

2003 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB847)

Received: 03/02/2004

Received By: pgrant

Wanted: As time permits

Identical to LRB:

For: Christine Sinicki (608) 266-8588

By/Representing: Mary Beth George

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.Sinicki@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Criminal background checks

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 03/02/2004 | kgilfoy 03/02/2004 | | _____ | | | |
| /1 | pgrant 03/02/2004 | kgilfoy 03/02/2004 | pgreensl 03/02/2004 | _____ | lemery 03/02/2004 | lemery 03/02/2004 | |
| /2 | | | pgreensl | _____ | lemery | lemery | |

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| | | | 03/02/2004 _____ | | 03/02/2004 | 03/02/2004 | |

FE Sent For:

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|--------------|----------------------|-----------------------|--------------------------------------|----------------|----------------------|----------------------|-----------------|
| /? | pgrant 03/02/2004 | kgilfoy 03/02/2004 | | | | | |
| /1 | | 12 - 3/2 kmq | pgreensl 03/02/2004 3/12 PS | 3/12 | lemery 03/02/2004 | lemery 03/02/2004 | |

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1? | pgrant | 11-3/2 kmq | 9/2 P8 | 3/2 P8/15 | | | |

FE Sent For:

<END>

~~Reed / Moore~~

~~AB 847~~

~~Bill~~ ~~1/18~~

~~Bill~~
~~Bill~~
~~Bill~~
~~Bill~~
~~Bill~~

~~Bill~~ ~~1/15~~

~~Bill~~ ~~1/34~~

~~Bill~~ ~~1/20~~

~~Bill~~ ~~1/20~~

~~Bill~~

Simicki / MaryBeth

AK to ASA 1 to AB 847
(50405/2)

put back in background v stuff

(original + AA1)

2299

- 4623

2003

Date (time) needed

now

LRBa

2494, 1

AMENDMENT

PK: King

See form AMENDMENTS — COMPONENTS & ITEMS.

S A AMENDMENT

TO S A AMENDMENT (LRBa 1),

TO S A SUBSTITUTE AMENDMENT 1 (LRBs 1),

TO 2003 SB SJR SR AB AJR AR 847 (LRB- 1)

At the locations indicated, amend the _____ as follows:

(fill ONLY if "engrossed" or "as shown by")

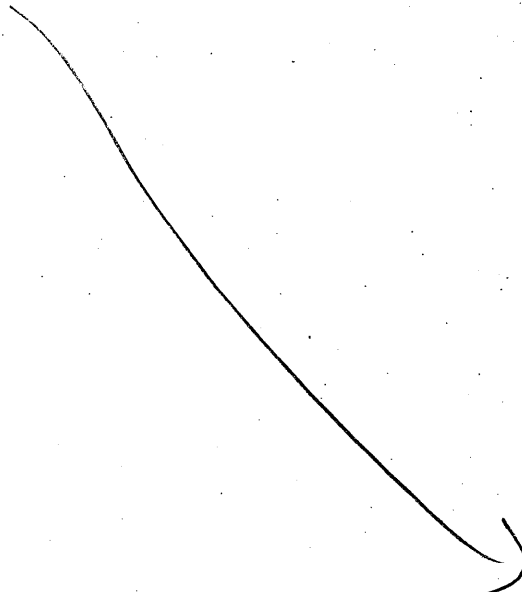
#. Page , line :

#. Page , line :

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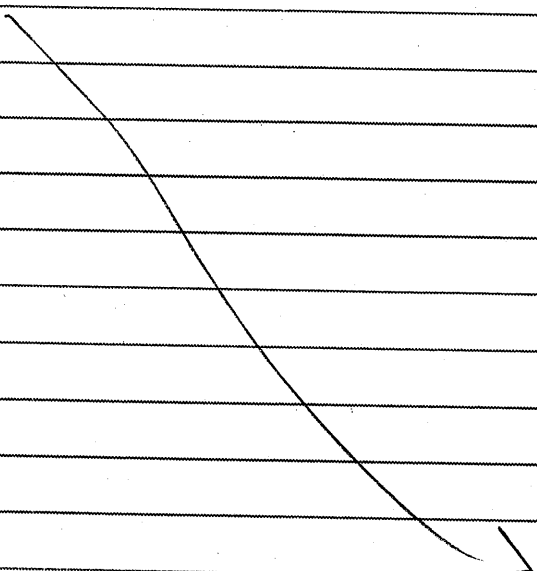
✓ # Page 2, line 8: alter that line insert:

"SEC. 2m. CR. 119.23 (7)(am) 3.

119.23 (7)(am) 3. Certification by the auditor under sub. 1. that criminal background checks of all instructional staff were conducted as specified in par. (g)."

✓ # Page 2, line 11: delete lines 11 to ¹⁴14

and substitute:



ASSEMBLY BILL 847

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

4 **SECTION 4.** 119.23 (7) (am) 2. and 3. of the statutes are created to read:

5 119.23 (7) (am) 2. Evidence of sound fiscal practices, as prescribed by the
 6 department by rule.

7 3. Certification by the auditor under subd. 1 that criminal background checks
 8 of all instructional staff were conducted as specified under par. (d) 2.

9 **SECTION 5.** 119.23 (7) (b) of the statutes is repealed.

