

Senate Committee on Education
August 17, 2017

Wisconsin Department of Public Instruction
Testimony in Support of Senate Bill 253

Thank you Chairman Olsen and members of the Committee for the opportunity to be here today to testify on Senate Bill 253 (SB 253). The Department of Public Instruction (DPI) would also like to extend our appreciation to the authors, Representative Duchow and Senator Olsen, for drafting this legislation at the request of the department. AB 253 updates the current statute to ensure Wisconsin complies with the federal requirement under the Every Student Succeeds Act (ESSA).

Section 8546 of ESSA requires that every state, state educational agency, or local education agency that receives federal funds under ESSA must have laws, regulations, or policies prohibiting any individual who is a school employee, contractor, or any state education agency from assisting a school employee in obtaining a new job if the individual or agency knows the employee engaged in sexual misconduct involving a minor or student in violation of the law. This legislation would update the current statute to specify that it is immoral conduct for a licensee to help another employee obtain a new job if the licensee knows the employee has committed a sexual offense of a minor or pupil.

Under this bill, “immoral conduct” means conduct or behavior that is contrary to commonly accepted moral or ethical standards and endangers the health, safety, welfare, or education of any pupil. “Immoral conduct” includes all of the following:

- The intentional use of an educational agency’s equipment to download, view, solicit, seek, display, or distribute pornographic material.
- Assisting a school employee, contractor, or agent to obtain a new job if the individual knows or has reasonable suspicion to believe that the school employee, contractor, or agent committed a sex offense, as defined in s. 301.45 (1d)(b), and the victim was a minor or a pupil.

It is **not** immoral conduct if any of the following apply:

- The assistance is the transmittal of administrative and personnel files.
- The information the individual knows or is the basis of the individual's reasonable suspicion has been properly reported to law enforcement and law enforcement has closed any resulting case or investigation without a conviction.

The bill further stipulates no school board, governing body of a private school, or operator of a charter school may assist a school employee, contactor, or agent to obtain a new job if the school board, governing body, or operator knows or has a reasonable suspicion to believe the school employee, contractor, or agent committed a sex offense, as defined in **s. 301.45 (1d) (b)**, and the victim was a minor or a pupil.

Thank you for the opportunity to testify on this bill. The department is happy to answer any questions.