

CRIMINAL CHECKS REQUIRED OF PERSONS TRANSPORTING STUDENTS

School bus operators and persons employed by or under contract to provide transportation for students in alternative vehicles under state law will be subject to criminal history check requirements, according to provisions included in 2003 Wisconsin Act 280.

Requirements Affecting School Bus Operators

As in the past, no person may operate a school bus without a school bus endorsement issued by the state department of transportation (DOT). The DOT must abide by the following new law provisions when issuing or renewing a school bus endorsement:

1. The DOT is prohibited from issuing or renewing a school bus endorsement to an applicant if the applicant has been convicted of or adjudicated delinquent for any specified disqualifying crime or offense within a prior minimum specified time period. Disqualifying crimes or offenses and minimum time periods for disqualifications are listed in sections 343.12(6)-(8) of the state statutes. They include those specified under current laws as well as many new disqualifying crimes and offenses such as various crimes against children (i.e., physical abuse of a child, possession of child pornography, sexual assault of a child, use of a computer to facilitate a child sex crime). All disqualifying crimes and offenses provided for under the new law apply regardless of whether the circumstances of the offense are substantially related to the circumstances of operating a school bus.
2. The DOT is prohibited from issuing or renewing a school bus endorsement to an applicant who identifies him/herself as a person listed on the abuse registry maintained by the state department of health and family services.
3. The DOT is required to conduct a background investigation, including a criminal history search, of each applicant for initial issuance or renewal of a school bus endorsement. The DOT must also make a good faith effort to obtain out-of-state criminal history information for an applicant who has not resided in Wisconsin at anytime in the prior two years. Although a school bus endorsement is renewed every eight years, the DOT must conduct a criminal history search every four years and, if appropriate, cancel the school bus endorsement.
4. The DOT may obtain fingerprints from an applicant for initial issuance or renewal of a school bus endorsement, and may submit the fingerprints for a record check by the federal bureau of investigation (FBI). Fingerprints taken by the DOT must be kept confidential.
5. The DOT must cancel a school bus endorsement upon receipt of a record conviction or adjudication of delinquency for a crime or offense that would disqualify a person from holding a school bus endorsement.

Requirements Affecting Persons Transporting Students in Alternative Vehicles

1. Persons employing or contracting with an individual, except an individual who holds a valid school bus endorsement, to operate an alternative motor vehicle as defined above to transport students must do all of the following before allowing the individual to operate the vehicle:
 - a. request a criminal history search of the individual from the state department of justice (DOJ).

- b. Request the individual's motor vehicle operating records, and
 - c. Obtain a completed background information form from the individual. The Department of Public Instruction (DPI) is required to create a background information form and make available informational materials related to the requirements imposed by the new law.
- The above actions must be taken before an individual is permitted to transport students and every four years thereafter.
2. Persons employing or contracting with an individual to operate an alternative vehicle as defined above to transport students may obtain fingerprints from the individual and submit them to the FBI for a record check.
 3. Persons employing or contracting with an individual to operate an alternative vehicle as defined above to transport students are prohibited from permitting the individual to operate such a vehicle if they know or should have known that the individual:
 - a. Has a record of conviction, operating privilege revocation or adjudicated delinquency that would disqualify the individual from issuance or renewal of a school bus endorsement, or
 - b. Has been convicted of providing materially false information on a background information form.
 4. Persons employing or contracting with an individual to operate an alternative vehicle as defined above to transport students must maintain all records and furnish all information determined necessary to determine compliance with legal requirements in this section.
 5. Individuals authorized to operate an alternative vehicle as defined above to transport students (including those with a school bus endorsement) are required to inform the person to whom they are contracted or employed of any of the following:
 - ◆ traffic accident
 - ◆ conviction that would make the individual ineligible to be an operator, or
 - ◆ suspension/revocation of the individual's operator's license or cancellation of school bus endorsement.
 6. An individual is prohibited from operating an alternative vehicle as defined above to transport students if he/she does not meet the eligibility requirements for operating such a vehicle.

Disclosure of Vehicle Driver's Name to Parents/Guardians

The school board must disclose the name of each driver who transports a student in a school-owned or privately owned vehicle under contract with the district, upon written request of the student's parent/guardian.