

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB836)

Received: **02/27/2004**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Scott Jensen (608) 264-6970**

By/Representing: **Joyce Kiel**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - MPS**

Extra Copies: **MJL**

Submit via email: **YES**

Requester's email: **Rep.Jensen@legis.state.wi.us**

Carbon copy (CC:) to: **joyce.kiel@legis.state.wi.us**
steve.knudson@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

MPCP; background checks, etc.

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>
/?	pgrant 02/27/2004	kgilfoy 02/27/2004		_____			
/1	pgrant 03/01/2004	kgilfoy 03/01/2004	pgreensl 03/01/2004	_____	lemery 03/01/2004	lemery 03/01/2004	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2			pgreensl 03/01/2004	_____	Inorthro 03/01/2004	Inorthro 03/01/2004	

FE Sent For:

<END>

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB836)

Received: 02/27/2004

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Scott Jensen (608) 264-6970

By/Representing: Joyce Kiel

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Education - MPS

Extra Copies: MJL

Submit via email: YES

Requester's email: Rep.Jensen@legis.state.wi.us

Carbon copy (CC:) to: joyce.kiel@legis.state.wi.us
steve.knudson@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

MPCP; background checks, etc.

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>
1?	pgrant 02/27/2004	kgilfoy 02/27/2004	3/1 px	3/1 sub			
1		12-3/1 img	pgreensl 03/01/2004		lemery 03/01/2004	lemery 03/01/2004	

FE Sent For:

<END>

2003 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB836)

Received: 02/27/2004

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Scott Jensen (608) 264-6970

By/Representing: Joyce Kiel

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Education - MPS

Extra Copies: MJL

Submit via email: YES

Requester's email: Rep.Jensen@legis.state.wi.us

Carbon copy (CC:) to: joyce.kiel@legis.state.wi.us
steve.knudson@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

MPCP; background checks, etc.

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>
1?	pgrant	1- 2/27 kmp	2/28	3/1 PS/9K			

FE Sent For:

<END>

2/27/04 Joyce Kiel

delete all except crim stuff

see a 2299 for method

do sub for Jensen to AB 836

use ~~see~~ a 2261

(to add equiv. crimes in other states or US jurisdiction) (not other countries)

include a 2299 parts

use p-2 l-6 - 22

but del. "as instr. staff" ~~was~~ -> do all ee's.

p. 2, l 18 ...

clarify don't have to do it again if del. it "in 5 yrs before eff. date"

p-1 item 2

on l 8 del. "before" & subst. "the no days after they begin participation."

4230

SEC-7, pp 4-5

re crim stuff : immediate burning

p. 4, l 18-19 delete "or misdemeanor"

add 99 BC felonies like in AB 847 (p. 4 l 13-14)

~~6-4-04 Bill~~

email Steve Knudsen Joyce Kiel

Monday

LRBs 0400 11

PG: kmg

A. SUBST. AMDT —
TO 2003 ASSEMBLY BILL 836

February 11, 2004 - Introduced by Representatives JENSEN, NISCHKE, LADWIG, KRAWCZYK, HUNDERTMARK, HONADEL, AINSWORTH, OWENS, NASS, STONE, JESKEWITZ and McCORMICK, cosponsored by Senators PLALE, DARLING, STEPP, KANAVAS, WELCH and LEIBHAM. Referred to Committee on Education Reform.

repeals

the employment of personnel by private schools participating in

- 1 AN ACT to repeal 119.23 (7) (b); to renumber and amend 119.23 (7) (am); and
- 2 to create 119.23 (7) (am) 2. and 3., 119.23 (7) (d), 119.23 (7) (e), 119.23 (7) (f),
- 3 119.23 (10) and 119.23 (11) of the statutes; relating to: the Milwaukee Parental
- 4 Choice Program and granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes a number of changes to the Milwaukee Parental Choice Program (MPCP), under which certain low-income pupils who reside in the city of Milwaukee may attend participating private schools in the city at state expense. The changes include the following:

- 1. The bill requires a private school participating in the MPCP annually to conduct a criminal background check on each new employee. The bill also requires the private school to conduct a background check of all existing employees within 120 days after this bill's effective date.
- 2. With certain exceptions, the bill prohibits a private school that is participating in the MPCP from employing a person who has been convicted of any of the specified felonies for six years following the conviction. The bill also permits the private school to refuse to employ, or to terminate the employment of, any person convicted of a felony or misdemeanor.
- 3. The bill requires a private school to submit to the Department of Public Instruction (DPI), before the school begins participating in the MPCP, a copy of the school's certificate of occupancy issued by the city of Milwaukee, evidence of financial viability, and proof that the administrator of the school participated in a fiscal

ASSEMBLY BILL 836

management training program approved by DPI. Annually, a private school participating in the MPCP must submit to DPI evidence of sound fiscal practices.

4. The bill authorizes DPI to issue an order banning a private school from participating in the MPCP in the succeeding school year if DPI determines that the private school misrepresented information provided to DPI, failed to provide information to DPI by the date or within the period required, failed to refund overpayments to the state by the date required, or failed to meet at least one of the currently required academic or other standards by the required date.

5. The bill authorizes DPI to issue an order immediately terminating a private school's participation in the MPCP if DPI determines that conditions at the private school present an imminent danger to the health or safety of pupils.

6. Finally, the bill authorizes DPI to withhold payment from a private school participating in the MPCP if the private school violates any law or administrative rule governing the MPCP.

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:

SECTION 1. 119.23 (7) (am) of the statutes is renumbered 119.23 (7) (am) ~~(intro.)~~ and amended to read:

119.23 (7) (am) (intro.) Each private school participating in the program under this section is subject to uniform financial accounting standards established by the department and annually. Annually by September 1 following a school year in which a private school participated in the program under this section, the private school shall submit to the department an all of the following:

1. An independent financial audit of the private school conducted by a certified public accountant, accompanied by the auditor's statement that the report is free of material misstatements and fairly presents pupil costs under sub. (4) (b) 1.

SECTION 2. 119.23 (7) (am) 2. and 3. of the statutes are created to read:

119.23 (7) (am) 2. Evidence of sound fiscal practices, as prescribed by the department by rule.

ASSEMBLY BILL 836

3-1

~~certification~~ Certification by the auditor under subd. 1. that criminal background checks of all newly hired school employees were conducted as specified under par. ~~(g)~~ (g)

2

3

~~SECTION 3. 119.23 (7) (b) of the statutes is repealed.~~

4

SECTION 4. 119.23 (7) (d) of the statutes is created to read:

5

119.23 (7) (d) Each private school participating in the program under this section shall submit to the department all of the following:

6

7

1. By August 1 before the first school term of participation in the program, or by May 1 if the private school begins participating in the program during summer school, ~~all of the following~~ (g)

9

a. A copy of the school's current certificate of occupancy issued by the city. If the private school moves to a new location, the private school shall submit a copy of the new certificate of occupancy issued by the city to the department before the attendance of pupils at the new location and before the next succeeding date specified in s. 121.05 (1) (a). A temporary certificate of occupancy does not meet the requirement of this subd. 1. a.
b. Evidence of financial viability, as prescribed by the department by rule.
c. Proof that the private school's administrator has participated in a fiscal management training program approved by the department.

10

11

12

13

14

15

16

17

18

19

2. Annually by February 1, a notarized statement by a person legally authorized to act on behalf of the private school that the private school will conduct a criminal background check ~~through the department of justice on each person who will be employed by the private school for the first time in the following school year.~~

20

21

22

23

24

If the person is a nonresident, the department of justice may provide for the submission of information to the federal bureau of investigation for the purposes of

ASSEMBLY BILL 836

1 ~~verifying the identity of the person and obtaining records of his or her criminal arrest~~
2 ~~and conviction.~~ as required in par. (g)

3 SECTION 5. 119.23 (7) (e) of the statutes is created to read:

4 119.23 (7) (e) 1. Notwithstanding subch. II of ch. 111, except as provided in
5 subd. 2. a private school participating in the program under this section may not
6 employ a person convicted of any Class A, B, C, D, E, F, G, or H felony under ch. 940
7 or 948, except ss. 940.08 and 940.205, ⁽⁴⁻⁷⁾ for 6 years following the date of the conviction,
8 and may employ such a person after 6 years only if the person establishes by clear
9 and convincing evidence that he or she is entitled to be employed.

10 2. A private school participating in the program under this section may employ
11 a person convicted of a crime enumerated in subd. 1., prior to the expiration of the
12 6-year period following the conviction, if the private school receives from the court
13 in which the conviction occurred a certificate stating that the conviction has been
14 reversed, set aside, or vacated.

15 SECTION 6. 119.23 (7) (f) of the statutes is created to read:

16 119.23 (7) (f) Notwithstanding subch. II of ch. 111, a private school
17 participating in the program under this section may refuse to employ or may
18 terminate the employment of any person who has been convicted of a felony ~~or~~
19 ~~misdemeanor~~ unless the private school receives from the court in which the
20 conviction occurred a certificate stating that the conviction has been reversed, set
21 aside, or vacated.

22 SECTION 7. 119.23 (10) of the statutes is created to read:

23 119.23 (10) (a) The state superintendent may issue an order ^{immediately terminating} ~~barring~~ a private
24 school ~~from participating~~ in the program under this section ~~in the succeeding school~~
_{participation}

ASSEMBLY BILL 836

1 ~~year~~ if the state superintendent determines that the private school has done any of
2 the following:

3 1. Misrepresented information ^{certification} required under sub. (7) (d). (7)(am)2

4 2. Failed to provide the ~~notice~~ ^{statement} required under sub. ~~(7)(a)~~, or the information

5 required under sub. (7) ~~(7)(a)~~ (d), by the date ~~or within the period~~ specified.

6 3. Failed to refund to the state any overpayment made under sub. (4) (b) or (m)
7 by the date specified by department rule.

8 4. Failed to meet at least one of the standards under sub. (7) (a) by the date
9 specified by department rule.

10 (b) The state superintendent may issue an order immediately terminating a
11 private school's participation in the program under this section if he or she
12 determines that conditions at the private school present an imminent threat to the
13 health or safety of pupils.

14 (c) Whenever the state superintendent issues an order under par. (a) ~~or (b)~~, he
15 or she shall immediately notify the parent or guardian of each pupil attending the
16 private school under this section.

17 (d) The state superintendent may withhold payment from a parent or guardian
18 under subs. (4) and (4m) if the private school attended by the child of the parent or
19 guardian violates this section.

20 SECTION 8. 119.23 (11) of the statutes is created to read:
21 119.23 (11) The department shall promulgate rules to implement and
22 administer this section.

23 SECTION 9. Nonstatutory provisions.

auto
ref. "KA"

ASSEMBLY BILL 836

1 (1) Notwithstanding section 119.23 (7) (d) ² of the statutes, as created by this
2 act, the first notarized statement required under that subdivision is due within 60
3 days after the effective date of this subsection.

4 (2) Within 120 days after the effective date of this subsection, a private school
5 participating in the program under section 119.23 of the statutes shall conduct a
6 criminal background check through the department of justice on each person
7 employed by the private school. ~~If the person is a nonresident, the department of~~
8 ~~justice may provide for the submission of information to the federal bureau of~~
9 ~~investigation for the purposes of verifying the identity of the person and obtaining~~
10 ~~records of his or her criminal arrest and conviction.~~

11 ~~SECTION 10.~~ ¹¹ Initial applicability.

12 (1) This act first applies to private schools that participate in the Milwaukee
13 Parental Choice Program under section 119.23 of the statutes in the 2004-05 school
14 year, except as provided in SECTION ~~9~~ ^{8 ← auto ref. "KA"} of this act and except that the treatment of
15 section 119.23 (7) (am) ² of the statutes first applies to reports under that
16 subdivision that are due by September 1, 2005.

17 (END)

using the procedure specified in
section 119.23 (7)(g), as created
by this act,
of the statutes

unless the private school has conducted
a criminal background check on the
person within the 5 years immediately
preceding the effective date of this
subsection

3-1 ✓

2. CR, 2.
Section # 119.23 (7) (am) of the statutes is amended to read:

~~119.23 (7) (am) Each private school participating in the program under this section is subject to uniform financial accounting standards established by the department and annually shall submit to the department an independent financial audit of the private school.
History: 1989 a. 336; 1993 a. 16; 1995 a. 27 ss. 4002 to 4009, 9145 (1); 1995 a. 216; 1997 a. 27, 113; 1999 a. 9; 2001 a. 16, 105; 2003 a. 33.~~

(B)
119.23 (7) (am) 2. Annually by September 1 following a school year in which a private school participated in the program under this section, the private school shall submit to the department

3-9 ✓

**ASSEMBLY AMENDMENT 1,
TO 2003 ASSEMBLY BILL 847**

February 24, 2004 - Offered by Representative SINISKI.

