

## 2011 DRAFTING REQUEST

### Bill

Received: 12/22/2011

Received By: gmalaise

Wanted: As time permits

Companion to LRB:

For: Peggy Krusick (608) 266-1733

By/Representing: Dan Schmidt

May Contact:

Drafter: gmalaise

Subject: Children - abuse and neglect

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Krusick@legis.wisconsin.gov

Carbon copy (CC:) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Postsecondary educational institution employees as mandatory reporters of child abuse and neglect;

---

### Instructions:

See attached--codify Executive Order 54 (2011) in statute, but extend to include employees of all postsecondary educational institutions, i.e., technical colleges, private institutions, tribal colleges, and proprietary schools

---

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 12/22/2011	kfollett 01/24/2012		_____			S&L
/1			phenry 01/25/2012	_____	sbasford 01/25/2012		S&L
/2	gmalaise 01/30/2012	kfollett 01/31/2012	rschluet 01/31/2012	_____	ggodwin 01/31/2012	sbasford 02/02/2012	S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	gmalaise 02/07/2012	kfollett 02/07/2012	jmurphy 02/08/2012	_____	lparisi 02/08/2012	lparisi 02/08/2012	S&L
/4	gmalaise 03/01/2012	kfollett 03/02/2012	phenry 03/02/2012	_____	sbasford 03/02/2012	sbasford 03/02/2012	

FE Sent For: **01/26/2012.**

*re-sent for /4 intro  
3/16*

<END>

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/2	gmalaise 01/30/2012	kfollett 01/31/2012	rschluet 01/31/2012		ggodwin 01/31/2012	sbasford 02/02/2012	S&L

14/5f  
3/2

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13/27  
2/7  
jm  
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/1		12/29 11/31	phenry 01/25/2012	<del>km</del> CA/31	sbasford 01/25/2012		

FE Sent For: /1

sent for 1-25-12

Per Peggy Krusick

<END>

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/?	gmalaise	11/5f 11/24	1/25 ph x	_____ _____			

FE Sent For:

<END>

**EXECUTIVE ORDER # 54**  
**Relating to Supplemental Mandatory Reporting**  
**Requirements of Child Abuse and Neglect**

**WHEREAS**, we must always be vigilant in protecting our children and creating a safe environment for them; and

**WHEREAS**, the health, safety, and best interests of our children are of chief concern, and it is appropriate and necessary that the State do everything within its means to ensure that suspected cases of abuse and neglect of our children are reported to the proper authorities; and

**WHEREAS**, pursuant to Wis. Stat. § 48.981(2)(a), certain persons currently are required to report incidents of child abuse or neglect, including health practitioners, social workers, law enforcement officers, child care providers, counselors, school teachers, and school staff members; and

**WHEREAS**, current mandatory reporting laws do not require most college or university professors, administrators, coaches, or other college or university staff members to report cases of child abuse or neglect;

**NOW THEREFORE, I, SCOTT WALKER**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and laws of this State, do hereby order and direct as follows:

1. All University of Wisconsin System (UWS) professors, administrators, coaches, and other UWS employees shall report child abuse or neglect immediately if the employee, in the course of employment, observes an incident or threat of child abuse or neglect, or learns of an incident or threat of child abuse or neglect, and the employee has reasonable cause to believe that child abuse or neglect has occurred or will occur.
2. A report shall be made, personally or by telephone, to one of the following:
  - a. the county department of social services or the county department of human services, pursuant to Wis. Stat. § 48.02(2g);
  - b. in a county having a population of 500,000 or more, the county department of social services, the county department of human services, or a licensed child welfare agency under contract with the county department of social services or the county department of human services; or
  - c. the sheriff or the city, village, town, or university police department.
3. "Child" shall be defined as in Wis. Stat. § 48.02(2), "abuse" and "neglect" shall be defined as in Wis. Stats. § 48.02(1) and (12g), and "report" refers to a report under Wis. Stat. § 48.981(3)(a)(1).
4. A UWS employee who is a mandatory reporter under Wis. Stat. § 48.981(2)(a) shall comply with the requirements of the state mandatory reporter law and shall not be subject to this Order.
5. No UWS employee making a report under this Order in good faith may be discharged from employment, disciplined or otherwise discriminated against in regard to employment, or threatened with any such treatment, for so doing.
6. This Order shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or duplicated, superseded, or terminated by operation of law.



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3688/1  
GMM...

In 12/22

①  
jf

Gen

1 AN ACT ...; relating to: mandatory reporting of child abuse or neglect by  
2 professors, administrators, coaches, and other employees of a public, private,  
3 or tribal postsecondary educational institution.

