

State of Wisconsin



2011 Senate Bill 49

Date of enactment: **November 23, 2011**

Date of publication*: **December 8, 2011**

2011 WISCONSIN ACT 84

AN ACT *to amend* 19.356 (2) (a) (intro.), 115.31 (1) (c), 115.31 (3) (a) (intro.) and 115.31 (6) (b); *to repeal and recreate* 115.31 (6) (c); and *to create* 19.356 (2) (d) of the statutes; **relating to:** revocation of a license issued by the Department of Public Instruction.

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

SECTION 1. 19.356 (2) (a) (intro.) of the statutes is amended to read:

19.356 (2) (a) (intro.) Except as provided in pars. (b) and (e) to (d) and as otherwise authorized or required by statute, if an authority decides under s. 19.35 to permit access to a record specified in this paragraph, the authority shall, before permitting access and within 3 days after making the decision to permit access, serve written notice of that decision on any record subject to whom the record pertains, either by certified mail or by personally serving the notice on the record subject. The notice shall briefly describe the requested record and include a description of the rights of the record subject under subs. (3) and (4). This paragraph applies only to the following records:

SECTION 2. 19.356 (2) (d) of the statutes is created to read:

19.356 (2) (d) Paragraph (a) does not apply to the transfer of a record by the administrator of an educational agency to the state superintendent of public instruction under s. 115.31 (3) (a).

SECTION 3. 115.31 (1) (c) of the statutes is amended to read:

115.31 (1) (c) "Immoral conduct" means conduct or behavior that is contrary to commonly accepted moral or

ethical standards and that endangers the health, safety, welfare or education of any pupil. "Immoral conduct" includes the intentional use of an educational agency's equipment to download, view, solicit, seek, display, or distribute pornographic material.

SECTION 4. 115.31 (3) (a) (intro.) of the statutes is amended to read:

115.31 (3) (a) (intro.) Report to the state superintendent the name of any person employed by the educational agency and licensed by the state superintendent, and include a complete copy of the licensee's personnel file and all records related to any investigation of the licensee conducted by or on behalf of the educational agency, if any of the following occurs:

SECTION 5. 115.31 (6) (b) of the statutes is amended to read:

115.31 (6) (b) Upon receiving a report under sub. (3) relating to a person licensed by the state superintendent, the state superintendent shall investigate to determine whether to initiate revocation proceedings. The state superintendent shall post on the department's Internet site the name of the licensee who is under investigation. During the investigation, the state superintendent shall keep confidential all information pertaining to the investigation except the fact that an investigation is being conducted and the date of the revocation hearing.

* Section 991.11, WISCONSIN STATUTES 2009-10 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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SECTION 6. 115.31 (6) (c) of the statutes is repealed and recreated to read:

115.31 (6) (c) The department shall maintain a record of all investigations conducted under par. (b) that indicates the name of the licensee, the date the investigation

began, the reason for the investigation, and the result of the investigation. Whenever an investigation results in the revocation of a license, the department shall post on its Internet site the name of the person whose license was revoked.
