

2013 DRAFTING REQUEST

Bill

Received:	10/16/2012	Received By:	fknepp
Wanted:	As time permits	Same as LRB:	
For:	Joseph Leibham (608) 266-2056	By/Representing:	Alex Hansen
May Contact:		Drafter:	fknepp
Subject:	Education - miscellaneous	Addl. Drafters:	pgrant
		Extra Copies:	Peter Grant

Submit via email: **YES**
 Requester's email: **Sen.Leibham@legis.wisconsin.gov**
 Carbon copy (CC) to: **fern.knepp@legis.wisconsin.gov**
tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Parental notification for questioning students

Instructions:

See attached

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>
/?	fknepp 10/25/2012			_____			
/P1	fknepp 12/11/2012	evinz 10/30/2012	rschluet 10/30/2012	_____	sbasford 10/30/2012		
/P2	fknepp	evinz	phenry	_____	srose		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	3/7/2013	12/12/2012	12/12/2012	_____	12/12/2012		
/P3	chanaman 4/30/2013	evinz 4/30/2013	jmurphy 4/30/2013	_____	sbasford 3/8/2013		
/P4	fknepp 7/3/2013			_____	lparisi 4/30/2013		
/1		jdyer 7/8/2013	jmurphy 7/8/2013	_____	srose 7/8/2013	srose 7/8/2013	

FE Sent For:

*None
needed*

<END>

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Extra Copies: **Peter Grant**

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/?	fknepp 10/25/2012	<i>T 7 / 8 jld</i>		<i>Jan 7/18/13</i>			
/P1	fknepp 12/11/2012	evinz 10/30/2012	rschluet 10/30/2012		sbasford 10/30/2012		
/P2	fknepp	evinz	phenry		srose		

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/P4				_____	lparisi 4/30/2013		
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/1			jmurphy 4/30/2013	_____	sbasford 4/30/2013		

jmurphy
4/30/2013
jm + ESW
4/30

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/P3	evinz 3/7/2013	jfrantze 3/8/2013	_____	sbasford 3/8/2013
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FE Sent For:

11 eeV 4/30/13 eeV 4/30 Jim & RS 4/30

<END>

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/P2		evinz	12/12/2012	_____	srose		

Jb 3/8 PR

Vers. Drafted

Reviewed
12/12/2012

Typed

Proofed

Submitted
12/12/2012

Jacketed

Required

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1p3 eev 3/7/13

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/P1		evinz 10/30/2012	10/30/2012	_____	sbasford 10/30/2012		

1/2 ee v 12/12/12, 1/2 ee v 12/12/12 P Y R

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/?	fknepp	1/pl eev 10/30/12		_____	_____		

FE Sent For:

<END>

Grant, Peter

From: Hansen, Alex
Sent: Thursday, October 11, 2012 9:47 AM
To: Grant, Peter
Subject: Drafting Request

Good Morning Peter,

I hope this message finds you well. On behalf of Senator Leibham, I would like to request a bill draft that would do the following:

- Require school officials to give parental notification when questioning students
- Create an exemption for circumstances if the parent is the subject of the investigation or questioning
- Applicable to K12 public education
- Preliminary form

Also, I see there are a couple different attorneys that handle K-12 education, so if this request should go to someone else, please forward appropriately.

Thank you for your assistance with this matter.

Regards,

Alex Hansen

Office of Senator Joe Leibham

9th Senate District

Capitol Phone: (608) 266-2056

District Phone: (920) 457-7367

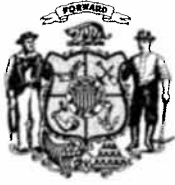
Toll Free: (888) 295-8750

Fax: (608) 267-6796

PO Box 7882

Madison, WI 53707-7882

www.leibhamsenate.com



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0413/P1

FFK...

rmc

Leev

In 10-25

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*SA
RFNA*

1 **AN ACT** ^{*gen*}; relating to: parental notification for questioning pupils.

Analysis by the Legislative Reference Bureau

This bill prohibits a school official, employee, or agent from questioning a pupil without notifying the pupil's parent unless the pupil's parent is the subject of the questioning or is the subject of an investigation that is related to the questioning.