1 At the locations indicated, amend the bill as follows:

2 1. Page 3, line 8: substitute "(g)." for "(d) 2."

3 2. Page 3, line 24: after that line insert:

4 ~~notarized~~^a notarized statement by a person legally authorized to act on behalf of the
5 private school that a criminal background check of each person who will be employed
6 ~~as instructional staff~~ by the private school when the school begins to participate in
7 the program under this section was conducted within the immediately preceding 5
8 years or will be conducted ~~before~~ the school begins to participate, and will be
9 conducted at least once every 5 years thereafter, using the procedure specified in par.

10 (g) ~~g~~

11 3. Page 4, line 3. delete lines 3 to 8 and substitute "criminal background checks
12 ~~as required in par. (g) 2.~~

within 120 days after

4-7 ✓

or of an equivalent crime in another
state or United States^s jurisdiction, or
of any Class B_C felony under ch. 940
or 948, 1999 stats., or of an equivalent
crime in another state or United States
jurisdiction,

4-21 ✓

1 4. Page 4, line 13: after "940.205," insert "or of an equivalent crime in another
2 state, country, or United States jurisdiction,".

3 5. Page 4, line 14: after "stats.," insert "or of an equivalent crime in another
4 state, country, or United States jurisdiction,".

5 6. Page 4, line 22: after that line insert:

6 ~~SECTION 7g.~~ SECTION 7g. 119.23 (7) (g) of the statutes is created to read:

7 119.23 (7) (g) Each private school participating in the program under this
8 section shall conduct a criminal background check through the department of justice
9 on each person employed by the private school ~~as instructional staff~~ when the person
10 is initially employed and at least once every 5 years thereafter. If the person is a
11 nonresident, the private school shall require the person to be fingerprinted on 2
12 fingerprint cards, each bearing a complete set of the person's fingerprints, and shall
13 submit the cards to the department of justice. The department of justice may provide
14 for the submission of the fingerprint cards to the federal bureau of investigation for
15 the purposes of verifying the identity of the person fingerprinted and obtaining
16 records of his or her criminal arrests and convictions.

17 7. Page 6, line 4: after that line insert:

18 "(2m) Within 120 days after the effective date of this subsection, a private
19 school participating in the program under section 119.23 of the statutes shall conduct
20 a criminal background check through the department of justice on each person
21 employed as instructional staff by the private school using the procedure specified
22 in section 119.23 (7) (g) of the statutes, as created by this act."

(rwn)

**ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2003 ASSEMBLY BILL 836**

PP. 1 & 3

1 **AN ACT to renumber** 119.23 (7) (am); and **to create** 119.23 (7) (am) 2., 119.23 (7)
2 (d), 119.23 (7) (e), 119.23 (7) (f), 119.23 (7) (g) and 119.23 (10) of the statutes;
3 **relating to:** the employment of personnel by private schools participating in
4 the Milwaukee Parental Choice Program.

Gen. Conf.

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

5 **SECTION 1.** 119.23 (7) (am) of the statutes is renumbered 119.23 (7) (am) 1.

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

7 119.23 (7) (am) 2. Annually by September 1 following a school year in which
8 a private school participated in the program under this section, the private school
9 shall submit to the department certification by the auditor under subd. 1. that
10 criminal background checks of all ~~newly hired~~ school employees were conducted as
11 specified under par. (g).

12 **SECTION 3.** 119.23 (7) (d) of the statutes is created to read:

1 119.23 (7) (d) Each private school participating in the program under this
2 section shall submit to the department all of the following:

3 1. By August 1 before the first school term of participation in the program, or
4 by May 1 if the private school begins participating in the program during summer
5 school, a notarized statement by a person legally authorized to act on behalf of the
6 private school that a criminal background check of each person who will be employed
7 by the private school when the school begins to participate in the program under this
8 section was conducted within the immediately preceding 5 years or will be conducted
9 within 120 days after the school begins to participate, and will be conducted at least
10 once every 5 years thereafter, using the procedure specified in par. (g).

