

PROPOSED LEGISLATION

Summary: Wisconsin Students' Bill of Rights

This proposed legislation creates Chapter 120A of the Wisconsin Statutes to protect public school students from sexual grooming, harassment, and abuse by school employees, and to eliminate institutional cultures of deliberate indifference that have enabled abuse to go unaddressed.

The bill establishes eight enumerated student rights, including the right to a safe learning environment, prompt investigation of misconduct reports, protection from retaliation, and removal from contact with accused employees. It imposes mandatory obligations on school boards, including initiating formal investigations within five business days of any misconduct report, reporting accused employees to licensing authorities, and maintaining confidential student reporting systems. Annual training for all school employees on recognizing grooming behavior is required.

The bill also prohibits school employees from engaging in romantic or sexual relationships with former students until the former student reaches age 24, regardless of consent, with violations triggering mandatory termination and license revocation proceedings.

Enforcement mechanisms include a private right of action for harmed students, Department of Public Instruction oversight, potential loss of state funding for non-compliant districts, and mandatory annual public reporting of misconduct statistics.

WISCONSIN STUDENT BILL OF RIGHTS

STATE OF WISCONSIN

LEGISLATURE 2025-2026 REGULAR SESSION

ASSEMBLY BILL ____

AN ACT to create Chapter 120A of the Wisconsin Statutes, relating to the rights of students in public school districts to protection from sexual grooming, abuse, and harassment by school employees; mandating investigation, reporting, and accountability obligations; and establishing a Students' Bill of Rights.

FINDINGS AND DECLARATION OF PURPOSE

The Legislature finds that:

1. Students in Wisconsin public schools have a fundamental right to learn in an environment free from sexual grooming, harassment, and abuse by teachers, coaches, and school staff.
2. The safety of students depends not only on the individual conduct of school employees, but on the institutional policies, customs, and practices that school boards establish, tolerate, or neglect.
3. Evidence in Wisconsin school districts has revealed that unwritten customs and practices of deliberate indifference — including failure to investigate reports of misconduct, failure to discipline offending employees, failure to report accused staff to licensing authorities, and failure to warn other districts — have enabled serial abusers to remain in contact with students for years and even decades, resulting in devastating, preventable harm to children.
4. These failures are compounded when boards of education possess the authority and capability to act swiftly — as demonstrated when action is finally taken — but choose not to exercise that authority in response to reports of teacher-student sexual misconduct.
5. Mandated reporter obligations under Wis. Stat. § 48.981 are undermined when a culture of institutional silence renders individual reporting duties meaningless in practice.
6. The Legislature therefore enacts this Students' Bill of Rights to codify the obligations of school boards, administrators, and staff to protect students, to establish enforceable rights for students and their families, and to eliminate the unwritten customs of deliberate indifference that have caused irreparable harm to Wisconsin's children.

CHAPTER 120A — STUDENTS' BILL OF RIGHTS

SUBCHAPTER I — DEFINITIONS

120A.01 Definitions. In this chapter:

- (1) "Board" means a board of education of a public school district operating in this state.

(2) "Grooming" means a pattern of conduct by a school employee directed at a student that is designed to develop the student's trust, emotional dependence, or affection for the purpose of facilitating sexual contact or abuse, including but not limited to: isolating a student from peers or family; engaging a student in personal or sexual conversations; providing a student with special privileges, gifts, or opportunities; maintaining unsanctioned private communications with a student; or engaging in inappropriate physical contact.

(3) "Report of misconduct" means any oral or written communication to a school official, administrator, athletic director, school resource officer, guidance counselor, teacher, or other school employee that a school employee may be engaging in grooming, sexual misconduct, or sexual abuse of a student.

(4) "School employee" means any person employed or contracted by a board in any capacity, including teachers, coaches, substitute teachers, paraprofessionals, athletic trainers, administrative staff, custodial staff, and school resource officers.

(5) "Licensing authority" means the Wisconsin Department of Public Instruction or any other state licensing or certification authority with jurisdiction over a school employee's professional licensure.

SUBCHAPTER II — STUDENTS' ENUMERATED RIGHTS

120A.10 Rights of Students.

Every student enrolled in a Wisconsin public school district has the following rights:

(1) Right to a Safe Learning Environment. Every student has the right to attend school in an environment free from sexual grooming, harassment, and abuse by school employees.

