



Criminal Background Checks

Schools participating in the Special Needs Scholarship Program (SNSP), must conduct a criminal background check prior to employing any individual at the school and every five (5) years thereafter. Background checks must be done for all employees, including contracted individuals.

According to Wisconsin law, Wis. Stat. § 115.7915(6)(d), private schools participating in the SNSP, cannot employ:

1. Any individual who is not eligible for a teaching license as the result of an offense; and
2. Any individual who might reasonably be believed to pose a threat to the safety of others, which includes individuals who have engaged in immoral conduct, as defined under Wis. Stat. § 115.31(1)(c).

TEACHING LICENSE ELIGIBILITY

An individual may not be eligible for a teaching license as the result of an offense if the individual has been convicted of any Class A, B, C, D, E, F, G, or H felony under Wis. Stat. ch. [940](#) or [948](#), except ss. 940.08 and 940.205, within six (6) years of the individual applying for a license to teach. Wis. Stat. § 118.19(4). For a list and complete definitions of the prohibited offenses, please see Wis. Stat. ch. [940](#) or [948](#).

IMMORAL CONDUCT

Wisconsin 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.” Wis. Stat. § 115.31(1)(c). Immoral conduct includes the intentional use of an

Wisconsin Department of Public Instruction
Tony Evers, State Superintendent
125 S. Webster Street, P.O. Box 7841
Madison, WI 53707-7841

School Management Services
Tricia Collins, Director
(608) 266-7475
Tricia.Collins@dpi.wi.gov

Special Needs Scholarship Program
1-888-245-2732 ext. 3
snsp@dpi.wi.gov
<http://dpi.wi.gov/sms/special-needs-scholarship>

educational agency's equipment to download, view, solicit, seek, display or distribute pornographic material.

CONDUCTING THE BACKGROUND CHECK

Criminal background checks must be conducted by the participating private school at the time an employment application is submitted, and every five (5) years thereafter. If the school has not previously completed background checks on existing employees, the school must complete background checks on all employees prior to the start of the first school term that the school participates in the SNSP. Each background check must be conducted individually. Resources that may be used to conduct background checks can be found on the department's Background Check website at: <http://dpi.wi.gov/tepd/licensing/background/sources>.

The background check process must include a review of prior criminal behavior as well as any behavior that may be considered "immoral conduct" or that might reasonably be believed to pose a threat to the safety of others, regardless of whether it was illegal. If the background check reveals potential areas of concern, the school should review the relevant information to determine whether the behavior prohibits the employee from being employed at the school.

RECORD RETENTION

Records and documents obtained from performing criminal background checks must be retained by the participating private school. The school's independent auditor will determine that the background checks have been completed as part of the school's Enrollment Audit.