



School Law FYI

New Law Requires Notice to Parents Upon Report of Sexual Misconduct By School Staff Members

RICK VERSTEGEN, DOUGLAS E. WITTE, BRIAN P. GOODMAN, HEATHER CURNUTT |
12.12.25

On December 9, 2025, Governor Evers signed Assembly Bill 74, now 2025 Wisconsin Act 57 (Act 57). This Act became effective on December 11, 2025. The Act creates a new subsection under Wis. Stat. s. 118.07, which already sets forth certain health and safety requirements for schools. Under the new subsection (Wis. Stat. s. 118.07(6)), each school board, governing body of a private school, and operator of a charter school (collectively “school”) must notify the parent or guardian of a pupil in certain instances when the school receives a report of sexual misconduct by a school staff member against a pupil.

School officials need to be aware of this requirement and consider how it will be incorporated into school responses to alleged sexual misconduct by staff members against pupils.

General Notice Requirement

Wisconsin Statute Section 118.07(6) requires each school, after receiving a report that alleges certain sexual misconduct by a school staff member, to notify the parent or guardian of each pupil alleged to be a victim, target, or recipient of the alleged sexual misconduct. This notification to the parent or guardian is required only if certain school employees determine that there is reasonable cause to suspect that the alleged conduct occurred.

WHEN IS A REPORT RECEIVED?

A report is considered received by a school board or operator of a charter school when it is received by certain individuals employed by the school. Such individual employees include the individual designated by the school as the Title IX Coordinator. They also include individuals who are required to hold a license issued by the Department of Public Instruction (DPI) under Wis. Admin. Code s. PI 34.066 (Principal or Assistant Principal) or PI 34.067 (District Administrator).

In instances where a report is received by another school employee (like a teacher), the notice requirement is not necessarily triggered. However, if a teacher knows of such alleged sexual misconduct, the teacher will typically need to report such alleged sexual misconduct under Title IX or Board policy to the Title IX Coordinator. As a result, once the Title IX Coordinator receives such a report from the teacher, the notice under Wis. Stat. s. 118.07(6) may be triggered.

In addition, the Title IX Coordinator may need to follow any Title IX requirements, including potentially notifying the pupil and parent or guardian of supportive measures and the ability to file a formal complaint. The Title IX Coordinator, school administrators, and other school employees will also need to be aware of any requirements to report any suspected child abuse under Wis. Stat. s. 48.981. In certain instances, such conduct may also need to be reported to DPI as immoral conduct under Wis. Stat. s. 115.31 if the conduct leads to certain criminal charges or convictions, or if the conduct leads to the employee's termination, non-renewal, or resignation.

A report is considered received by a *private school* when it is received by certain individuals employed by the school. Such individual employees include the individual designated by the school as the Title IX Coordinator. They also include individuals who are employed by the private school as an assistant principal, a principal, or an administrator, as defined in Wis. Stat. s. 118.60(1)(ad).

WHAT ALLEGED CONDUCT REQUIRES NOTICE?

The individuals discussed above who receive a report must provide notice if they determine that there is reasonable cause to suspect that certain alleged conduct occurred. The alleged conduct may include any of the following:

- Sexual misconduct, as defined under Wis. Stat. s. 948.098(1)(d), by a school staff member, as defined under Wis. Stat. s. 948.098(1)(c).
 - Wis. Stat. s. 948.098 was enacted in 2024 and states that any school staff member or volunteer who commits an act of sexual misconduct against a pupil enrolled in the school is guilty of a Class I felony.

- Sexual misconduct under this statute includes “verbal conduct of a sexual nature” and “physical conduct of a sexual nature.” These terms are further defined under Wis. Stat. s. 948.098(1)(a) and (e).
 - Sexual misconduct includes conduct directed by a person at another person of the same or opposite gender.
 - School staff member includes any person who provides services to a school, including an employee and a person who provides services to a school under a contract. School staff members include bus drivers.
- That an individual who has been convicted of a serious child sex offense (as defined under Wis. Stat. s. 948.13) has engaged in an occupation or participated in a volunteer position that requires the individual to work or interact primarily and directly with children in a manner that would be a felony under Wis. Stat. s. 948.13.
 - That a sex offender, as defined in Wis. Stat. 948.14(1)(d), has intentionally captured a representation of a minor pupil without the written consent of the minor pupil’s parent or guardian.

