2013 DRAFTING REQUEST

| Bill | | | | | | | | | | |
|--------|--|------------------|-------------|---|------------|------------------------|-----------------|----------|--|--|
| Receiv | /ed: 1 | 0/16/2012 | | | ł | Received By: | fknepp | | | |
| Wante | ed: A | As time perm | its | | S | Same as LRB: | | | | |
| For: | J | Joseph Leibh | am (608 | 3) 266-2056 | I | By/Representing: | Alex Hansen | | | |
| May C | Contact: | | | | I | Orafter: | fknepp | | | |
| Subjec | et: I | Education - n | niscellar | ieous | 1 | Addl. Drafters: | pgrant | | | |
| | | | | | 1 | Extra Copies: | Peter Grant | | | |
| Reque | it via ema ester's ema n copy (C | ail: | fern.kr | ibham@legis. nepp@legis.w cuczenski@leș | isconsin.g | ov | | | | |
| Pre T | opic: | | | | | | | | | |
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Page 2

| Vers. | <u>Drafted</u> 3/7/2013 | Reviewed 12/12/2012 | <u>Typed</u> 12/12/2012 | Proofed | Submitted 12/12/2012 | <u>Jacketed</u> | Required |
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2013 DRAFTING REQUEST

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| For: | •] | Joseph 1 | Leibham (608 | 3) 266-2056 |) | By/Represe | enting: | Alex Han | isen | |
| May C | ontact: | | | | | Drafter: | | fknepp | | |
| Subjec | t: I | Educati | on - miscella | neous | | Addl. Draf | ters: | pgrant | | |
| | | | | | | Extra Copi | ies: | Peter Gr | ant | |
| Reques | t via ema ster's ema n copy (C | ail: | fern.kı | nepp@legis | gis.wiscons s.wisconsin degis.wisco | .gov | | | | |
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4/30/2013 4:45:03 PM Page 2

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2013 DRAFTING REQUEST

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| For: | J | Joseph Leibh | am (608 | 3) 266-2056 | | By/Representing: | Alex Hansen | | | |
| May Contact: | | | | | | Drafter: | fknepp | | | |
| Subject: Education - miscellaneous | | | | | Addl. Drafters: | pgrant | | | | |
| | | | | | | Extra Copies: | Peter Grant | | | |
| Reque | it via ema ester's ema n copy (C | ail: | fern.kı | ibham@legis nepp@legis.w auczenski@leg | isconsin.g | gov | | | | |
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| Topic | • • | | | | | | | | | |
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2013 DRAFTING REQUEST

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| For: | Josep | h Leibham (608 |) 266-2056 | В | sy/Representing: | Alex Hansen | | |
| May C | ontact: | | | E | Drafter: fknepp | | | |
| Subjec | t: Educ : | ation - miscellar | ieous | Α | Addl. Drafters: | | | |
| | | | | E | Extra Copies: | Peter Grant | | |
| Reques | t via email: ster's email: n copy (CC) to | : fern.kr | ibham@legis nepp@legis.w auczenski@leg | isconsin.go | OV | | | |
| Pre To | opic: | | | | | | | |
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| Topic | • | | | | | | | |
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2013 DRAFTING REQUEST

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| For: | Jose | ph Leibham (608 | 3) 266-2056 | В | y/Representing: | Alex Hansen | |
| May C | ontact: | | | D | rafter: | fknepp | |
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| | | | | Е | xtra Copies: | Peter Grant | |
| Reque | t via email: ster's email: n copy (CC) | to: fern.k ı | ibham@legis. nepp@legis.w cuczenski@leş | isconsin.go | v | | |
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2013 DRAFTING REQUEST

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| For: | J | oseph Leibh | am (608 | 3) 266-2056 | , | By/Representing | Representing: Alex Hansen | | | |
| May Contact: | | | | | | Drafter: | fknepp | | | |
| Subject: Education - miscellaneous | | | | | Addl. Drafters: | | | | | |
| | | | | | | Extra Copies: | Peter Grant | | | |
| Reques | t via emai ster's ema n copy (C | il: | fern.k | nepp@legis | gis.wisconsi s.wisconsin. Dlegis.wisco | gov | | | | |
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2013 DRAFTING REQUEST

