

**2003 DRAFTING REQUEST**

**Bill**

Received: **12/01/2003**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Jeffrey Plale (608) 266-7505**

By/Representing: **Katy Venskus**

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

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - MPS  
Education - state superintendent**

Extra Copies: **MJL**

Submit via email: **YES**

Requester's email: **Sen.Plale@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Milwaukee Parental Choice Program; fiscal info and background checks

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**Instructions:**

See Attached

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**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 12/01/2003	kgilfoy 12/01/2003		_____			S&L
/1	pgrant 12/17/2003	kgilfoy 12/17/2003	pgreensl 12/02/2003	_____	lemery 12/02/2003		S&L
/2	pgrant	kgilfoy	rschluet	_____	sbasford		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	12/18/2003	12/18/2003	12/18/2003 _____		12/18/2003		
/3	pgrant 12/19/2003	kgilfoy 12/19/2003	rschluet 12/19/2003 _____		sbasford 12/19/2003		S&L
/4			rschluet 12/19/2003 _____		Inorthro 12/19/2003	Inorthro 01/13/2004	

FE Sent For:

<END>

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*Jacket  
Per  
Office  
(Katy)*

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 Education - state superintendent

Extra Copies: MJL

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/2	pgrant	kgilfoy	rschluet		sbasford		S&L

14-12/18  
 KMg

*[Handwritten signature]*  
 3

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	12/18/2003	12/18/2003	12/18/2003	_____	12/18/2003		
/3			rschluet	_____	sbasford		
			12/19/2003	_____	12/19/2003		

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By/Representing: **Katy Venskus**

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Education - state superintendent**

Extra Copies: **MJL  
KMG**

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**Topic:**

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			12/18/2003	_____	12/18/2003		

FE Sent For:

<END>



2003 DRAFTING REQUEST

Bill

Received: 12/01/2003

Wanted: As time permits

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

This file may be shown to any legislator: NO

May Contact:

Subject: Education - MPS  
Education - state superintendent

Submit via email: YES

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

Carbon copy (CC:) to:

*changed to  
Plate  
12/17/03  
PG*

Received By: pgrant

Identical to LRB:

By/Representing:

Drafter: pgrant

Addl. Drafters:

Extra Copies: MJL

Pre Topic:

No specific pre topic given

Topic:

Milwaukee Parental Choice Program; fiscal info and background checks

Instructions:

See Attached

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/1		<i>12-12/17 KMG</i>	<i>12/14</i>	<i>12/17</i>	lemery 12/02/2003		

*Handwritten signatures and dates: 12/14, 12/17, 12/13*

RE Sent For:

**<END>**

2003 DRAFTING REQUEST

Bill

Received: 12/01/2003

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Scott Jensen (608) 264-6970

By/Representing:

This file may be shown to any legislator: NO

Drafter: pgrant

May Contact:

Addl. Drafters:

Subject: Education - MPS  
Education - state superintendent

Extra Copies: MJL

Submit via email: YES

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

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1?	pgrant	1-12/1 KMG	12/1 PG.	12/2 PGR			

FE Sent For:

<END>

Drafting request  
from Rep. Jensen

264-6970

Rm. 123 W.

119.23(7) (am) REPEAL AND RECREATE

(am) Each private school participating in the program shall submit to the department of public safety a financial accounting statement following a school year of operation under this program under this section shall submit to the department of public safety

1. An independent financial audit of the private school accompanied by the auditor's opinion that the report is free of material misstatements and fairly present per pupil costs.
2. Evidence of sound fiscal practices, as prescribed in rules promulgated by the superintendent.
3. An auditor's certification that background checks were conducted as required under s. 119.23(7m) (a) 2.