11 2. Annually by February 1, a notarized statement by a person legally
12 authorized to act on behalf of the private school that the private school will conduct
13 criminal background checks as required in par. (g).

14 **SECTION 4.** 119.23 (7) (e) of the statutes is created to read:

15 119.23 (7) (e) 1. Notwithstanding subch. II of ch. 111, except as provided in
16 subd. 2. a private school participating in the program under this section may not
17 employ a person convicted of any Class A, B, C, D, E, F, G, or H felony under ch. 940
18 or 948, except ss. 940.08 and 940.205, or of an equivalent crime in another state or
19 United States jurisdiction, or of any Class BC felony under ch. 940 or 948, 1999 stats.,
20 or of an equivalent crime in another state or United States jurisdiction, for 6 years
21 following the date of the conviction, and may employ such a person after 6 years only
22 if the person establishes by clear and convincing evidence that he or she is entitled
23 to be employed.

24 2. A private school participating in the program under this section may employ
25 a person convicted of a crime enumerated in subd. 1., prior to the expiration of the

1 6-year period following the conviction, if the private school receives from the court
2 in which the conviction occurred a certificate stating that the conviction has been
3 reversed, set aside, or vacated.

4 **SECTION 5.** 119.23 (7) (f) of the statutes is created to read:

5 119.23 (7) (f) Notwithstanding subch. II of ch. 111, a private school
6 participating in the program under this section may refuse to employ or may
7 terminate the employment of any person who has been convicted of a felony unless
8 the private school receives from the court in which the conviction occurred a
9 certificate stating that the conviction has been reversed, set aside, or vacated.

10 **SECTION 6.** 119.23 (7) (g) of the statutes is created to read:

11 119.23 (7) (g) Each private school participating in the program under this
12 section shall conduct a criminal background check through the department of justice
13 on each person employed by the private school when the person is initially employed
14 and at least once every 5 years thereafter. ^{When} ~~if~~ the person is ~~an~~ ^{not} resident, the private
15 school shall require the person to be fingerprinted on 2 fingerprint cards, each
16 bearing a complete set of the person's fingerprints, and shall submit the cards to the
17 department of justice. The department of justice may provide for the submission of
18 the fingerprint cards to the federal bureau of investigation for the purposes of
19 verifying the identity of the person fingerprinted and obtaining records of his or her
20 criminal arrests and convictions.

21 **SECTION 7.** 119.23 (10) of the statutes is created to read:

22 119.23 (10) (a) The state superintendent may issue an order immediately
23 terminating a private school's participation in the program under this section if the
24 state superintendent determines that the private school has done any of the
25 following:

initially
employed

initially hired
employee

1 1. Misrepresented information required under sub. (7) (d).

2 2. Failed to provide the certification required under sub. (7) (am) 2., or a
3 statement required under sub. (7) (d), by the date specified.

4 (c) Whenever the state superintendent issues an order under par. (a), he or she
5 shall immediately notify the parent or guardian of each pupil attending the private
6 school under this section.

7 (d) The state superintendent may withhold payment from a parent or guardian
8 under subs. (4) and (4m) if the private school attended by the child of the parent or
9 guardian violates this section.

10 **SECTION 8. Nonstatutory provisions.**

11 (1) Notwithstanding section 119.23 (7) (d) 2. of the statutes, as created by this
12 act, the first notarized statement required under that subdivision is due within 60
13 days after the effective date of this subsection.

14 (2) Within 120 days after the effective date of this subsection, using the
15 procedure specified in section 119.23 (7) (g) of the statutes, as created by this act, a
16 private school participating in the program under section 119.23 of the statutes shall
17 conduct a criminal background check through the department of justice on each
18 person employed by the private school unless the private school has conducted a
19 criminal background check on the person within the 5 years immediately preceding
20 the effective date of this subsection.

21 **SECTION 9. Initial applicability.**

22 (1) This act first applies to private schools that participate in the Milwaukee
23 Parental Choice Program under section 119.23 of the statutes in the 2004-05 school
24 year, except as provided in SECTION 8 of this act and except that the treatment of

1 section 119.23 (7) (am) 2. of the statutes first applies to reports under that
2 subdivision that are due by September 1, 2005.

3 (END)