Sexual misconduct by a school staff member under number 1 above is fairly broad, so the definition may be met in various instances. Again, such sexual misconduct may also trigger other requirements for school districts, including certain requirements under Title IX. Furthermore, because the obligation to notify parents is not limited to conduct that occurs on school grounds or during school activities, school staff should be aware of the need to report sexual misconduct, as defined above, even when there is no clear nexus to the school.

Notice under Act 57 is not required if the report received by the school alleges conduct by the pupil’s parent or guardian. However, mandatory reporting requirements under Wis. Stat. s. 48.981 may apply.

HOW AND WHEN MUST NOTICE BE PROVIDED?

Notice under this section must be provided to the parent or guardian in-person or by phone, including voice mail. As a result, the statute likely requires that school officials provide verbal notice to parents or guardians, rather than written or email notice. However, school officials should consider providing written or email notice, in addition to verbal notice, to document that proper notice was given.

Depending on when the report is received, such notice must be provided either the same day or the next school day. If the report is received on a school day before the

end of regularly scheduled instruction, the notice must be provided by 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, the notice must be provided by noon of the next calendar day.

The statute seems to require notice, even in instances where the pupil victim may be eighteen or older. The statute does not define pupil to only include minor pupils. As a result, school officials likely need to provide notice to parents or guardians even when the pupil is an adult.

Additionally, Act 57 does not have a time limit, so school staff members might get reports of potential sexual misconduct as defined by Act 57 that occurred against pupil victims, targets, or recipients in the past. Even though some student victims, targets, or recipients might now be adults, notice to parents or guardians is seemingly still required.

Interestingly, the law does not specify any penalty for a school that fails to provide such notice to the parent or guardian. Even without a specific penalty, school officials should still continue to ensure that such notice is provided in a timely manner.

Annual Notice Regarding Access to Records About School Employee Discipline

This new law also requires school boards to provide certain information to parents and guardians regarding records. Specifically, under Wis. Stat. s. 118.07(6)(b), it states that each school board shall annually provide parents and guardians with information regarding rights to access records regarding school employee discipline under sub ch. II of ch. 19 (the Wisconsin Public Records Law).

This law does not specify *how* school boards must provide information to parents or guardians on this issue. If school boards provide other annual notices to parents or guardians, such information regarding rights to access records about school employee discipline can also likely be provided to parents in the same manner.

It is important to note that, when and if a parent or guardian seeks access to records regarding school employee discipline, such a request for records does not necessarily guarantee access to such records. Any request should be reviewed carefully under the circumstances to determine whether disclosure is required, including under the balancing test under the Public Records Law. If disclosure is required, then the district must also consider whether notice is required to the employee under Wis. Stat. s. 19.356 before the district can provide access to the records.

Conclusion

This new law places additional requirements on school officials when addressing allegations of sexual misconduct by school staff members. DPI has also stated that it may issue additional guidance on this new law. Our School Law Practice Group can help schools with these issues and will continue to provide updates on these important matters.

DISCLAIMER: Boardman & Clark LLP provides this material as information about legal issues and not to give legal advice. In addition, this material may quickly become outdated. Anyone referencing this material must update the information presented to ensure accuracy. The use of the materials does not establish an attorney-client relationship, and Boardman & Clark LLP recommends the use of legal counsel on specific matters.

Primary Authors



Rick Verstegen
(608) 286-7233



Douglas E. Witte
(608) 283-7529



Brian P. Goodman
(608) 283-1722



Heather Curnutt
(608) 286 7237

School Law Practice Group Members

Rick Verstegen
(608) 286-7233

William L. Fahey
(608) 286-7234

Christopher T. Schmidt
(608) 286-7157

Michael C. Wieber
(608) 283-1797

Douglas E. Witte
(608) 283-7529

David P. Weller
(608) 286-7235

Daniel T. Fahey
(608) 286-7216

Jennifer C. Johnson
(608) 286-7151

Brian P. Goodman
(608) 283-1722

Rhonda R. Hazen
(608) 283-1724

Eric B. Hagen
(608) 286-7225

Heather Curnutt
(608) 286 7237

Matthew W. Bell
(608) 286-7239