119.23(7) (b) REPEAL

119.23 (7m) (a) CREATE

(a) Each private school participating in the program shall provide the superintendent with the following:

1. By August 1 prior to the first school year of participation, or by no later than May 1 if the school is beginning participation in the program under this section with summer school, a copy of the private school's current certificate of occupancy issued by the city of Milwaukee. If the private school moves to a new location, it shall file a certificate of occupancy for that location prior to student occupancy and prior to the dates specified under s. 121.05(1)(a). A temporary certificate of occupancy will not meet this requirement.
2. Annually by February 1, a notarized statement that the private school will conduct criminal background checks through the department of justice on all school employees. If the person is a nonresident, the department of justice may provide for submission of information to the federal bureau of investigation for the purposes of verifying the identity of the person and obtaining records on his or her criminal arrest and conviction. Notwithstanding ch. 111, a private school may refuse to employ or may terminate from employment an individual who has been convicted of a felony or a misdemeanor and who has not been pardoned for that felony or misdemeanor.
3. By August 1, for any private school first entering the program, evidence of financial viability in a manner prescribed by the superintendent.
4. By August 1, for any private school first entering the program, proof of participation in a fiscal management training program approved by the superintendent.

(b) The superintendent may deny a private school the opportunity to participate in the program during the following school year if the private school has:

1. Misrepresented information required under s. 119.23(7m) (a);
2. Failed to timely provide information required ss. 119.23(2)(a)3., 119.23(7)(am) and (7m) (a) and;
3. Failed to timely refund the state any overpayments under s. 119.23(4) (b);
4. Failed to timely meet at least one of the standards under s. 119.23(7) (a).

(c) If the superintendent determines that conditions at a private school participating in the program under this section present an imminent threat to the health and safety of students, the superintendent may act immediately to remove the school from the program.

(d) The superintendent may withhold payments under s. 119.23(4) if a private school participating in the program under this section fails to meet any of the requirements of s. 119.23 and the rules promulgated to administer this section.

(e) Whenever the superintendent determines that a private school may no longer participate in the program, the superintendent shall immediately notify the parents or guardians of the pupils who attend that private school under s. 119.23.

(f) The department shall promulgate rules to implement and administer this section.

Soon

LRB-3806/1

PG: kmg

2003 BILL

1 AN ACT *to repeal* ~~119.23 (7) (b);~~ *Mon. Cat.* **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 (10) and  
 3 119.23 (11) of the statutes; **relating to:** the Milwaukee Parental Choice  
 4 Program and granting rule-making authority.

allows

**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 employee.

2. With certain exceptions, the bill ~~prohibits~~ a private school participating in the MPCP ~~from employing~~ a person who has been convicted of any ~~of the specified felonies for six years following the conviction.~~ *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 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

to refuse to employ or to terminate the employment of

**BILL**

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:*

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

3           119.23 (7) (am) (intro.) Each private school participating in the program under  
4 this section is subject to uniform financial accounting standards established by the  
5 department ~~and annually.~~ Annually by September 1 following a school year in which  
6 a private school participated in the program under this section, the private school  
7 shall submit to the department ~~an~~ all of the following:

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

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

12           119.23 (7) (am) 2. Evidence of sound fiscal practices, as prescribed by the  
13 department by rule.

14           3. Certification by the auditor under subd. 1. that criminal background checks  
15 of all school employees were conducted as specified under par. (d) 2.

**BILL**

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

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

3           119.23 (7) (d) Each private school participating in the program under this  
4 section shall submit to the department all of the following:

5           1. By August 1 before the first school term of participation in the program, or  
6 by May 1 if the private school begins participating in the program during summer  
7 school, all of the following:

8           a. A copy of the school's current certificate of occupancy issued by the city. If  
9 the private school moves to a new location, the private school shall submit a copy of  
10 the new certificate of occupancy issued by the city to the department before the  
11 attendance of pupils at the new location and before the next succeeding date specified  
12 in s. 121.05 (1) (a). A temporary certificate of occupancy does not meet the  
13 requirement of this subd. 1. a.

14           b. Evidence of financial viability, as prescribed by the department by rule.

15           c. Proof that the private school's administrator has participated in a fiscal  
16 management training program approved by the department.