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

2 **SECTION 1.** 118.315 of the statutes is created to read:

3 **118.315 Questioning pupils.** (1) Except as provided in sub. (2), an official,
4 employee, or agent of a school board or charter school may not question a pupil
5 without first notifying the pupil's parent or guardian.

****NOTE: Is it your intent that this provision apply to any type of questioning? As drafted, this could be interpreted very broadly to require parental notification for any type of questioning. For example, questioning a pupil about why he or she didn't complete an assigned project or why he or she was late to class. If this broad application is not consistent with your intent, you may wish to describe the type of questioning that requires parental notification.

****NOTE: This section only requires notification. Is it your intent that a parent have the ability to prevent the questioning or to be present for the questioning?

****NOTE: Please let me know if you did not intend for this section to apply to charter schools.

1 (2) An official, employee, or agent of a school board or charter school may
2 question a pupil without notifying the pupil's parent or guardian if the pupil's parent
3 or guardian is the subject of the questioning or is the subject of an investigation that
4 is related to the questioning.

****NOTE: Do you want to delay the effective date of this act to allow school boards to implement new policies and procedures in order to comply with the act?

5

(END)

Knepp, Fern

From: Hansen, Alex
Sent: Thursday, December 06, 2012 4:27 PM
To: Knepp, Fern
Subject: RE: Drafting Request

Hi Fern,

I'd like to follow up on LRB 0413/P1. This draft was submitted at the request of a constituent, and we have since gotten clarification on the constituent's intent as it relates to your four star drafting notes.

Note 1: Type of questioning should be reserved for only criminal allegations.

Note 2: Our intent only is to have the school administration attempt to make verbal notification with a parent.

Note 3: Yes, this should apply to charter schools.

Note 4: Effective date: 60 days after enactment.

Could you update the preliminary draft to reflect these intentions listed above? Please let me know if you have any questions. Thank you.

Alex Hansen

Office of Senator Joe Leibham

9th Senate District

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Toll Free: (888) 295-8750

Fax: (608) 267-6796

PO Box 7882

Madison, WI 53707-7882

www.leibhamsenate.com

From: Hansen, Alex
Sent: Monday, October 29, 2012 3:18 PM
To: Knepp, Fern
Subject: RE: Drafting Request

Sure, that is fine. Thanks for the message.

Alex

From: Knepp, Fern
Sent: Monday, October 29, 2012 3:17 PM
To: Hansen, Alex
Subject: RE: Drafting Request

Good afternoon, Alex.

I don't have any specific questions at this time. The draft has been submitted to editing with a few four star notes in the preliminary draft. Is that OK?

Fern Knepp

From: Hansen, Alex
Sent: Monday, October 29, 2012 3:16 PM
To: Knepp, Fern
Subject: FW: Drafting Request

Hi Fern,

Please see the e-mail messages below. Peter Grant informed me that you are working on a draft for this piece of legislation.

I just wanted to check in at this time and see if you have any questions.

Thank you very much.

Alex Hansen
Office of Senator Joe Leibham
9th Senate District

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Fax: (608) 267-6796

PO Box 7882

Madison, WI 53707-7882

www.leibhamsenate.com

From: Grant, Peter
Sent: Friday, October 12, 2012 3:52 PM
To: Hansen, Alex
Subject: RE: Drafting Request

Alex, I forwarded your bill request to Fern Knepp, who also drafts in education. I'm sure she'll be in contact with questions.

Peter

From: Hansen, Alex
Sent: Thursday, October 11, 2012 9:47 AM
To: Grant, Peter
Subject: Drafting Request

Good Morning Peter,

I hope this message finds you well. On behalf of Senator Leibham, I would like to request a bill draft that would do the following:

- Require school officials to give parental notification when questioning students
- Create an exemption for circumstances if the parent is the subject of the investigation or questioning
- Applicable to K12 public education
- Preliminary form

Also, I see there are a couple different attorneys that handle K-12 education, so if this request should go to someone else, please forward appropriately.

Thank you for your assistance with this matter.

