1999 BILL

conducts a background investigation

before hiring an applicant for employment in the private school,

Regen

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 it conducts a background investigation of <sup>the</sup> each applicant ~~for employment in the private school~~ and, once every five years, of each private school employe. 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

**BILL**

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

**BILL**

1 employes 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)✓

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 11/30/98

To: Senator Jauch

Relating to LRB drafting number: LRB-0992

Topic

Background investigations of choice school employees

Subject(s)

Education - MPS

1. **JACKET** the draft for introduction Be [signature]  
in the **Senate**  or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.  
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Peter R. Grant, Assistant Chief Counsel  
Telephone: (608) 267-3362