17           2. Annually by February 1, a notarized statement by a person legally  
18 authorized to act on behalf of the private school that the private school will conduct  
19 a criminal background check through the department of justice on each person who  
20 will be employed by the private school in the following school year. If the person is  
21 a nonresident, the department of justice may provide for the submission of  
22 information to the federal bureau of investigation for the purposes of verifying the  
23 identity of the person and obtaining records of his or her criminal arrest and  
24 conviction.

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



**BILL**

① 119.23 (7) (e) ~~Notwithstanding subch. II of ch. 111, except as provided in~~  
 ② ~~subd. 2, a private school participating in the program under this section may~~ <sup>refuse to</sup>  
 ③ employ <sup>or may terminate the employment of</sup> a person convicted of any ~~Class A, B, C, D, E, F, G, or H felony under ch. 940~~  
 ④ ~~or 948, except ss. 940.08 and 940.205, or of any Class BC felony under ch. 940 or 948,~~  
 ⑤ ~~1999 stats., for 6 years following the date of the conviction, and may employ such a~~  
 ⑥ ~~person after 6 years only if the person establishes by clear and convincing evidence~~  
 ⑦ ~~that he or she is entitled to be employed,~~ <sup>or misdemeanor unless,</sup>  
 ⑧ ~~2. A private school participating in the program under this section may employ~~  
 ⑨ ~~a person convicted of a crime enumerated in subd. 1., prior to the expiration of the~~  
 ⑩ ~~6 year period following the conviction, if the private school receives from the court~~  
 11 in which the conviction occurred a certificate stating that the conviction has been  
 12 reversed, set aside, or vacated.

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

119.23 (10) (a) The state superintendent may issue an order barring a private school from participating in the program under this section in the succeeding school year if the state superintendent determines that the private school has done any of the following:

1. Misrepresented information required under sub. (7) (d).
2. Failed to provide the notice required under sub. (2) (a) 3., or the information required under sub. (7) (am) or (d), by the date or within the period specified.
3. Failed to refund to the state any overpayment made under sub. (4) (b) or (rm) by the date specified by department rule.
4. Failed to meet at least one of the standards under sub. (7) (a) by the date specified by department rule.

**BILL**

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

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

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

11 **SECTION 7.** 119.23 (11) of the statutes is created to read:

12 119.23 (11) The department shall promulgate rules to implement and  
13 administer this section.

14 **SECTION 8. Nonstatutory provisions.**

15 (1) Notwithstanding section 119.23 (7) (d) 2. of the statutes, as created by this  
16 act, if this subsection takes effect on or after January 1, 2004, the first notarized  
17 statement required under that subdivision is due within 60 days after the effective  
18 date of this subsection.

19 **SECTION 9. Initial applicability.**

20 (1) This act first applies to private schools that participate in the Milwaukee  
21 Parental Choice Program under section 119.23 of the statutes in the 2004-05 school  
22 year, except that the treatment of section 119.23 (7) (am) 3. of the statutes first  
23 applies to reports under that subdivision that are due by September 1, 2005.

24 (END)

Katy / Plake

-3806 / Per. anthr

6-7505

Javier

ban hiring of felons  
940 / 948

all ee's

all ee's

can't hire new ee's

for 6 years

fill in  
list of felonies  
for granting ~~license~~

118.19 (4)

soon

Pr. 4

2003 BILL

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 (10) and  
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2. With certain exceptions, the bill ~~allows~~ *prohibits* a private school participating in the MPCP ~~to refuse to employ or to terminate the employment of~~ *from employ ing* a person who has been convicted of any ~~felony or misdemeanor~~ *of the specified felonies for six years following*.
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 management training program approved by DPI. Annually, a private school participating in the MPCP must submit to DPI evidence of sound fiscal practices.
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the conviction

**BILL**

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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.

