

**SENATE BILL 42 (LRB -1317)**

An Act to amend 48.981 (2) (e) and 48.981 (8) (c); and to create 48.981 (2) (a) 16m., 48.981 (8) (am) and 118.07 (5) of the statutes; relating to: mandatory reporting of child abuse or neglect by school district employees; training in child abuse and neglect identification, laws, and procedures for those employees; retaliation against a person who reports child abuse or neglect in good faith, and granting rule-making authority. (FE)

**2011**

03-22.	S.	Introduced by Senator <b>Wanggaard</b> ; cosponsored by Representatives <b>Vos, Turner and Pridemore.</b>	
03-22.	S.	Read first time and referred to committee on Judiciary, Utilities, Commerce, and Government Operations	192
04-27.	S.	Representative Nygren added as a cosponsor	241
04-28.	S.	Fiscal estimate received.	
04-28.	S.	Senate amendment 1 offered by Senator Wanggaard ( <b>LRB a0686</b> )	244
05-03.	S.	Public hearing held.	
05-09.	S.	Senate amendment 2 offered by Senator Wanggaard ( <b>LRB a0803</b> )	253
05-11.	S.	Executive action taken.	
05-12.	S.	Report adoption of Senate Amendment 2 recommended by committee on Judiciary, Utilities, Commerce, and Government Operations, Ayes 5, Noes 0	273
05-12.	S.	Report passage as amended recommended by committee on Judiciary, Utilities, Commerce, and Government Operations, Ayes 5, Noes 0	273
05-12.	S.	Available for scheduling.	
05-16.	S.	Placed on calendar 5-17-2011 pursuant to Senate Rule 18(1)	280
05-17.	S.	Read a second time	285
✓05-17.	S.	Senate amendment 2 <b>adopted</b>	285
05-17.	S.	Senate amendment 3 offered by Senator Grothman ( <b>LRB a1034</b> )	285
05-17.	S.	Senate amendment 3 laid on table, Ayes 31, Noes 1	285
05-17.	S.	Ordered to a third reading	286
05-17.	S.	Rules suspended	286
✓05-17.	S.	Read a third time and <b>passed</b> , Ayes 31, Noes 1	286
05-17.	S.	Ordered immediately messaged	286
05-17.	A.	Received from Senate	339
05-17.	A.	Read first time and referred to committee on Children and Families	339
06-01.	A.	Executive action taken.	
08-02.	A.	Report concurrence recommended by committee on Children and Families, Ayes 8, Noes 0	468
08-02.	A.	Referred to committee on Rules	468
10-27.	A.	Placed on calendar 11-1-2011 by committee on Rules.	
11-01.	A.	Made a special order of business at 11:02 A.M. on 11-03-2011 pursuant to Assembly Resolution 18	647
11-03.	A.	Read a second time.	
11-03.	A.	Ordered to a third reading.	
11-03.	A.	Rules suspended.	
✓11-03.	A.	Read a third time and <b>concurred in.</b>	
11-03.	A.	Ordered immediately messaged.	
11-04.	S.	Received from Assembly concurred in.	

**2011  
ENROLLED BILL**

11en S B-42

**ADOPTED DOCUMENTS:**

**Orig**     **Engr**         **SubAmdt**     

11 1317/2

**Amendments to above (if none, write "NONE"):** SA2 (a0803/1)

**Corrections - show date (if none, write "NONE"):** None<sup>e</sup>

CCC to SA 2 in enrolling

**Topic** See attached

11-4-11  
**Date**

Len F. Kraepf  
**Enrolling Drafter**

Mandatory reporting of child abuse or neglect by school district employees;  
training in child abuse and neglect identification, laws, and procedures for those  
employees and; retaliation against a person who reports child abuse or neglect.



## 2011 SENATE BILL 42

March 22, 2011 - Introduced by Senator WANGGAARD, cosponsored by Representatives VOS, TURNER and PRIDEMORE. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

From CCC to SA2

1 AN ACT *to amend* 48.981 (2) (e) and 48.981 (8) (c); and *to create* 48.981 (2) (a)  
 2 16m., 48.981 (8) (am) and 118.07 (5) of the statutes; **relating to:** mandatory  
 3 reporting of child abuse or neglect by school district employees; training in child  
 4 abuse and neglect identification, laws, and procedures for those employees;  
 5 retaliation against a person who reports child abuse or neglect in good faith,  
 6 and granting rule-making authority

Ins. SA2-1

Ins. SA2-2

### *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. Currently, mandatory reporters of child abuse and neglect include school teachers, administrators, and counselors. This bill makes *all* public school employees mandatory child abuse and neglect reporters and requires those employees to receive training in identifying children who have been abused or neglected and in the laws and procedures governing the reporting of child abuse and neglect.