(2) Right to Prompt Investigation. Every student who makes a report of misconduct, or on whose behalf such a report is made, has the right to a prompt, formal, and documented investigation of that report. No board may respond to a report of misconduct with an informal conversation, unrecorded warning, or other response that does not constitute a formal investigation. A formal investigation shall be initiated within five (5) business days of any report of misconduct.

(3) Right to Be Heard. Every student who is a subject of alleged misconduct has the right to be formally interviewed by school officials with decision-making authority as part of any investigation. No investigation is complete without a formal interview of the affected student.

(4) Right to Supportive Measures. Every student who reports misconduct, or on whose behalf a report is made, has the right to receive information about available counseling services, emotional support resources, and protective measures, regardless of the outcome of any investigation.

(5) Right to Protection from Retaliation. No student shall be subject to retaliation, harassment, blaming, or adverse treatment by school officials, staff, or peers facilitated by school inaction as a result of having reported, or being associated with the reporting of, teacher misconduct.

(6) Right to Protection Against Repeat Exposure. No student shall be required to continue participating in classes, activities, or programs supervised by a school employee who is the subject of an unresolved report of misconduct, pending investigation, or confirmed finding of misconduct.

(7) Right to Institutional Accountability. Every student has the right to expect that a school board will exercise its authority to act promptly upon credible reports of teacher-student sexual misconduct, including removing accused employees from student contact, reporting accused employees to licensing authorities, and preventing accused employees from obtaining positions at other school districts.

(8) Right to a Safe Reporting Mechanism. Every student has the right to access a confidential, anonymous, and accessible system for reporting suspected grooming or misconduct by school employees, without fear of identification or retaliation.

SUBCHAPTER III — MANDATORY OBLIGATIONS OF BOARDS AND SCHOOL OFFICIALS

120A.20 Mandatory Investigation Requirements.

(1) Upon receipt of any report of misconduct, a board shall initiate a formal written investigation within five (5) business days.

(2) Every formal investigation shall include: a written record of all reports received; a formal interview of the affected student or students; a formal interview of the accused employee; a review of relevant communications, records, and observations; a written findings report; and a documented determination of disposition.

(3) No investigation shall be closed, suspended, or considered concluded solely on the basis that the accused employee has resigned, transferred, or otherwise separated from the district.

120A.21 Mandatory Reporting to Licensing Authorities.

(1) Within ten (10) business days of initiating a formal investigation of a school employee for suspected grooming, sexual misconduct, or sexual abuse of a student, the board shall notify the licensing authority of the pendency of that investigation.

(2) Upon any finding that a school employee engaged in grooming, sexual misconduct, or sexual abuse of a student, the board shall, within five (5) business days, file a formal report with the licensing authority sufficient to support suspension or revocation of the employee's license.

(3) No board may permit a school employee who is the subject of a substantiated finding of misconduct to obtain a position with another school district without disclosing the finding to that district and to the licensing authority.

120A.22 Prohibition on Return to Student Contact.

(1) No school employee who has been the subject of a substantiated finding of grooming, sexual misconduct, or sexual abuse of a student may be employed by, contracted with, or permitted to have unsupervised access to students in any Wisconsin public school district.

(2) No school employee who has been the subject of an unresolved report of misconduct may supervise, coach, teach, or otherwise have unsupervised access to students until the investigation is concluded and a disposition reached.

120A.23 Mandatory Reporter Accountability.

(1) In addition to obligations imposed under Wis. Stat. § 48.981, every school employee who observes, receives information about, or has reasonable suspicion of grooming or sexual misconduct by another school employee involving a student shall report that suspicion to a school administrator or law enforcement within 24 hours.

(2) The failure of one school employee or mandated reporter to make a required report shall not excuse or diminish the independent obligation of any other school employee with knowledge or reasonable suspicion to report.

(3) A school employee who fails to make a required report under this section shall be subject to professional discipline, including but not limited to license suspension or revocation, in addition to any other penalties under Wis. Stat. § 48.981.

120A.24 Training Requirements.

(1) Every school district shall provide annual training to all school employees on: recognizing the behavioral indicators of grooming; mandatory reporting obligations; the district's formal reporting procedures; the prohibition on retaliation against students who report; and the consequences for failure to report.