*Analysis by the Legislative Reference Bureau*

Current law requires certain persons who have reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or who has a reasonable belief that such a child has been threatened with abuse or neglect and that abuse or neglect will occur to report that suspected or threatened abuse or neglect to the county department of human services or social services or to the sheriff or city, village, or town police department. Executive Order 54 (2011) requires similar reporting by a professor, administrator, coach, or other employee of the University of Wisconsin System.

X  
X

This bill makes professors, administrators, coach<sup>es</sup> and other employees of any public, private, or tribal postsecondary educational institution mandatory child abuse and neglect reporters.

For further information see the *state and local* 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:*

✓

4 SECTION 1. 48.981 (2) (a) 30. of the statutes is created to read:



12

Pessy K

include volunteers



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3688/1  
GMM:kjf:ph



IN 1130  
# Week of 11/30  
2011 BILL

including teachers, administrators, counselors,  
and other employees of an elementary or  
secondary school,

and volunteers

Regenerate

1 AN ACT to create 48.981 (2) (a) 30. of the statutes, relating to: mandatory  
2 reporting of child abuse or neglect by professors, administrators, coaches, and  
3 other employees of a public, private, or tribal postsecondary educational  
4 institution.

and by volunteers of an elementary school or secondary school

**Analysis by the Legislative Reference Bureau**

Current law requires certain persons, who have reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or who has a reasonable belief that such a child has been threatened with abuse or neglect and that abuse or neglect will occur to report that suspected or threatened abuse or neglect to the county department of human services or social services or to the sheriff or city, village, or town police department. Executive Order 54 (2011) requires similar reporting by a professor, administrator, coach, or other employee of the University of Wisconsin System.

and volunteers

This bill makes professors, administrators, coaches, and other employees of any public, private, or tribal postsecondary educational institution mandatory child abuse and neglect reporters.

For further information see the **state and local** 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:**

- all of the following mandatory child abuse and neglect reporters:
1. Volunteers of an elementary or secondary school.
  2. Professors,

**BILL**

or volunteer

SECTION 1. 48.981 (2) (a) <sup>16r</sup>~~30~~ of the statutes is created to read:

48.981 (2) (a) <sup>16r</sup>~~30~~. A professor, administrator, coach, or other employee of a public, private, or tribal postsecondary educational institution, including the University of Wisconsin System, a technical college district, a private institution of higher education, whether nonprofit or for profit, a private trade, business, technical, or vocational school, or a tribally controlled college.

(END)

Insert  
2-1

7  
Insert  
2-7

**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3668/2ins  
GMM.....

(INSERT 2-1)

- 1            ~~SECTION 1.~~ 48.981 (2) (a) 14. of the statutes is repealed.
- 2            ~~SECTION 2.~~ 48.981 (2) (a) 15. of the statutes is repealed.
- 3            ~~SECTION 3.~~ 48.981 (2) (a) 16. of the statutes is repealed.
- 4            ~~SECTION 4.~~ 48.981 (2) (a) 16m. of the statutes, as created by 2011 Wisconsin Act
- 5            81, is amended to read:
- 6            48.981 (2) (a) 16m. A school teacher, administrator, counselor, coach, or other
- 7            employee not otherwise specified in this paragraph or volunteer of an elementary or
- 8            secondary school.

**History:** Sup. Ct. Order, 59 Wis. 2d R1, R3 (1973); 1977 c. 355; 1977 c. 447 s. 210; 1979 c. 300; 1983 a. 172, 190, 299, 538; 1985 a. 29 ss. 917 to 930m, 3200 (56); 1985 a. 176, 234; 1987 a. 27, 186, 209; 1987 a. 332 s. 64; 1987 a. 334, 355, 399, 403; 1989 a. 31, 41, 102, 316, 359; 1991 a. 160, 263; 1993 a. 16, 105, 218, 227, 230, 246, 272, 318, 395, 443, 446, 491; 1995 a. 275, 289, 369, 456; 1997 a. 27, 114, 292, 293; 1999 a. 9, 20, 32, 56, 84, 149, 192; 2001 a. 16, 38, 59, 69, 70, 103, 105; 2003 a. 33, 279, 321; 2005 a. 113, 232, 344, 406, 434; 2005 a. 443 s. 265; 2007 a. 20 ss. 1370 to 1373, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 76, 78, 79, 94, 185; 2011 a. 32, 81, 87.

(END OF INSERT)

(INSERT 2-7)

- 9            ~~SECTION 5.~~ 118.07 (5) of the statutes, as created by 2011 Wisconsin Act 81, is
- 10            amended to read:
- 11            118.07 (5) Each school board shall require every employee and volunteer of the
- 12            school district governed by the school board to receive training provided by the
- 13            department in identifying children who have been abused or neglected and in the
- 14            laws and procedures under s. 48.981 governing the reporting of suspected or
- 15            threatened child abuse and neglect. A school district employee or volunteer shall
- 16            receive that training within the first 6 months after commencing employment or
- 17            volunteer activities with the school district and at least once every 5 years after that
- 18            initial training.

**History:** 1971 c. 164 s. 85; 1975 c. 39; 1981 c. 373; 1987 a. 27; 1995 a. 27 ss. 3938, 9116 (5); 2005 a. 220, 221; 2007 a. 79, 97; 2009 a. 28 ss. 2258m, 2258n, 2297n; 2009 a. 44, 302; 2009 a. 309 ss. 3, 4, 15; 2011 a. 32, 81; s. 13.92 (1) (bm) 2.

(END OF INSERT)

**Basford, Sarah**

---

**From:** Rep.Krusick  
**Sent:** Thursday, February 02, 2012 9:16 AM  
**To:** LRB.Legal  
**Subject:** LRB 11-3688/2 Topic: Postsecondary educational institution employees as mandatory reporters of child abuse and neglect;

Dear Legislative Reference Bureau

Please Jacket LRB 11-3688/2 for the ASSEMBLY.

Thank you very much!

Peggy

Q

2/7/12

Pessy - delete volunteers



State of Wisconsin  
2011 - 2012 LEGISLATURE

IN 277  
R 7 Wrote 248



LRB-3688/2  
GMM:kjf:rs

3  
PWR

Stays

2011 BILL

Regenerate

1 AN ACT *to repeal* 48.981 (2) (a) 14., 48.981 (2) (a) 15. and 48.981 (2) (a) 16.; *to*

2 *amend* 48.981 (2) (a) 16m. and 118.07 (5); and *to create* 48.981 (2) (a) 16r. of

3 the statutes; **relating to:** mandatory reporting of child abuse or neglect by

4 professors, administrators, coaches, and other employees ~~and volunteers~~ of a

5 public, private, or tribal postsecondary educational institution and by

6 ~~volunteers~~ <sup>Coaches</sup> of an elementary or secondary school.

**Analysis by the Legislative Reference Bureau**

Current law requires certain persons, including teachers, administrators, counselors, and other employees of an elementary or secondary school, who have reasonable cause to suspect that a child seen in the course of professional duties has been abused or neglected or who has a reasonable belief that such a child has been threatened with abuse or neglect and that abuse or neglect will occur to report that suspected or threatened abuse or neglect to the county department of human services or social services or to the sheriff or city, village, or town police department. Executive Order 54 (2011) requires similar reporting by a professor, administrator, coach, or other employee of the University of Wisconsin System.

This bill makes all of the following mandatory child abuse and neglect reporters:

1. ~~Volunteers~~ <sup>Coaches</sup> of an elementary or secondary school.
2. Professors, administrators, coaches, and other employees ~~and volunteers~~ of any public, private, or tribal postsecondary educational institution.



**BILL**

1 receive that training within the first 6 months after commencing employment or  
2 volunteer activities with the school district and at least once every 5 years after that  
3 initial training.

4 (END)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

3/1/12

/4 Return to /1



State of Wisconsin  
2011-2012 LEGISLATURE



LRB-3688/4  
GMM:kjf:jm

4

DR

IN 311  
Wanted 8/13/12

2011 BILL

Repeal

1 AN ACT *to repeal* 48.981 (2) (a) 14., 48.981 (2) (a) 15. and 48.981 (2) (a) 16.; *to*  
2 *amend* 48.981 (2) (a) 16m.; and *to create* 48.981 (2) (a) 16r. of the statutes;  
3 **relating to:** mandatory reporting of child abuse or neglect by professors,  
4 administrators, coaches, and other employees of a public, private, or tribal  
5 postsecondary educational institution and by coaches of an elementary or  
6 secondary school.

**Analysis by the Legislative Reference Bureau**

Current law requires certain persons, ~~including teachers, administrators,~~  
~~counselors, and other employees of an elementary or secondary school,~~ who have  
reasonable cause to suspect that a child seen in the course of professional duties has  
been abused or neglected or who has a reasonable belief that such a child has been  
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suspected or threatened abuse or neglect to the county department of human services  
or social services or to the sheriff or city, village, or town police department.  
Executive Order 54 (2011) requires similar reporting by a professor, administrator,  
coach, or other employee of the University of Wisconsin System.

move -> (This bill makes all of the following mandatory child abuse and neglect  
reporters)

1. ~~Coaches of an elementary or secondary school.~~
2. Professors, administrators, coaches, and other employees of any public,  
private, or tribal postsecondary educational institution.

mandatory child abuse and neglect reporters



**Barman, Mike**

---

**From:** Barman, Mike  
**Sent:** Monday, March 05, 2012 9:20 AM  
**To:** Rep.Krusick  
**Subject:** Requested PDF (attached)

**Attachments:** 11-3688/4



11-36884.pdf (31  
KB)

**Mike Barman (Lead Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)