



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4866/1
TKK:emw

2015 SENATE BILL 796

April 4, 2016 – Introduced by Senator C. LARSON, cosponsored by Representative BARNES. Referred to Committee on Education.

1 **AN ACT** *to renumber* 118.60 (1) (ag) 1. to 3. and 119.23 (1) (ag) 1. to 3.; *to amend*
2 118.60 (1) (ag) (intro.), 118.60 (10) (a) 8., 119.23 (1) (ag) (intro.) and 119.23 (10)
3 (a) 8.; and *to create* 118.60 (1) (ag) 2m., 118.60 (1) (ag) 3m., 118.60 (1) (ag) 4m.,
4 118.60 (10) (a) 9., 119.23 (1) (ag) 2m., 119.23 (1) (ag) 3m., 119.23 (1) (ag) 4m. and
5 119.23 (10) (a) 9. of the statutes; **relating to:** persons disqualified from having
6 certain responsibilities in a private school participating in a parental choice
7 program.

Analysis by the Legislative Reference Bureau

This bill broadens the authority of the Department of Public Instruction to bar from participation in a parental choice program a private school that hires or retains a disqualified person. The bill also modifies the definition of disqualified person to include the following persons: 1) a person for whom a license to operate a child care center was denied, revoked, suspended, not renewed, or not continued; 2) a person who has been convicted of, or pled guilty or no contest to, a crime involving an act of fraud or dishonesty against an agency or political subdivision of this state or against a federal agency; and 3) a person who would not be eligible under current law to be employed or licensed as a teacher for reasons including conviction of a felony for a crime against life or bodily security or public health and safety.

Current law permits DPI to issue an order that bars a private school from participating in a parental choice program or that terminates the participation of a

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private school in a parental choice program under certain circumstances, including if the school misrepresents information, fails to maintain accreditation or meet certain academic standards, or retains a disqualified person. Under current law, a “disqualified person” is one who satisfied one of the following at the time that a private school was barred or terminated from a parental choice program by an order of the department: 1) the person had a controlling ownership interest in, or was the administrator or an officer, director, or trustee of, the private school; 2) the person was designated by the administrator of the private school to assist in processing pupil applications; or 3) the person was responsible for an action or circumstance that led to the private school being barred or terminated from participation in the program.

Currently, DPI may bar the participation of a private school in a choice program if the private school retains, for compensation or as a volunteer, a disqualified person within seven years after the date of an order issued by DPI. This bill eliminates the seven-year limit on the person’s status as a disqualified person; as a result, DPI may bar from participation in a parental choice program a private school that hires or retains a disqualified person regardless of the amount of time that has passed since the person engaged in the disqualifying activity.

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

1 **SECTION 1.** 118.60 (1) (ag) (intro.) of the statutes is amended to read:

2 118.60 (1) (ag) (intro.) “Disqualified person” means ~~a~~ any of the following:

3 1m. A person who, when a private school was barred or terminated from
4 participation in the program under this section by an order issued under sub. (10)
5 or by an order issued under s. 119.23 (10), satisfied at least one of the following:

6 **SECTION 2.** 118.60 (1) (ag) 1. to 3. of the statutes are renumbered 118.60 (1) (ag)
7 1m. a. to c.

8 **SECTION 3.** 118.60 (1) (ag) 2m. of the statutes is created to read:

9 118.60 (1) (ag) 2m. A person for whom a license to operate a child care center
10 issued under s. 48.65 (1) was denied, revoked, suspended, not renewed, or not
11 continued under s. 48.715 (3) (c), (4), (4g) (a), (5), (6), or (7).

12 **SECTION 4.** 118.60 (1) (ag) 3m. of the statutes is created to read:

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1 118.60 (1) (ag) 3m. A person who has been convicted of, or pled guilty or no
2 contest to, a crime involving an act of fraud or dishonesty, including theft,
3 embezzlement, forgery, or misappropriation, against an agency or political
4 subdivision of this state or against a federal agency.

5 **SECTION 5.** 118.60 (1) (ag) 4m. of the statutes is created to read:

6 118.60 (1) (ag) 4m. A person who would not be eligible to be employed, licensed,
7 or permitted for any of the reasons specified under s. 115.31 (2g) or (6m), 115.315, or
8 118.19 (1m) or (1r).

9 **SECTION 6.** 118.60 (10) (a) 8. of the statutes is amended to read:

10 118.60 (10) (a) 8. ~~Before the end of a 7-year period beginning on the date of an~~
11 ~~order issued by the state superintendent under this subsection, retained Hired or~~
12 ~~retained a disqualified person, for compensation, or retained a disqualified person~~
13 ~~as a volunteer, as an owner, officer, director, trustee, administrator, person~~
14 ~~designated by the administrator to assist in processing pupil applications, or person~~
15 ~~responsible for administrative, financial, or pupil health and safety matters after the~~
16 ~~effective date of this subdivision [LRB inserts date].~~

17 **SECTION 7.** 118.60 (10) (a) 9. of the statutes is created to read:

18 118.60 (10) (a) 9. Failed to, as soon as practicable, dismiss or terminate the
19 services of a disqualified person who was retained, for compensation or as a
20 volunteer, before the effective date of this subdivision [LRB inserts date].

21 **SECTION 8.** 119.23 (1) (ag) (intro.) of the statutes is amended to read:

22 119.23 (1) (ag) (intro.) “Disqualified person” means ~~a~~ any of the following:

23 1m. A person who, when a private school was barred or terminated from
24 participation in the program under this section by an order issued under sub. (10)
25 or by an order issued under s. 118.60 (10), satisfied at least one of the following:

SENATE BILL 796**SECTION 9**

1 **SECTION 9.** 119.23 (1) (ag) 1. to 3. of the statutes are renumbered 119.23 (1) (ag)
2 1m. a. to c.

3 **SECTION 10.** 119.23 (1) (ag) 2m. of the statutes is created to read:

4 119.23 (1) (ag) 2m. A person for whom a license to operate a child care center
5 issued under s. 48.65 (1) was denied, revoked, suspended, not renewed, or not
6 continued under s. 48.715 (3) (c), (4), (4g) (a), (5), (6), or (7).

7 **SECTION 11.** 119.23 (1) (ag) 3m. of the statutes is created to read:

8 119.23 (1) (ag) 3m. A person who has been convicted of, or pled guilty or no
9 contest to, a crime involving an act of fraud or dishonesty, including theft,
10 embezzlement, forgery, or misappropriation, against an agency or political
11 subdivision of this state or against a federal agency.

12 **SECTION 12.** 119.23 (1) (ag) 4m. of the statutes is created to read:

13 119.23 (1) (ag) 4m. A person who would not be eligible to be employed, licensed,
14 or permitted for any of the reasons specified under s. 115.31 (2g) or (6m), 115.315, or
15 118.19 (1m) or (1r).

16 **SECTION 13.** 119.23 (10) (a) 8. of the statutes is amended to read:

17 119.23 (10) (a) 8. ~~Before the end of a 7-year period beginning on the date of an~~
18 ~~order issued by the state superintendent under this subsection, retained Hired or~~
19 ~~retained a disqualified person, for compensation, or retained a disqualified person~~
20 ~~as a volunteer, as an owner, officer, director, trustee, administrator, person~~
21 ~~designated by the administrator to assist in processing pupil applications, or person~~
22 ~~responsible for administrative, financial, or pupil health and safety matters after the~~
23 ~~effective date of this subdivision [LRB inserts date].~~

24 **SECTION 14.** 119.23 (10) (a) 9. of the statutes is created to read:

