

MODEL POLICY #44

PARENT NOTIFICATION OF SEXUAL MISCONDUCT REPORTS

Why adopt this policy?

2025 Wisconsin Act 57 creates a new parental reporting requirement for schools relating to incidents where students are the victims of certain sexual misconduct by a school staff member or volunteer.

Adopting this model policy helps Districts ensure clear, consistent compliance with the requirements established by Act 57. By proactively implementing a uniform framework aligned with state law, Districts can strengthen transparency with parents while reinforcing student safety and institutional accountability. The model policy also helps Districts demonstrate good-faith compliance and preparedness should questions arise.

Nothing in this policy should be interpreted to conflict with current mandatory reporting laws under Wisconsin Chapter 48. This policy does not replace any current policy or procedures on mandated reporting.

Policy

Act 57 requires that after the District or a school in the District receives a report that alleges certain acts of sexual misconduct by a school staff member, the school **must** notify the parent or guardian of each pupil alleged to be a victim, target, or recipient of the alleged conduct if one of the individuals designated as a reporter of such incidents determines that there is reasonable cause to suspect that the alleged conduct occurred.

The notification must be given to the parent or guardian by phone, including voicemail, and shall be provided either by 5:00 p.m. the same day the report is received, or if the report is received after the end of the school day, then by noon of the next calendar day.

Report Designees

Any licensed Principal or District Administrator, or the individual who has been designated by the Board to be the Title IX coordinator, as defined in 34 C.F.R. § 106.8(a), are hereby appointed as "Report Designees" under this Policy.

If any school staff member receives or becomes aware of an incident that should be submitted to a Report Designee, the staff member must forward all information in the possession of the staff member to any Report Designee as soon as practicable and no later than one school day after the governing body or staff member sees or becomes aware of the report.

Report Designee Evaluation Process

Upon receiving the report, a Report Designee shall first determine whether the report alleges any of the following:

1. Sexual misconduct by a District staff member or volunteer;
2. A conviction of a serious child sex offense by a District staff member or volunteer;
3. A sex offender has captured a representation of a minor pupil.

If none of the above situations are alleged in the report, the Report Designee shall follow the procedures described in the "Reports of Conduct Not Covered by this Policy" section.

If one or more of the above situations are alleged, the Report Designee shall, based on the facts alleged in the report and the totality of the facts and circumstances actually known to the Report Designee, determine whether there is reasonable cause to suspect that the alleged conduct occurred.

If the Report Designee determines that there is reasonable cause to suspect the alleged conduct occurred, the Report Designee shall notify the parent(s) of each pupil alleged to be the victim, target, or recipient of the alleged conduct by speaking to them in person or by telephone, within the timelines set forth in the "Parental Notification" section.

If the Report Designee determines that there is not reasonable cause to suspect the alleged conduct occurred, immediate parent or guardian notification under this policy is not required. However, it is the policy of this school that the report shall be reviewed further, and additional steps may be taken as appropriate, which may include further investigation and communication with the parent(s) of the affected pupils.

Parental Notification

If a Report Designee receives a report of conduct covered by this policy, and has reasonable cause to believe that the alleged conduct occurred based on the report, he or she must notify the parents of each pupil alleged to be a victim, target, or recipient of the alleged conduct.

If the report is received on a school day before the end of regularly scheduled instruction, a Report Designee must notify the parent(s) in-person or by phone by no later than 5:00 P.M. on that day.

If the report is received on a school day after the end of regularly scheduled instruction or on a day that is not a school day, then a Report Designee must notify the parent(s) in-person or by phone no later than 12:00 P.M. of the next calendar day.

If a Report Designee attempts to notify the parent via phone, but the parent(s) does not answer, a Report Designee may leave a voice message for purposes of satisfying this notification requirement.

In the notice to the parent(s), the District must provide sufficient detail of the report so the parent knows what the allegation made is, next steps the school plans on taking with regard to the report, and who the parent can contact for updates.

Annual Notice

The District shall, on an annual basis, provide parents, guardians, school staff, and volunteers with updated contact information for the Report Designee(s), and shall post such information in an online location accessible to

parents. As part of this annual notice, the District shall also inform parents and guardians of their rights to access records related to school employee discipline in accordance with Wis. Stat. § 19.31 *et seq.*

Reports of Conduct Not Covered by This Policy

If the Report Designee receives a report that does not allege sexual misconduct by a school staff member or volunteer, a conviction of a serious child sex offense by a school staff member or volunteer, or sex offender has captured a representation of a minor pupil, but does allege a situation or incident that could trigger the mandated reporting requirement under Wis. Ch. 48, then the Report Designee must follow the mandated reporter procedure described by statute.

If the Report Designee receives a report that does not allege conduct that triggers this policy, nor does the conduct trigger mandated reporting requirements, the Report Designee shall follow the school's internal investigation procedures for employee or volunteer misconduct.

Definitions

Captures a representation means to take a photograph, make a motion picture, videotape, recording, or other visual or audio representation, or records or stores any medium that represents a visual image.