(2) Training shall be provided to new employees within thirty (30) days of hire.

(3) Training records shall be maintained and made available to parents and guardians upon request.

120A.25 Confidential Reporting System.

Every school district shall establish and maintain a confidential and anonymous reporting system through which students, parents, and community members may report suspected grooming or misconduct by school employees. The system shall be accessible electronically and by telephone, shall not require the reporter to identify themselves, and shall route reports directly to a school official with independent decision-making authority who is not in the direct supervisory chain of the accused employee.

Here is the new section to insert into the legislation, which would fit naturally within **Subchapter III** (Mandatory Obligations of Boards and School Officials) as **Section 120A.26**:

120A.26 Prohibition on Romantic or Sexual Relationships Between School Employees and Former Students.

(1) **Purpose.** The Legislature finds that the power imbalance, emotional influence, and grooming dynamics that can develop between school employees and students do not automatically dissolve upon a student's graduation or departure from a school district. Prohibiting romantic or sexual relationships between school employees and their former students during a defined protective period after graduation is necessary to guard against the long-term exploitation of relationships formed during a student's enrollment.

(2) Prohibition. No school employee shall initiate, pursue, or engage in a romantic or sexual relationship with any person who:

(a) Was a student enrolled in the same school district in which the school employee is or was employed; and

(b) Has not yet reached the age of twenty-four (24) years.

(3) Applicability. This prohibition applies regardless of whether the former student is currently enrolled in the district, has graduated, has transferred, or has otherwise separated from the district. The prohibition applies to all school employees as defined in Section 120A.01(4), including employees who have themselves separated from the district after the relationship or contact originated.

(4) Enforcement and Discipline. A school employee who violates this section shall be subject to:

(a) Immediate termination of employment;

(b) Mandatory reporting by the board to the licensing authority within five (5) business days of the board's knowledge of the violation; and

(c) Formal proceedings before the licensing authority for suspension or revocation of the employee's professional license.

(5) Reporting Obligation. Any school employee, administrator, or board member who has knowledge of a violation of this section shall report that knowledge to the board and to the licensing authority within five (5) business days. Failure to report shall constitute an independent violation subject to professional discipline.

(6) No Consent Defense. The consent of the former student shall not be a defense to disciplinary, licensing, or administrative action under this section.

(7) Construction. Nothing in this section shall be construed to limit or supersede any applicable criminal statute governing sexual conduct with minors, including but not limited to Wis. Stat. § 948.09 and § 948.095.

120A.27 Statewide Educator Misconduct Registry and Licensing Authority Flagging System.

(1) Purpose. The Legislature finds that the transfer of school employees with histories of misconduct investigations between Wisconsin school districts — and from out-of-state districts into Wisconsin — represents a critical and preventable threat to student safety. A centralized, publicly accessible statewide registry and licensing flag system is necessary to ensure that no school district unknowingly employs a person with a prior record of grooming, sexual misconduct, or sexual abuse of a student.

(2) Establishment of Registry. The licensing authority shall establish and maintain a Statewide Educator Misconduct Registry ("Registry") containing the following information for every school employee who has been the subject of a formal misconduct investigation under this chapter or any predecessor policy:

- (a) The employee's full legal name, license number, and license status;
- (b) The name of the school district in which the investigation arose;
- (c) The date the investigation was initiated;
- (d) The nature and general description of the alleged misconduct;
- (e) The disposition of the investigation, including whether the allegations were substantiated, unsubstantiated, or unresolved;
- (f) Any disciplinary action taken, including termination, suspension, resignation, or license sanction; and
- (g) Whether the employee subsequently obtained employment at another school district, and if so, the name of that district.

(3) Licensing Flag Requirement. Upon receipt of a report of misconduct investigation from any school district under § 120A.21, the licensing authority shall immediately place a visible flag on the accused employee's license record in the statewide licensing database. The flag shall:

- (a) Indicate that the employee is or has been the subject of a formal misconduct investigation;
- (b) Remain on the license record until the investigation is fully resolved and a final disposition is entered; and
- (c) Upon a substantiated finding, be converted to a permanent notation on the employee's license record that cannot be removed, expunged, or sealed.

