

2011 DRAFTING REQUEST

Bill

Received: 02/04/2011

Received By: gmalaise

Wanted: As time permits

Companion to LRB:

For: Van Wanggaard (608) 266-1832

By/Representing: Scott Kelly

May Contact:

Drafter: gmalaise

Subject: Children - abuse and neglect

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Wanggaard@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Child abuse and neglect; designation of school district employees as mandatory reporters; training for those employees; disciplinary action against reporters

Instructions:

1. Add all school district employees to list of mandatory reporters under s. 48.981 (2). 2. Require those employees to receive training upon hire and every five years. 3. Prohibit any disciplinary action against reporter under s. 48.981 (2) (e), not just termination

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 02/08/2011			_____			S&L
/1		edt_sbasford 02/28/2011	phenry 02/28/2011	_____	lparisi 02/28/2011		S&L
/2	gmalaise 03/03/2011	kfollett 03/07/2011	phenry 03/07/2011	_____	lparisi 03/07/2011	mbarman 03/16/2011	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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3/22

<END>

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/1		edt_sbasford 02/28/2011	phenry 02/28/2011		lparisi 02/28/2011		

FE Sent For:

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3/7

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/?	gmalaise	1/10 SBB 2/10 /kj 2/23	ph				

FE Sent For:

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State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-13177
GMM.....

①
SBB + kjf

IN 218

2011 Bill

Gen Cat

1 AN ACT ...; relating to: mandatory reporting of child abuse or neglect by school
2 district employees; training in child abuse and neglect identification, laws, and
3 procedures for those employees; retaliation against a person who reports child
4 abuse or neglect, and granting rule-making authority.

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, in addition, prohibits any person who makes a child abuse or neglect report from being 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.

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 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 may be
6 discharged from employment, disciplined or otherwise discriminated against in
7 regard to employment, or threatened with any such treatment for so doing.

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.

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

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

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, 192, 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. 170 to 1373, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 76, 78, 79, 94, 185.

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
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 paragraph. *subsection*

20

(END)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

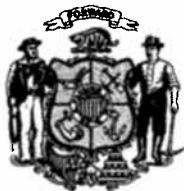
LRB

3/3/11

Scott Kelly

Grant immunity from discharge, discrimination, etc

only if report is in good faith



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1317/1
GMM:sbb&kjf:ph
stays
RMR

SN 3/3
500

2011 BILL

Reger

in good faith

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, and granting
6 rule-making authority.

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, ~~in addition,~~ prohibits

BILL

(1) in good faith

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any person who makes a child abuse or neglect report from being 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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5 48.981 (2) (e) No person making a report under this subsection, may be
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7 regard to employment, or threatened with any such treatment for so doing.

in good faith

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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.

20 (END)

Barman, Mike

From: Kelly, Scott
Sent: Wednesday, March 16, 2011 10:24 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-1317/2 Topic: Child abuse and neglect; designation of school district employees as mandatory reporters; training for those employees; disciplinary action against reporters

Please Jacket LRB 11-1317/2 for the SENATE.

Thanks

Scott