

DM:jal;

11/27/2012

1 **AN ACT** *to repeal* 48.981 (2) (a) 14., 48.981 (2) (a) 15. and 48.981 (2) (a) 16.; *to*
 2 *renumber and amend* 48.981 (2) (a) 16m.; and *to create* 48.981 (1) (bm) of the
 3 statutes; **relating to:** making certain school volunteers and school contractors
 4 mandated reporters of child abuse and neglect.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council’s Special Committee on Reporting of Child Abuse and Child Neglect.

Current law requires certain professionals to report suspected abuse and neglect of children and unborn children. A person who is mandated to report must do so if he or she has reasonable cause to suspect that a child seen by the person in the course of professional duties has been abused or neglected or has reason to believe that a child seen by the person in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur. Mandated reporters are subject to criminal penalties if they fail to report.

Under current law, all school employees are required to report suspected child abuse or neglect. In addition to generally requiring all school employees to report suspected abuse or neglect, current law also specifies that school teachers, school administrators, and school counselors are mandated reporters.

This draft extends the current requirement that all school employees report suspected abuse or neglect to certain school volunteers and contracted personnel. It applies the reporting requirements to school employees, volunteers, and contractors who work directly with children for at least 40 hours in a school year. It exempts from the obligation to report: school board members, minors, and students who have not yet graduated from high school. Finally, it deletes the provisions referring specifically to school teachers, administrators, and counselors because these professionals are covered under the provision requiring all school employees, volunteers, and contractors to report.

5 **SECTION 1.** 48.981 (1) (bm) of the statutes is created to read:

1 48.981 (1) (bm) “Contractor” means, with respect to an entity, a person, or that person’s
2 agent, who provides services to the entity under an express or implied contract or subcontract,
3 including a person who has staff privileges at the entity.

4 **SECTION 2.** 48.981 (2) (a) 14. of the statutes is repealed.

5 **SECTION 3.** 48.981 (2) (a) 15. of the statutes is repealed.

6 **SECTION 4.** 48.981 (2) (a) 16. of the statutes is repealed.

NOTE: SECTIONS 2, 3, and 4 delete the specific references to school
 teachers, school administrators, and school counselors because current
 law requires all school employees to report.

7 **SECTION 5.** 48.981 (2) (a) 16m. of the statutes is renumbered 48.981 (2) (a) 14. and
8 amended to read:

9 48.981 (2) (a) 14. A school employee ~~not otherwise specified in this paragraph,~~
10 contractor, or volunteer, other than a school board member, minor, or student that has not yet
11 graduated from high school, who works directly with children at least 40 hours in a school
12 year.

NOTE: Amends the provision under current law that imposes mandatory
 reporting requirements on all school employees to apply to school
 volunteers and contracted employees. The reporting requirements apply
 to school employees, volunteers, and contractors who work directly with
 children at least 40 hours in a school year. School board members,
 minors, and students who have not yet graduated from high school from
 these reporting requirements are exempted. Finally, the reference to
 school employees otherwise specified in the paragraph is removed.

COMMENT: This provision makes the substantive changes the committee
 requested at its October 11, 2012 meeting. However, it also makes
 organizational changes within the statute to delete redundant references
 to professionals who already must report under the “catch all” provision
 requiring any school employee not otherwise specified to report. Would
 the committee like to make this organizational change?