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

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

13 1. By August 1 before the first school term of participation in the program, or
 14 by May 1 if the private school begins participating in the program during summer
 15 school, all of the following: ^h

16 a. A copy of the school's current certificate of occupancy issued by the city. If
 17 the private school moves to a new location, the private school shall submit a copy of
 18 the new certificate of occupancy issued by the city to the department before the
 19 attendance of pupils at the new location and before the next succeeding date specified
 20 in s. 121.05 (1) (a). A temporary certificate of occupancy does not meet the
 21 requirement of this subd. 1. a.

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

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

✓ # Page 2, line 15: substitute "a." for "1."

✓ # Page 2, line 21: substitute "b." for "2."

✓ # Page 2, line 22: substitute "c." for "3."

✓ # Page 2, line 23: after that line insert:

Page 2, line 20: delete
"subdivision" and
substitute "subd. 1." ~~and~~

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

February 24, 2004 - Offered by Representative SINICKI.

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 "d. 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). ↘

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

D

ASSEMBLY BILL 847

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 ~~criminal background check through the department of justice on each individual who will be employed as instructional staff by the private school in the following school year. If the individual 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 individual and obtaining records of his or her criminal arrest and conviction.~~ ^{as required in par. (g)}

^{40g} SECTION 7. 119.23 (7) (e) of the statutes is created to read:

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

2. A private school participating in the program under this section may employ as instructional staff an individual convicted of a crime enumerated in subd. 1., prior to the expiration of the 6-year period following the conviction, if 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.

~~SECTION 8. 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~~

or of an equivalent crime in another state, country, or United States jurisdiction,

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 2g.~~ ⁴ 119.23 (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."

115-
2-16
→

#. Page ⁴ 4, line 3: after "year" insert

" except ⁽²⁵⁾ as provided in SECTION ~~119.23~~ ~~of the statute~~
^(am.) ^{am. of this act}

~~and~~ and except that the treatment

of section 119.23 (7)(am) 3. of the statute

first applies to certifications under

that subdivision that are due by

September 1, 2005".

(END)

2-16-11 ✓

Page 3, line 2: ~~of~~ substitute
"succeeding" for "current"

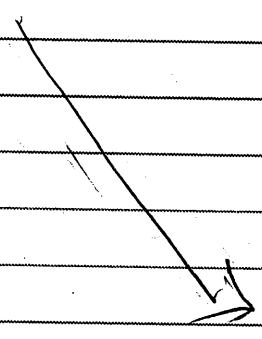
Page 3, line 7: delete "or (d)".

Page 3, line 15: after "pupils" insert
"or that the private school has failed to
provide the information required under
sub. (7)(d) by the date ^{or} within the
period specified".

✓ # Page 3, line 24: after that line

insert:

"SEC. 6m. Nonstatutory provisions.



ASSEMBLY BILL 847

2-16:2

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

SECTION 11. Initial applicability.

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

(END)

10

rw

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

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓ 1. Page 2, line 8: after that line insert:

3 "SECTION 2m. 119.23 (7) (am) 3. of the statutes is created to read:

4 119.23 (7) (am) 3. Certification by the auditor under subd. 1. that criminal
5 background checks of all ~~instructional~~ staff were conducted as specified in par. (g)."

6 ✓ 2. Page 2, line 11: delete lines 11 to 14 and substitute:

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

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

12 ✓ 3. Page 2, line 15: substitute "a." for "1."

1 ✓ 4. Page 2, line 20: delete "subdivision" and substitute "subd. 1. a".

2 ✓ 5. Page 2, line 21: substitute "b." for "2.".

3 ✓ 6. Page 2, line 22: substitute "c." for "3.".

4 ✓ 7. Page 2, line 23: after that line insert:

5 "d. 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 ~~as instructional staff~~ by the private school when the school begins to participate in
8 the program under this section was conducted within the immediately preceding 5
9 years or will be conducted before the school begins to participate, and will be
10 conducted at least once every 5 years thereafter, using the procedure specified in par.
11 (g).

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

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

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

1 individual establishes by clear and convincing evidence that he or she is entitled to
2 be employed.

3 2. A private school participating in the program under this section may employ
4 ~~as instructional staff~~ an individual convicted of a crime enumerated in subd. 1., prior
5 to the expiration of the 6-year period following the conviction, if the private school
6 receives from the court in which the conviction occurred a certificate stating that the
7 conviction has been reversed, set aside, or vacated.

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

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

19 **8.** Page 3, line 2: substitute “succeeding” for “current”.

20 **9.** Page 3, line 7: delete “or (d)”.

21 **10.** Page 3, line 15: after “pupils” insert “or that the private school has failed
22 to provide the information required under sub. (7) (d) by the date or within the period
23 specified”.

24 **11.** Page 3, line 24: after that line insert:

1 **"SECTION 6m. Nonstatutory provisions.**

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

6 (2m) Within 120 days after the effective date of this subsection, a private school
7 participating in the program under section 119.23 of the statutes shall conduct a
8 criminal background check through the department of justice on each person
9 employed as ~~instructional staff~~ by the private school using the procedure specified
10 in section 119.23 (7) (g) of the statutes, as created by this act."

11

(END)

Ins. 4-11

INS. 4-11

#. Page 4, line 3: after "year" insert
" except as provided in ⁽²⁸⁾ SECTION ~~of the statute~~
^{com.} of this act
~~and~~ and except that the treatment
of section 119.23 (7)(am) 3. of the statute
first applies to certifications under
that subdivision that are due by
September 1, 2005".

(End)