Current law prohibits any person who makes a child abuse or neglect report from being discharged from employment for doing so. This bill prohibits any person

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who makes a child abuse or neglect report *in good faith* from being discharged from employment, disciplined or otherwise discriminated against in regard to employment, or threatened with any such treatment for doing so.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 48.981 (2) (a) 16m. of the statutes is created to read:

② 48.981 (2) (a) 16m. A school <sup>e</sup>~~district~~ employee not otherwise specified in this  
3 paragraph.

4 SECTION 2. 48.981 (2) (e) of the statutes is amended to read:

5 48.981 (2) (e) No person making a report under this subsection in good faith  
6 may be discharged from employment, disciplined or otherwise discriminated against  
7 in regard to employment, or threatened with any such treatment for so doing.

⑧ SECTION 3. 48.981 (8) (am) of the statutes is created to read:

9 48.981 (8) (am) Each year the department, every county department, and every  
10 licensed child welfare agency under contract with the department in a county having  
11 a population of 750,000 or more shall make available training programs that permit  
12 school district employees to satisfy the training requirement under s. 118.07 (5).

13 SECTION 4. 48.981 (8) (c) of the statutes is amended to read:

14 48.981 (8) (c) In meeting its responsibilities under par. (a), ~~(am)~~, or (b), the  
15 department, a county department, or a licensed child welfare agency under contract  
16 with the department in a county having a population of ~~500,000~~ 750,000 or more may  
17 contract with any public or private organization ~~which~~ that meets the standards set  
18 by the department. In entering into the contracts the department, county

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1 department, or licensed child welfare agency shall give priority to parental  
2 organizations combating child abuse and neglect or unborn child abuse.

3 SECTION 5. 118.07 (5) of the statutes is created to read:

4 118.07 (5) Each school board shall require every employee of the school district  
5 governed by the school board to receive training provided under s. 48.981 (8) (am) in  
6 identifying children who have been abused or neglected and in the laws and  
7 procedures under s. 48.981 governing the reporting of suspected or threatened child  
8 abuse and neglect. A school district employee shall receive that training within the  
9 first 6 months after commencing employment with the school district and at least

Ins SA2-5

10 once every 5 years after that initial training. The department shall promulgate rules  
11 to implement and administer this subsection. The department shall consult with the  
12 department of children and families and the child abuse and neglect prevention  
13 board in promulgating those rules.

14 SECTION 6. Nonstatutory provisions.

15 (1) CHILD ABUSE AND NEGLECT TRAINING OF SCHOOL DISTRICT EMPLOYEES; RULES.  
16 The department of public instruction shall submit in proposed form the rules  
17 required under section 118.07 (5) of the statutes, as created by this act, to the  
18 legislative council staff under section 227.15 (1) of the statutes no later than the first  
19 day of the 6th month beginning after the effective date of this subsection.

Ins  
SA2-6 → 20

(END)



State of Wisconsin  
2011-2012 LEGISLATURE

**CORRECTIONS IN:**

**SENATE AMENDMENT 2,  
TO 2011 SENATE BILL 42**

Prepared by the Legislative Reference Bureau  
(November 9, 2011)

In enrolling, the following corrections were made:

**1.** Page 1, line 1: after that line insert:

“1d. Page 1, line 3: delete “district”.”.

NOTE: Corrects the relating clause in the bill's title to reflect changes made to the bill by senate amendment 2.

**2.** Page 1, line 2: delete “1. Page ” and substitute “1m. Page”.

(END)



SENATE AMENDMENT 2,  
TO 2011 SENATE BILL 42

May 9, 2011 - Offered by Senator WANGGAARD.

Item 1 of CCC

Id. Page 1, line 3: delete "district".

1 At the locations indicated, amend the bill as follows:

2 (am.) Item 2 of CCC

2 1. Page 1, line 4: after "employees;" insert "and".

Ins SA2-1

3 2. Page 1, line 5: delete the material beginning with "faith," and ending with  
4 "authority" on line 6 and substitute "faith".

Ins. SA2-2

5 3. Page 2, line 2: delete "district".

6 4. Page 2, line 8: delete the material beginning with that line and ending with  
7 page 3, line 2.

8 5. Page 3, line 5: delete "under s. 48.981 (8) (am)" and substitute "by the  
9 department".

Ins SA2-5

10 6. Page 3, line 10: delete lines 10 to 19 and substitute "once every 5 years after  
11 that initial training".

Ins. SA2-6

12

(END)