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

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3           119.23 (7) (am) (intro.) Each private school participating in the program under  
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7 shall submit to the department ~~an~~ all of the following:

8           1. An independent financial audit of the private school conducted by a certified  
9 public accountant, accompanied by the auditor's statement that the report is free of  
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11           **SECTION 2.** 119.23 (7) (am) 2. and 3. of the statutes are created to read:

12           119.23 (7) (am) 2. Evidence of sound fiscal practices, as prescribed by the  
13 department by rule.

14           3. Certification by the auditor under subd. 1. that criminal background checks  
15 of all school employees were conducted as specified under par. (d) 2.

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

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

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8           a. A copy of the school's current certificate of occupancy issued by the city. If  
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21 a nonresident, the department of justice may provide for the submission of  
22 information to the federal bureau of investigation for the purposes of verifying the  
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24 conviction.

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

**BILL**

1 119.23 (7) (e) Notwithstanding subch. II of ch. 111, a private school  
 2 participating in the program under this section may ~~refuse to employ or may~~<sup>not</sup>  
 3 ~~terminate the employment of a person convicted of any felony or misdemeanor unless~~  
 4 the private school receives from the court in which the conviction occurred a  
 5 certificate stating that the conviction has been reversed, set aside, or vacated.

45  
 6 **SECTION 6.** 119.23 (10) of the statutes is created to read:

7 119.23 (10) (a) The state superintendent may issue an order barring a private  
 8 school from participating in the program under this section in the succeeding school  
 9 year if the state superintendent determines that the private school has done any of  
 10 the following:

- 11 1. Misrepresented information required under sub. (7) (d).
- 12 2. Failed to provide the notice required under sub. (2) (a) 3., or the information  
 13 required under sub. (7) (am) or (d), by the date or within the period specified.
- 14 3. Failed to refund to the state any overpayment made under sub. (4) (b) or (rm)  
 15 by the date specified by department rule.
- 16 4. Failed to meet at least one of the standards under sub. (7) (a) by the date  
 17 specified by department rule.

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

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

**BILL**

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

4 **SECTION 7.** 119.23 (11) of the statutes is created to read:

5 119.23 (11) The department shall promulgate rules to implement and  
6 administer this section.

7 **SECTION 8. Nonstatutory provisions.**

8 (1) Notwithstanding section 119.23 (7) (d) 2. of the statutes, as created by this  
9 act, if this subsection takes effect on or after January 1, 2004, the first notarized  
10 statement required under that subdivision is due within 60 days after the effective  
11 date of this subsection.

12 **SECTION 9. Initial applicability.**

13 (1) This act first applies to private schools that participate in the Milwaukee  
14 Parental Choice Program under section 119.23 of the statutes in the 2004–05 school  
15 year, except that the treatment of section 119.23 (7) (am) 3. of the statutes first  
16 applies to reports under that subdivision that are due by September 1, 2005.

17 (END)



4-5 ✓

**BILL**

1 119.23 (7) (e) 1. Notwithstanding subch. II of ch. 111, except as provided in  
 2 subd. 2. a private school participating in the program under this section may not  
 3 employ a person convicted of any Class A, B, C, D, E, F, G, or H felony under ch. 940  
 4 or 948, except ss. 940.08 and 940.205, ~~or of any Class BC felony under ch. 940 or 948,~~  
 5 ~~1999 stats.~~ for 6 years following the date of the conviction, and may employ such a  
 6 person after 6 years only if the person establishes by clear and convincing evidence  
 7 that he or she is entitled to be employed.

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

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

14 119.23 (10) (a) The state superintendent may issue an order barring a private  
 15 school from participating in the program under this section in the succeeding school  
 16 year if the state superintendent determines that the private school has done any of  
 17 the following:

- 18 1. Misrepresented information required under sub. (7) (d).
- 19 2. Failed to provide the notice required under sub. (2) (a) 3., or the information  
 20 required under sub. (7) (am) or (d), by the date or within the period specified.
- 21 3. Failed to refund to the state any overpayment made under sub. (4) (b) or (rm)  
 22 by the date specified by department rule.
- 23 4. Failed to meet at least one of the standards under sub. (7) (a) by the date  
 24 specified by department rule.