Regards,

Alex Hansen

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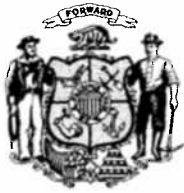
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State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0413/P1

FFK:eev:rs

Stays

P2
AMK

In 12-11-12

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** ^{reglr} *to create* 118.315 of the statutes; **relating to:** parental notification for
2 questioning pupils. *about criminal activity*

about criminal activity **Analysis by the Legislative Reference Bureau**
This bill prohibits a school official, employee, or agent from questioning a pupil
without notifying the pupil's parent unless the pupil's parent is the subject of the
questioning or is the subject of an investigation that is related to the questioning.

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

3 **SECTION 1.** 118.315 of the statutes is created to read: ^(B)
4 **118.315 Questioning pupils.** ^{about criminal activity} (1) Except as provided in sub. (2), an official,
5 employee, or agent of a school board or charter school may not question a pupil
6 *about a suspected or alleged violation of any state or federal criminal law*
without first notifying the pupil's parent or guardian.

****NOTE: Is it your intent that this provision apply to any type of questioning? As drafted, this could be interpreted very broadly to require parental notification for any type of questioning. For example, questioning a pupil about why he or she didn't complete an assigned project or why he or she was late to class. If this broad application is not consistent with your intent, you may wish to describe the type of questioning that requires parental notification.

***NOTE: This section only requires notification. Is it your intent that a parent have the ability to prevent the questioning or to be present for the questioning?

***NOTE: Please let me know if you did not intend for this section to apply to charter schools.

1 (2) An official, employee, or agent of a school board or charter school may
2 question a pupil without notifying the pupil's parent or guardian if the pupil's parent
3 or guardian is the subject of the questioning or is the subject of an investigation that
4 is related to the questioning.

***NOTE: Do you want to delay the effective date of this act to allow school boards to implement new policies and procedures in order to comply with the act?

5

(END)

ms
2-4 →

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0413/P2ins
FFK:.....

INS 2-4

91 (4)

1 **SECTION 1. Effective date.** This act takes effect on the 60th day after the day
2 of publication.

END INS 2-4

Knepp, Fern

From: Hansen, Alex
Sent: Wednesday, March 06, 2013 1:34 PM
To: Knepp, Fern
Subject: RE: Drafting Request

Hi Fern,

I would like to touch base with you regarding LRB 0413/P2. We would like to request a P3 version, please. We would like to see the following change made to 118.315 Sect 1 (sub 2):

(2) If a school employee, acting upon a reasonable suspicion of child abuse, occasioned by a request from the child or the personal observation of injuries suggestive of child abuse, or the personal observation of abusive behavior by a parent towards said child, questions the child regarding those injuries or that request or that observation of abusive behavior, they and their employer shall be held exempt from liability for the violation of this law.

Let me know if you have any questions. Thank you for your assistance with this matter.

Alex Hansen

Office of Senator Joe Leibham

Phone: (608) 266-2056

Room 15 South, State Capitol

www.leibhamsenate.com

From: Knepp, Fern
Sent: Friday, December 07, 2012 8:16 AM
To: Hansen, Alex
Subject: RE: Drafting Request

Thanks, Alex.

From: Hansen, Alex
Sent: Thursday, December 06, 2012 4:27 PM
To: Knepp, Fern
Subject: RE: Drafting Request

Hi Fern,

I'd like to follow up on LRB 0413/P1. This draft was submitted at the request of a constituent, and we have since gotten clarification on the constituent's intent as it relates to your four star drafting notes.

Note 1: Type of questioning should be reserved for only criminal allegations.

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Note 3: Yes, this should apply to charter schools.

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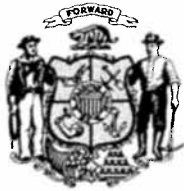
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State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0413/P2

FFK:eev:ph

stays

In 3-7-2013

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

the official, employee, or agent suspects ^{that} the pupil is being ^{that} abused ^{and} the questioning relates to the suspected abuse

1 AN ACT to create 118.315 of the statutes; relating to: parental notification for
2 questioning pupils about criminal activity.

