



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 84
[2011 Senate Bill 49]

**Revocation of Licenses Issued by
the Department of Public
Instruction**

Current Law

Under current law, the Department of Public Instruction (DPI) may, after written notice of the charges and an opportunity for defense, revoke any license granted by DPI for incompetency or immoral conduct on the part of the licensee. Current law defines “immoral conduct” as 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. An administrator is required to report to DPI the name of any person employed by the educational agency and licensed by DPI if: (1) the person is charged or convicted of specified crimes; (2) the person is dismissed, or his or her contract is not renewed, by the employer based in whole or in part on evidence that the person engaged in immoral conduct; or (3) the person resigns and the administrator has a reasonable suspicion that the resignation relates to the person having engaged in immoral conduct.

Upon receiving a report from an administrator relating to a licensee, DPI must investigate to determine whether to initiate revocation proceedings. During the investigation, DPI must keep confidential all information pertaining to the investigation except the fact that an investigation is being conducted and the date of the revocation hearing. Current law requires DPI to destroy all information pertaining to an investigation or a revocation proceeding three years from the date on which the investigation is terminated or a final decision denying revocation of the license is issued, whichever is later.

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Under the Act, “immoral conduct” includes the intentional use of an educational agency’s equipment to download, view, solicit, seek, display, or distribute pornographic material.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

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The Act requires an administrator, when reporting to DPI about a licensee's conduct, to 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. The Act exempts the transfer of these records by the administrator of an educational agency to DPI from s. 19.356 (2) (a), Stats., of the open records law. Under this provision, with certain exceptions, if an authority decides to permit access to specific types of records, the authority must, before permitting access and within three days after making the decision to permit access, notify any subject of the record that the authority is permitting access to the record.

Under the Act, in addition to the investigation and confidentiality requirements described above, DPI is required to post the name of the licensee who is under investigation on the DPI website.

Act 84 repeals the current statute which requires DPI to destroy all information pertaining to an investigation or a revocation proceeding after three years, as described above. Instead, under the Act, DPI is required to maintain a record of all investigations it conducts 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, DPI must post the name of the person whose license was revoked on the DPI website.

Effective date: Act 84 takes effect on December 9, 2011.

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