**2003 BILL**

The bill also requires the private school to conduct a background check of all existing employees within this bill's effective date. (120)

Gen. Cat.

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 (10) and**  
3 **119.23 (11) of the statutes; relating to: the Milwaukee Parental Choice**  
4 **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 employee.
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.
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 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

The bill also permits the private school to refuse to employ or to terminate the employment of any person convicted of any felony within the previous six years.

**BILL**

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:*

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

2 and amended to read:

3           119.23 (7) (am) (intro.) Each private school participating in the program under  
4 this section is subject to uniform financial accounting standards established by the  
5 department ~~and annually.~~ Annually by September 1 following a school year in which  
6 a private school participated in the program under this section, the private school  
7 shall submit to the department ~~an~~ all of the following:

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

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

12           119.23 (7) (am) 2. Evidence of sound fiscal practices, as prescribed by the  
13 department by rule.

14           3. Certification by the auditor under subd. 1. that criminal background checks  
15 of all <sup>newly hired</sup> school employees were conducted as specified under par. (d) 2.

**BILL**

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

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

3           119.23 (7) (d) Each private school participating in the program under this  
4 section shall submit to the department all of the following:

5           1. By August 1 before the first school term of participation in the program, or  
6 by May 1 if the private school begins participating in the program during summer  
7 school, all of the following:

8           a. A copy of the school's current certificate of occupancy issued by the city. If  
9 the private school moves to a new location, the private school shall submit a copy of  
10 the new certificate of occupancy issued by the city to the department before the  
11 attendance of pupils at the new location and before the next succeeding date specified  
12 in s. 121.05 (1) (a). A temporary certificate of occupancy does not meet the  
13 requirement of this subd. 1. a.

14           b. Evidence of financial viability, as prescribed by the department by rule.

15           c. Proof that the private school's administrator has participated in a fiscal  
16 management training program approved by the department.

17           2. Annually by February 1, a notarized statement by a person legally  
18 authorized to act on behalf of the private school that the private school will conduct  
19 a criminal background check through the department of justice on each person who  
20 will be employed by the private school <sup>for the first time</sup> in the following school year. If the person is  
21 a nonresident, the department of justice may provide for the submission of  
22 information to the federal bureau of investigation for the purposes of verifying the  
23 identity of the person and obtaining records of his or her criminal arrest and  
24 conviction.

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

**BILL**

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

7           2. A private school participating in the program under this section may employ  
8 a person convicted of a crime enumerated in subd. 1., prior to the expiration of the  
9 6-year period following the conviction, if the private school receives from the court  
10 in which the conviction occurred a certificate stating that the conviction has been  
11 reversed, set aside, or vacated.

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

13           119.23 (10) (a) The state superintendent may issue an order barring a private  
14 school from participating in the program under this section in the succeeding school  
15 year if the state superintendent determines that the private school has done any of  
16 the following:

- 17           1. Misrepresented information required under sub. (7) (d).
- 18           2. Failed to provide the notice required under sub. (2) (a) 3., or the information  
19 required under sub. (7) (am) or (d), by the date or within the period specified.
- 20           3. Failed to refund to the state any overpayment made under sub. (4) (b) or (rm)  
21 by the date specified by department rule.
- 22           4. Failed to meet at least one of the standards under sub. (7) (a) by the date  
23 specified by department rule.

24           (b) The state superintendent may issue an order immediately terminating a  
25 private school's participation in the program under this section if he or she

**BILL**

1 determines that conditions at the private school present an imminent threat to the  
2 health or safety of pupils.

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

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

9 **SECTION 7.** 119.23 (11) of the statutes is created to read:

10 119.23 (11) The department shall promulgate rules to implement and  
11 administer this section.