Analysis by the Legislative Reference Bureau

This bill prohibits a school official, employee, or agent from questioning a pupil about criminal activity without notifying the pupil's parent unless the pupil's parent is the subject of the questioning or is the subject of an investigation that is related to the questioning

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

3 SECTION 1. 118.315 of the statutes is created to read:

4 118.315 Questioning pupils about criminal activity. (1) Except as
5 provided in sub. (2), an official, employee, or agent of a school board or charter school
6 may not question a pupil about a suspected or alleged violation of any state or federal
7 criminal law without first notifying the pupil's parent or guardian.

8 (2) An official, employee, or agent of a school board or charter school may
9 question a pupil without notifying the pupil's parent or guardian if the pupil's parent

about a request or observation described in pars. (a) to (c)

INS
1-9

1 or guardian is the subject of the questioning or is the subject of an investigation that
2 is related to the questioning.

3 **SECTION 2. Effective date.**

4 (1) This act takes effect on the 60th day after the day of publication.

5 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0413/P3ins
FFK:.....

INS 1-9

the official, employee, or agent reasonably suspects that the pupil is the victim of child abuse, as defined under s. 813.122 (1) (a), or of a crime under ss. 948.02 to 948.11, and any of the following applies:

- (a) The official, employee, or agent received a request from the pupil to investigate the suspected child abuse or crime.
- (b) The official, employee, or agent observed an injury that suggests that the pupil is the victim of child abuse or a crime under ss. 948.02 to 948.11.
- (c) The official, employee, or agent observed a parent or guardian of the pupil abuse the pupil.

END INS 1-9

XXXX NOTE: Please confirm that this definition of child abuse is consistent with your intent.

Grant, Peter

From: Hansen, Alex
Sent: Monday, April 29, 2013 11:57 AM
To: Grant, Peter
Subject: RE: Change to LRB 0413

4/30/13
TC w/Alex:
apply to private schools
as well as public.

Peter,

- 1) Yes please delete board
- 2) Apply the bill to public and charter schools, but not private

Thank you.

Alex Hansen

Office of Senator Joe Leibham

Phone: (608) 266-2056

Room 15 South, State Capitol

www.leibhamsenate.com

From: Grant, Peter
Sent: Monday, April 29, 2013 11:55 AM
To: Hansen, Alex
Subject: RE: Change to LRB 0413

Hi Alex,

I'd be happy to help in Fern's absence.

A couple of questions for you: did you mean to delete "board" on p. 1, lines 5 and 8? And is it your intent that the bill apply to *all* schools, public (including charter) and private?

Peter

From: Hansen, Alex
Sent: Monday, April 29, 2013 11:21 AM
To: Grant, Peter
Subject: FW: Change to LRB 0413

Peter,

Please see the e-mail below. Are you working on this bill now?

Thank you.

Alex Hansen

Office of Senator Joe Leibham

Phone: (608) 266-2056

Room 15 South, State Capitol

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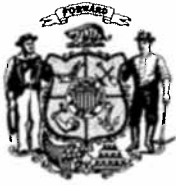
From: Hansen, Alex
Sent: Monday, April 29, 2013 11:20 AM
To: Knepp, Fern
Subject: Change to LRB 0413

Fern,

Could you please make the following change to LRB 0413? Thank you.

If we remove the word "board" after school, in section 1;subsection 2 and section 2, I think that will work. So the text should read
" An official, employee, or agent of a school or charter school..."

Alex Hansen
Office of Senator Joe Leibham
Phone: (608) 266-2056
Room 15 South, State Capitol
www.leibhamsenate.com



State of Wisconsin
2013 - 2014 LEGISLATURE

DN



LRB-0413/P8
FFK:eev:jf

1A4

stays 2/16

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1 AN ACT ^{regen} to create 118.315 of the statutes; relating to: parental notification for
2 questioning pupils about criminal activity.

or is the victim of certain specified crimes

of a public, private, or charter school

Analysis by the Legislative Reference Bureau

This bill prohibits a school official, employee, or agent from questioning a pupil about criminal activity without notifying the pupil's parent unless the official, employee, or agent suspects that the pupil is being abused and the questioning relates to the suspected abuse. ^{or crime}

attending the school

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

3 SECTION 1. 118.315 of the statutes is created to read:

4 **118.315 Questioning pupils about criminal activity.** (1) Except as
5 provided in sub. (2), an official, employee, or agent of a school board or charter school
6 may not question a pupil ^{attending the school} about a suspected or alleged violation of any state or federal
7 criminal law without first notifying the pupil's parent or guardian.