Bill

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| Wanted: | As time per | mits | | Companion to LR | В: | | | |
| For: | Joseph Leib | oham (608) 266-2056 | | By/Representing: | Alex Hansen | | | |
| May Contact: | | | | Drafter: | fknepp | | | |
| Subject: | Education - | miscellaneous | | Addl. Drafters: | | | | |
| | | | | Extra Copies: | Peter Grant | | | |
| Submit via o Requester's Carbon cop | email: | YES Sen.Leibham@leg fern.knepp@legis tracy.kuczenski@ | s.wisconsin.ş | gov | | | | |
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Grant, Peter

From:

Hansen, Alex

Sent:

Thursday, October 11, 2012 9:47 AM

To: Subject: Grant, Peter 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 Misconsin 2013 - 2014 LEGISLATURE



JA 10-25

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Alagan

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AN ACT .; 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:

- **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?

SECTION 1

****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 question a pupil without notifying the pupil's parent or guardian if the pupil's parent or guardian is the subject of the questioning or is the subject of an investigation that

****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?

(END)

is related to the questioning.

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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

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

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

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

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

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Thank you for your assistance with this matter.

Regards,

Alex Hansen

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State of Misconsin 2013 - 2014 LEGISLATURE

In 12-11-12



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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| AN | $ACT/to\ create$ 118.315 of the statute | es; relating to: parental notification for |
| | questioning pupils. | activity |
| | questioning pupils. | 9 |

about ariminal 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:

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

118.315 Questioning pupils (1) Except as provided in sub. (2), an official,

employee, or agent of a school board or charter school may not question a pupil a bout a suspected or alleged violation of any state or federal 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?

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

(END)

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

2013-2014 Drafting Insert FROM THE LEGISLATIVE REFERENCE BUREAU

INS 2-4

SECTION 1. Effective date. This act takes effect on the 60th day after the day

of publication. 2

1

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):

based on

(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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Alex Hansen

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

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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 Misconsin 2013 - 2014 LEGISLATURE

In 3-7-2013



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

that that the supplies of agent suspects of the pupil is being abused of the questioning relates to the suspected abuse

- 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:

- SECTION 1. 118.315 of the statutes is created to read:
- provided in sub. (2), an official, employee, or agent of a school board or charter school may not question a pupil about a suspected or alleged violation of any state or federal criminal law without first notifying the pupil's parent or guardian.
 - (2) An official, employee, or agent of a school board or charter school may question a pupil without notifying the pupil's parent or guardian if the pupil's parent

Cabout a requestor observation described in pars. (a) to (c)

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LRB-0413/P2 FFK:eev:ph SECTION 1

| 1 | or guardian is the subject of the questioning or is the subject of an investigation that |
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| 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

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

abuse 18 consistents with your intento

Grant, Peter

From:

Hansen, Alex

Sent:

Monday, April 29, 2013 11:57 AM

To:

Grant, Peter

Subject:

RE: Change to LRB 0413

TCM/Alax:

apply to private whole

as nell 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 and8? 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

www.leibhamsenate.com

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 Misconsin 2013 - 2014 LEGISLATURE





PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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| 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) |

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB



PG: CEV.

This reduct make two changes. First, it bounders coverage of the bill so that it applies to private schools as well as public schools. Second, it danifies that the prohibition against questioning popils applies to the populs have questions or attending the school. If your would like changes to the duth 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 Misconsin 2013 - 2014 LEGISLATURE

In 7-3-13

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LRB-0413/P4 1
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION.

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AN ACT to create 118.315 of the statutes; relating to: parental notification for

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:

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

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

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- (2) An official, employee, or agent of a public, private, or charter school may question a pupil attending the school about a request or observation described in pars. (a) to (c) without notifying the pupil's parent or guardian if 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.

SECTION 2. Effective date.

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

15 (END)