12 **SECTION 8. Nonstatutory provisions.**

13 (1) Notwithstanding section 119.23 (7) (d) 2. of the statutes, as created by this  
14 act, if this subsection takes effect on or after January 1, 2004, the first notarized  
15 statement required under that subdivision is due within 60 days after the effective  
16 date of this subsection.

17 **SECTION 9. Initial applicability.**

18 (1) This act first applies to private schools that participate in the Milwaukee  
19 Parental Choice Program under section 119.23 of the statutes in the 2004-05 school  
20 year, except that the treatment of section 119.23 (7) (am) 3. of the statutes first  
21 applies to reports under that subdivision that are due by September 1, 2005.

22 (END)

4-11 ✓

SEC. c.R. 119.23 (7) (f)

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

5-16

#  
(2) Within 120 days after the effective date of this subsection, a private school participating in the program under section 119.23 of the statutes shall conduct a criminal background check through the department of justice on each person employed by the private school. 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 verifying the identity of the person and obtaining records of his or her criminal arrest and conviction.





2003 BILL

P. 5 & 6

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.

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***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 any felony within the previous six years.

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

**BILL**

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:*

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

3           119.23 (7) (am) (intro.) Each private school participating in the program under  
4 this section is subject to uniform financial accounting standards established by the  
5 department ~~and annually.~~ Annually by September 1 following a school year in which  
6 a private school participated in the program under this section, the private school  
7 shall submit to the department an all of the following:

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

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

12           119.23 (7) (am) 2. Evidence of sound fiscal practices, as prescribed by the  
13 department by rule.

**BILL**

1           3. Certification by the auditor under subd. 1. that criminal background checks  
2 of all newly hired school employees were conducted as specified under par. (d) 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  
6 section shall submit to the department all of the following:

7           1. By August 1 before the first school term of participation in the program, or  
8 by May 1 if the private school begins participating in the program during summer  
9 school, all of the following:

10           a. A copy of the school's current certificate of occupancy issued by the city. If  
11 the private school moves to a new location, the private school shall submit a copy of  
12 the new certificate of occupancy issued by the city to the department before the  
13 attendance of pupils at the new location and before the next succeeding date specified  
14 in s. 121.05 (1) (a). A temporary certificate of occupancy does not meet the  
15 requirement of this subd. 1. a.

16           b. Evidence of financial viability, as prescribed by the department by rule.

17           c. Proof that the private school's administrator has participated in a fiscal  
18 management training program approved by the department.

19           2. Annually by February 1, a notarized statement by a person legally  
20 authorized to act on behalf of the private school that the private school will conduct  
21 a criminal background check through the department of justice on each person who  
22 will be employed by the private school for the first time in the following school year.  
23 If the person is a nonresident, the department of justice may provide for the  
24 submission of information to the federal bureau of investigation for the purposes of

**BILL**

1 verifying the identity of the person and obtaining records of his or her criminal arrest  
2 and conviction.

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, 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 within  
19 the previous 6 years 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 barring a private  
24 school from participating in the program under this section in the succeeding school

**BILL**

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

- 3 1. Misrepresented information required under sub. (7) (d).
- 4 2. Failed to provide the notice required under sub. (2) (a) 3., or the information  
5 required under sub. (7) (am) or (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 (rm)  
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.**

24 (1) Notwithstanding section 119.23 (7) (d) 2. of the statutes, as created by this  
25 act, ~~if this subsection takes effect on or after January 1, 2004,~~ the first notarized

*auto ref "9"*

**BILL**

1 statement required under that subdivision is due within 60 days after the effective  
2 date of this subsection.

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

**SECTION 10. Initial applicability.**

10 (1) This act first applies to private schools that participate in the Milwaukee  
11 Parental Choice Program under section 119.23 of the statutes in the 2004-05 school  
12 year, except that the treatment of section 119.23 (7) (am) 3. of the statutes first  
13 applies to reports under that subdivision that are due by September 1, 2005.  
14

15 (END)

as provided in <sup>CS</sup> SECTION 9 of this act and except  
auto ref "9"