8 (2) An official, employee, or agent of a school board or charter school may
9 question a pupil about a request or observation described in pars. (a) to (c) without

attending the school

public, private,

1 notifying the pupil's parent or guardian if the official, employee, or agent reasonably
2 suspects that the pupil is the victim of child abuse, as defined under s. 813.122 (1)
3 (a), or of a crime under ss. 948.02 to 948.11, and any of the following applies:

~~****NOTE: Please confirm that this definition of child abuse is consistent with your
intent.~~

4 (a) The official, employee, or agent received a request from the pupil to
5 investigate the suspected child abuse or crime.

6 (b) The official, employee, or agent observed an injury that suggests that the
7 pupil is the victim of child abuse or a crime under ss. 948.02 to 948.11.

8 (c) The official, employee, or agent observed a parent or guardian of the pupil
9 abuse the pupil.

10 **SECTION 2. Effective date.**

11 (1) This act takes effect on the 60th day after the day of publication.

12 (END)

DN
date

PG:eev

Alex,

This redraft makes two changes. First, it broadens coverage of the bill so that it applies to private schools as well as public schools. Second, it clarifies that the prohibition against questioning pupils applies to the pupils attending the school. If you ^{have questions or} would like changes to the draft, please let me know.

PG

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0413/P4dn
PG:eev:jm

April 30, 2013

Alex,

This redraft makes two changes. First, it broadens coverage of the bill so that it applies to private schools as well as public schools. Second, it clarifies that the prohibition against questioning pupils applies to the pupils attending the school. If you have questions or would like changes to the draft, please let me know.

Peter R. Grant
Managing Attorney
Phone: (608) 267-3362
E-mail: peter.grant@legis.wisconsin.gov

Knepp, Fern

From: Grant, Peter
Sent: Wednesday, July 03, 2013 3:37 PM
To: Knepp, Fern
Subject: FW: LRB 0413

I'm not sure why they emailed me instead of you, but if the draft is ready to be a slash 1, could you redraft and put a note on the request sheet telling Mike to jacket it? Thanks!

Peter

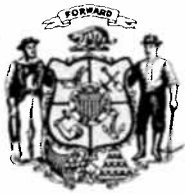
From: Hansen, Alex
Sent: Wednesday, July 03, 2013 3:34 PM
To: Grant, Peter
Subject: LRB 0413

Hello Peter,

Could we please get LRB 0413 in introducible draft form?

Thank you.

Alex Hansen
Office of Senator Joe Leibham
Phone: (608) 266-2056
Room 15 South, State Capitol
www.leibhamsenate.com



State of Wisconsin
2013 - 2014 LEGISLATURE

In 7-3-13

No changes



LRB-0413/P4

FFK:eev.jm

↑
keep

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

4
Regen

1 AN ACT *to create* 118.315 of the statutes; **relating to:** parental notification for
2 questioning pupils about criminal activity.

Analysis by the Legislative Reference Bureau

This bill prohibits an official, employee, or agent of a public, private, or charter school from questioning a pupil attending the school about criminal activity without notifying the pupil's parent unless the official, employee, or agent suspects that the pupil is being abused or is the victim of certain specified crimes and the questioning relates to the suspected abuse or crime.

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

3 SECTION 1. 118.315 of the statutes is created to read:
4 118.315 **Questioning pupils about criminal activity.** (1) Except as
5 provided in sub. (2), an official, employee, or agent of a public, private, or charter
6 school may not question a pupil attending the school about a suspected or alleged
7 violation of any state or federal criminal law without first notifying the pupil's parent
8 or guardian.

