



1997 SENATE BILL 177

April 23, 1997 - Introduced by Senators GROBSCHMIDT, BUETTNER, DARLING and PANZER, cosponsored by Representatives NASS, BRANDEMUEHL, HAHN, WARD, DUFF, M. LEHMAN, PLALE, DOBYNS, HUBER, FREESE, GRONEMUS, GOETSCH, HASENOHRL, HARS DORF, KELSO, WALKER, SYKORA, KEDZIE, SERATTI, LAZICH and ALBERS. Referred to Committee on Education.

1 **AN ACT to renumber and amend** 115.31 (2g); **to amend** 115.31 (2r) (b), 115.31
2 (3) (a) 3. and 115.31 (5) (a); **to repeal and recreate** 115.31 (6) (c); and **to create**
3 115.31 (2g) (b) of the statutes; **relating to:** the revocation of licenses issued by
4 the department of public instruction and reports about licensees made to the
5 department by administrators of educational agencies.

Analysis by the Legislative Reference Bureau

Under current law, any license granted by the department of public instruction (DPI) may be revoked by DPI for incompetency or immoral conduct (conduct that is contrary to commonly accepted moral or ethical standards and that endangers the health, safety, welfare or education of any pupil). DPI is required to revoke a license, without a hearing, if the licensee is convicted of any of a number of specified felony offenses.

This bill requires DPI also to revoke a license, without a hearing, if the licensee is disciplined by the employing educational agency for immoral conduct.

Under current law, the administrator of an educational agency must report to DPI the name of any employe licensed by DPI who is charged with or convicted of certain specified crimes, is dismissed or has his or her contract not renewed because he or she engaged in immoral conduct or resigns if the administrator believes that the resignation relates to engaging in immoral conduct. Upon receiving a report, DPI must investigate to determine whether to initiate revocation proceedings. DPI must destroy all information pertaining to an investigation or a revocation proceeding

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(other than the fact that a person was convicted of a crime) 3 years from the date on which the investigation is terminated or a final decision denying revocation of the person's license is issued, whichever is later.

This bill eliminates the above provision relating to the destruction of information. The bill requires the administrator of an educational agency to report to DPI the name of a licensee who is employed by the educational agency and is disciplined by his or her employer for engaging in immoral conduct. The bill also provides that if an educational agency requests from DPI information about an employe of the educational agency or about a person whom the educational agency is considering hiring, DPI must send a copy of any report that it has received about the person to the educational agency.

For further information see the *state* 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.** 115.31 (2g) of the statutes is renumbered 115.31 (2g) (intro.) and
2 amended to read:

3 115.31 **(2g)** (intro.) Notwithstanding subch. II of ch. 111, the department shall
4 revoke a license granted by the department, without a hearing, if ~~the~~ any of the
5 following occurs:

6 (a) The licensee is convicted of any Class A, B, C or D felony under ch. 940 or
7 948, except ss. 940.08 and 940.205, for a violation that occurs on or after September
8 12, 1991.

9 **SECTION 2.** 115.31 (2g) (b) of the statutes is created to read:

10 115.31 **(2g)** (b) The licensee is employed by an educational agency and is
11 disciplined by his or her employer for engaging in immoral conduct.

12 **SECTION 3.** 115.31 (2r) (b) of the statutes is amended to read:

13 115.31 **(2r)** (b) The department shall reinstate a license revoked under sub. (2g)
14 (a), prior to the expiration of the 6-year period following the conviction, if he or she

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1 receives from the court in which the conviction occurred a certificate stating that the
2 conviction has been reversed, set aside or vacated.

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

4 115.31 (3) (a) 3. The person is disciplined or dismissed, or his or her contract
5 is not renewed, by the employer based in whole or in part on evidence that the person
6 engaged in immoral conduct.

7 **SECTION 5.** 115.31 (5) (a) of the statutes is amended to read:

8 115.31 (5) (a) A report under sub. (3) shall be made within 15 days after the
9 administrator becomes aware of the charge, conviction, discipline, dismissal,
10 nonrenewal or resignation.

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

12 115.31 (6) (c) If an educational agency requests the department for information
13 about an employe of the educational agency or about a person whom the educational
14 agency is considering hiring, the department shall send a copy of any report made
15 to the department under sub. (3) (a) or (b) about the person to the educational agency.

16 (END)