(4) Pre-Hire Inquiry Requirement. Before extending an offer of employment to any school employee, every school district shall:

- (a) Query the Registry to determine whether the prospective employee's license record contains any flag or notation; and
- (b) Document in writing that the query was conducted, the result of the query, and any action taken in response.

Failure to conduct a required pre-hire Registry query shall constitute a violation of this chapter and subject the district to sanctions under § 120A.31.

(5) Public Accessibility. The Registry shall be publicly accessible through the Department of Public Instruction's website. At minimum, the following information shall be available to the public for any employee with a substantiated finding or permanent notation: the employee's name, license number, license status, the district where the misconduct occurred, and the general nature and disposition of the finding. Unresolved or unsubstantiated investigations shall be accessible to school districts conducting pre-hire queries but shall not be publicly disclosed to protect the integrity of pending investigations and the rights of accused employees.

(6) Out-of-State and Interstate Reporting.

(a) The licensing authority shall participate in any applicable interstate educator misconduct reporting compact or database, including the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse, and shall submit all substantiated findings and license sanctions to that system within ten (10) business days of final disposition.

(b) Before issuing a Wisconsin teaching license or endorsement to any applicant previously licensed in another state, the licensing authority shall query the NASDTEC Clearinghouse and any other available interstate database for prior misconduct findings. A prior substantiated finding from another state shall be treated as equivalent to a substantiated finding under this chapter for purposes of licensure eligibility.

(7) Mandatory District Reporting to Registry. Every school district shall report the following to the licensing authority for entry into the Registry within five (5) business days of the triggering event:

(a) The initiation of any formal misconduct investigation;

(b) The resignation or separation of any employee who is the subject of an open or unresolved investigation at the time of separation;

(c) The final disposition of any investigation; and

(d) Any disciplinary action taken against a school employee related to student misconduct.

Resignation or separation of an accused employee shall not relieve the district of its reporting obligations under this subsection.

(8) Retention of Records. Registry records and licensing flags shall be retained permanently and shall not be subject to routine record destruction schedules. Substantiated findings shall never be expunged from the Registry.

(9) Annual Statewide Report. The Department of Public Instruction shall publish an annual statewide report compiling aggregate data from the Registry, including: the total number of misconduct investigations initiated statewide; the number of substantiated findings; the number of licenses suspended or revoked; the number of employees who transferred districts while under investigation; and the number of pre-hire Registry queries conducted by school districts. This report shall be made publicly available on the Department's website.

SUBCHAPTER IV — ENFORCEMENT AND REMEDIES

120A.30 Private Right of Action.

(1) Any student who is harmed as a result of a board's violation of any provision of this chapter shall have a private right of action against the board for compensatory damages, injunctive relief, and attorney's fees.

(2) In any action under this section, a board's pattern of failing to act on prior reports of misconduct, failure to report to licensing authorities, or failure to prevent the reemployment of an accused employee shall constitute evidence of deliberate indifference.

(3) Nothing in this chapter limits or supersedes any remedy available under federal law, including Title IX of the Education Amendments of 1972 or 42 U.S.C. § 1983.

120A.31 Department of Public Instruction Enforcement.

(1) The Department of Public Instruction shall enforce the provisions of this chapter and may investigate complaints filed by students, parents, or community members alleging violations.

(2) A board found to have violated any provision of this chapter shall be subject to remediation requirements, loss of state funding, or such other sanctions as the Department deems appropriate.

120A.32 Annual Reporting.

Each school district shall file an annual report with the Department of Public Instruction disclosing: the number of reports of misconduct received; the number of formal investigations initiated; the number of reports made to licensing authorities; and the number of employees disciplined or removed for misconduct involving students. These reports shall be made publicly available.

SUBCHAPTER V — CONSTRUCTION

120A.40 Liberal Construction. This chapter shall be liberally construed to effectuate its remedial purpose of protecting students from sexual grooming and abuse by school employees and eliminating institutional cultures of deliberate indifference in Wisconsin public school districts.

120A.41 No Limitation on Existing Law. Nothing in this chapter shall be construed to diminish, limit, or supersede any obligation imposed under Wis. Stat. § 48.981, Title IX of the Education Amendments of 1972, 42 U.S.C. § 1983, or any other applicable federal or state law.

This Act takes effect on July 1, 2026.