



"Leadership in Public School Governance"

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

122 W. WASHINGTON AVENUE, MADISON, WI 53703
PHONE: 608-257-2622 FAX: 608-257-8386

MEMORANDUM

TO: Members, Legislative Council Special Committee on Reporting of Child Abuse and Child Neglect
FROM: Dan Rossmiller, Director of Government Relations
DATE: December 3, 2012
RE: Concerns Related to Drafts Circulated for Consideration by the Special Committee at the December 4, 2012 Meeting

We have reviewed the drafts prepared for consideration by the Special Committee (particularly WLC: 0037/P1; WLC: 0043/P1; and WLC 0044/P1) and would like to call the following points to the Special Committee's attention:

- 1) Draft WLC 0044/P1 would extend the current requirement that all school employees report suspected abuse or neglect to certain school volunteers and contracted personnel and would apply these reporting requirements to school employees, volunteers, and contractors who work directly with children for at least 40 hours in a school year.

Comments: Section 118.07(5), Stats., currently provides that "Each school board shall require **every** employee of the school district governed by the school board to receive training provided by the department (DPI) in identifying children who have been abused or neglected and in the laws and procedures under s. 48.981 governing the reporting of suspected or threatened child abuse and neglect. **A school district employee shall receive that training within the first 6 months after commencing employment with the school district and at least once every 5 years after that initial training.**" (Emphasis added.)

We note that s. 118.07(5), Stats., is unchanged by this draft or any other draft we reviewed. If the provisions in WLC 0044/P1 are adopted, we suggest that section 118.07(5), Stats., be amended so it refers only to those school employees who are mandatory reporters under section 48.891, Stats. In addition, we suggest that section 118.07(5), Stats., also be amended so that it is consistent in scope for others who are subject to the mandatory reporting requirements under section 48.891, Stats.

We note that school districts typically do not count or keep track of the number of hours a volunteer is working directly with children. We have concerns about applying the reporting requirements to volunteers based on a 40-hour threshold will create new record keeping burdens on schools and could discourage volunteerism in schools or make it difficult for schools to find trained volunteers. Consider, for example, a parent who volunteers to chaperone the school band on a trip to march in a Holiday parade in a distant city. Each parent could easily exceed the 40-hour threshold. This raises the question: by what time would each of these parent volunteers have to complete the training? Would each parent volunteer have to complete the training before the trip departs, during the trip (e.g., upon reaching the 40-hour threshold), or at some other time (e.g., within 6 months of first volunteering)? Should there be a difference in the degree of training required for such volunteers compared to other mandatory reporters?

Also, while we are aware of the Special Committee's discussions and its particular concerns regarding volunteers, including volunteer coaches, we suggest that perhaps volunteers should be required to report suspected cases of abuse or neglect to a designated school administrator rather than be responsible for identifying the appropriate county agency or official to which suspected abuse and neglect should be reported.

2) Draft WLC 0044/P1 would exempt from the obligation to report: school board members, minors, and students who have not yet graduated from high school;

Comments: We applaud the exemption from reporting for school board members, minors, and students who have not yet graduated from high school; creating such an exemption will mean that a high school student hired, for example, to help paint a school gymnasium and who is not in direct contact with students other than perhaps co-workers will not be subject to training at school expense. Similarly, creating such an exemption will mean that a high school student hired as a lifeguard at a school swimming pool or as a playground supervisor will not have to make a determination that may have broader ramifications or implications than he or she may comprehend.

3) Draft WLC 0037/P1 would create section 118.19 (15), Stats., that would requires the completion of a mandated reporter training course as a condition of an initial teaching license, a school district administrator's license, or a school administrator's license.

Comments: How does this requirement mesh with section 118.07(5), Stats., which currently provides that "Each school board shall require every employee of the school district governed by the school board to receive training provided by the department in identifying children who have been abused or neglected and in the laws and procedures under s. [48.981](#) governing the reporting of suspected or threatened child abuse and neglect. **A school district employee shall receive that training within the first 6 months after commencing employment with the school district and at least once every 5 years after that initial training.**" (Emphasis added.)

Questions:

(1) Must a school district retrain a new license holder within 6 months of hiring even if the license holder received such training as a condition of licensure?

(2) With respect to this particular requirement, does the training follow the employee or is it linked to a particular school district? (In other words, if an employee moves from one district to another, is that employee required to be trained within the first sixth months after commencing employment with the new school district even if he or she recently received training from the former school district?)

(3) It appears from our reading of the drafts that only school employees are subject to a statutory retraining requirement. This prompts a couple of additional questions:

(a) Why are only school employees subject to retraining requirements?

(b) Who is responsible for keeping track of the whether an employee has received retraining--the employee? The school district?

[For teachers, we suggest that this once-every-five-years retraining requirement be tied to teacher licensure. Currently, upon completion of an approved teacher training program, each initial educator receives a 5-year nonrenewable license. Then, upon completion of a professional development plan, an initial educator is eligible for a professional educator license—a 5-year renewable license granted for showing growth in two or more Wisconsin Educator Standards. That is the typical pattern. While the holder of a professional educator license may be eligible to receive a master educator license, which is a voluntary, 10-year renewable license available by documenting mastery of the Wisconsin Educator Standards, including evidence of improved student learning or by receiving what is known as “national board certification” (certification from The National Board for Professional Teaching Standards), which is relatively rare. It is our understanding that fewer than 800 Wisconsin teachers have received “national board certification.”]

(4) Draft WLC 0037/P1 would also require the Department of Children and Families (DCF) to approve training courses for mandated reporters and would direct the DCF to promulgate rules setting forth the criteria required for each such training course. It also authorizes the DCF to approve training courses provided by individuals, organizations or institutions of higher education.

Comments: We applaud allowing organizations, including vendors meeting the appropriate criteria, to provide approved training courses. A number of school districts report satisfaction with vendors they have used. Among other things, school districts report that when they have used vendors for other types of training (e.g., related to administration of medication, seclusion and physical restraint, sexual harassment, etc.), those vendors also maintain a record (i.e., they keep track) of those employees taking the courses. In addition, those vendors provide district with updates indicating when additional training is required. This relieves school districts of a potentially significant record-keeping burden.