Convicted of a serious child sex crime means a crime where:

1. A person who alleges to be a therapist intentionally has sexual contact with a person who at the time was a minor-patient or client during any ongoing therapist-patient or therapist-client relationship;
2. A person who has sexual contact or sexual intercourse with someone who was a minor at the time of the offense and who suffers from a mental illness or deficiency which renders that minor temporarily or permanently incapable of appraising the person's conduct, and the person knows of such condition;
3. A person who has sexual contact or sexual intercourse with a minor at the time of the offense who is under the influence of an intoxicant to a degree which renders that minor incapable of giving consent if that person has actual knowledge that the minor is incapable of giving consent and the person has the purpose to have sexual contact or sexual intercourse with the minor while the minor is incapable of giving consent.
4. Whoever knowingly engages in trafficking for the purposes of a commercial sexual act as defined in Wis. Stats. §§ 948.051 or 940.302(2)(a)1.b.;
5. Whoever has sexual contact or sexual intercourse that qualifies as first degree or second degree sexual assault as defined in Wis. Stat. § 948.02;
6. Whoever commits repeated acts of sexual assault of the same child as defined in Wis. Stat. § 948.025;
7. Whoever employs, uses, persuades, induces, entices, or coerces any child to engage in sexually explicit conduct for the purpose of recording or displaying in any way the conduct or who records or displays in any way a child engaged in sexually explicit conduct;
8. Whoever produces, performs in, profits from, promotes, imports into the state, reproduces, advertises, sells, distributes or possess with intent to sell or distribute, any recording of a child engaging in sexually explicit conduct may be penalized if the person knows the character and content of the sexually explicit conduct involving the child and if the person knows or reasonably should know that the child engaging in the sexually explicit conduct has not attained the age of 18 years;

9. Whoever commits incest with a child as defined in Wis. Stat. § 948.06;
10. Whoever causes or attempts to cause any minor child to go into any vehicle, building, room, or secluded place with the intent to:
 - a. have sexual contact or sexual intercourse with the child,
 - b. cause the child to engage in prostitution,
 - c. expose genitals, pubic area, or intimate parts to the child or have the child expose his or her genitals, pubic area, or intimate parts;
 - d. record the child engaging in sexually explicit conduct.
11. Whomever uses a computerized communication system to communicate with an individual who the actor believes or has reason to believe has not attained the age of 16 years with intent to have sexual contact or sexual intercourse with the individual that results in a first or second degree sexual assault;
12. Whoever commits sexual assault of a child placed in substitute care as defined by Wis. Stat. § 948.085.

Administrator, for purposes of this policy, means the superintendent, principal, district or school administrator.

Reasonable cause means that a prudent person would, given the totality of the facts and circumstances actually known to that person, suspect that the alleged conduct occurred.

School staff member means any person who provides services to a school or Board, including an employee of a school or Board, and a person who provides services to a school or Board under a contract. "School staff member" includes a bus driver.

Sex offender means a person who is required to register under Wis. Stat. § 301.45.

Sexual misconduct includes physical contact of a sexual nature and verbal conduct of a sexual nature.

- A. **Verbal conduct of a sexual nature** means communications made intentionally to sexually degrade or sexually humiliate the pupil or actor, or sexually arouse or sexually gratify the pupil or actor.
- B. **Physical contact of a sexual nature** means any intentional touching, whether over or under clothing, involving a pupil and another person meant to arouse, gratify, degrade, and or humiliate the actor and or the pupil. This intentional touching could be done by the actor, the pupil, or at someone else's direction using any body part or object.

Title IX coordinator means the person the Board designated to coordinate its efforts to comply with its responsibilities under Title IX, as defined in 34 C.F.R. § 106.8(a).

Volunteer means a person, other than a school staff member, who provides services to a District without compensation.



Legal Analysis — Wisconsin

2025 Wisconsin Act 57 was published December 10, 2025. This act requires all schools in the state of Wisconsin to notify parents of reports of certain sexual misconduct. Notification to parents must be made in accordance with Wis. Stat. § 118.07(6)(a)2. The types of allegations that trigger such a notice are defined in Wis. Stat. §

118.07(6)(a)1. Who can receive reports is described in Wis. Stat. § 118.07(6)(a)3. Annual notice on access to records regarding school employee discipline is required under Wis. Stat. § 118.07(6)(b).

Administrator is defined in Wis. Stat. § 118.60(1)(ad). Title IX coordinator is defined in 34 C.F.R. § 106.8(a). Sexual misconduct is defined by Wis. Stat. § 948.098(1)(d). Verbal conduct of a sexual nature is defined by Wis. Stat. § 948.098(1)(e). School staff member is defined in Wis. Stat. § 948.098(1)(c). Volunteer is defined in Wis. Stat. § 948.098(1)(f). Physical contact of a sexual nature is defined in Wis. Stat. § 948.098(1)(a).

“Reasonable cause” is not defined in 2025 Wis. Act 57, but the same phrase is used throughout Wis. Ch. 48, children’s code. Courts have defined “reasonable cause” in ch. 48 actions in several cases. *State v. Hurd*, 135 Wis. 2d 266, 272–73, 400 N.W.2d 42 (Ct. App. 1986); *State v. Nelson*, 2006 WI App 124 ¶ 39.

When a school district conducts an investigation, it cannot force an employee to give up the Fifth Amendment right against self-incrimination by threatening termination. *Garrity v. State of N.J.*, 385 U.S. 493, 87 S. Ct. 616, 17 L. Ed. 2d 562 (1967). As such, school district employees or volunteers may assert their Fifth Amendment rights in response to specific questions that present a genuine risk of self-incrimination. *Atwell v. Lisle Park Dist.*, 286 F.3d 987 (7th Cir. 2002).



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