



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBs0082/1  
GMM:kmg:jf

**SENATE SUBSTITUTE AMENDMENT 2,  
TO 2003 ASSEMBLY BILL 41**

June 4, 2003 - Offered by Senators CARPENTER and MOORE.

1     **AN ACT to create** 111.335 (1) (d) of the statutes; **relating to:** permitting an  
2           educational agency to refuse to employ or to terminate from employment an  
3           unpardoned felon if the circumstances of the felony indicate a risk of possible  
4           harm to children.

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***Analysis by the Legislative Reference Bureau***

Current law, subject to certain exceptions, prohibits discrimination in employment based on conviction record. Current law specifies, however, that it is not employment discrimination because of conviction record to refuse to employ or to terminate from employment an individual who has been convicted of a felony, misdemeanor, or other offense, the circumstances of which substantially relate to the circumstances of the particular job. This substitute amendment specifies that it is not employment discrimination because of conviction record for an educational agency to refuse to employ or to terminate from employment an individual who has been convicted of a felony and who has not been pardoned for that felony, if the circumstances of the felony indicate that employment of the individual by the educational agency may pose a risk of possible harm to children.

Under the substitute amendment, an "educational agency" is defined as a school district, a cooperative educational service agency, a county children with disabilities education board, a state correctional institution, a juvenile secured

correctional facility, a secured child caring institution, the Wisconsin Center for the Blind and Visually Impaired, the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the Mendota Mental Health Institute, the Winnebago Mental Health Institute, a state center for the developmentally disabled, a private school, a charter school, an agency under contract with a school board to provide a program for children at risk, or a nonsectarian private school or agency under contract with the Milwaukee Public Schools board to provide educational programs for children enrolled in the school district.

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

1           **SECTION 1.** 111.335 (1) (d) of the statutes is created to read:

2           111.335 (1) (d) 1. In this paragraph, “educational agency” means a school  
3           district, a cooperative educational service agency, a county children with disabilities  
4           education board, a state correctional institution under s. 302.01, a secured  
5           correctional facility, as defined in s. 938.02 (15m), a secured child caring institution,  
6           as defined in s. 938.02 (15g), the Wisconsin Center for the Blind and Visually  
7           Impaired, the Wisconsin Educational Services Program for the Deaf and Hard of  
8           Hearing, the Mendota Mental Health Institute, the Winnebago Mental Health  
9           Institute, a state center for the developmentally disabled, a private school, a charter  
10          school, a private, nonprofit, nonsectarian agency under contract with a school board  
11          under s. 118.153 (3) (c), or a nonsectarian private school or agency under contract  
12          with the board of school directors in a 1st class city under s. 119.235 (1).

13          2. Notwithstanding s. 111.322, it is not employment discrimination because of  
14          conviction record for an educational agency to refuse to employ or to terminate from  
15          employment an individual who has been convicted of a felony and who has not been  
16          pardoned for that felony, if the circumstances of the felony indicate that employment

1 of the individual by the educational agency may pose a risk of possible harm to  
2 children.

3 (END)