



Act 57 Model Policy for Private Schools

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.

Adopting this model policy helps private schools ensure clear, consistent compliance with the requirements established by Act 57. By proactively implementing a uniform framework aligned with state law, schools can strengthen transparency with parents while reinforcing student safety and institutional accountability. The model policy also helps schools 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 a private school 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.

Report Designees

Each individual employed as an assistant principal, a principal, or the primary administrator of the school, and any individual who has been designated as a Title IX coordinator, are hereby appointed as “Report Designees” under this Policy.

If any school staff member receives a report of, or otherwise becomes aware of, an incident that should be submitted to a Report Designee, the staff member shall forward all information in the possession of the staff member to any Report Designee as soon as practicable, and in no event later than one school day after the staff member receives 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 school staff member or volunteer;
2. A conviction of a serious child sex offense by a school 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 below.

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 parent(s) 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), schools 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

Each year, parents and school staff will be given updated contact information for any of the Report Designees. This information must also be posted in an online location accessible to parents.

[If the board adopts a uniform report document to be used, then that document must also be included in the annual notice and posted in an online location accessible to parents.]

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 having been convicted of any of the following offenses:

1. Sexual contact by a person who holds themselves out as a therapist with a minor patient or client during any ongoing therapist-patient or therapist-client relationship;
2. Sexual contact or sexual intercourse with a minor who, at the time of the offense, suffered from a mental illness or deficiency which rendered that minor temporarily or permanently incapable of appraising the conduct, where the person knew of the condition;

3. Sexual contact or sexual intercourse with a minor who, at the time of the offense, was under the influence of an intoxicant to a degree that rendered the minor incapable of giving consent, where the person had actual knowledge of the minor's incapacity and acted with the purpose to engage in such conduct.
4. Knowingly engaging in trafficking for the purpose of a commercial sexual act, as defined in Wis. Stats. §§ 948.051 or 940.302(2)(a)1.b.;
5. Sexual contact or sexual intercourse constituting first-degree or second-degree sexual assault of a child as defined in Wis. Stat. § 948.02;
6. Repeated acts of sexual assault of the same child, as defined in Wis. Stat. § 948.025;
7. Employing, using, persuading, inducing, enticing, or coercing a child to engage in sexually explicit conduct for the purpose of recording or displaying the conduct, or recording or displaying a child engaged in sexually explicit conduct;
8. Producing, performing in, profiting from, promoting, importing into the state, reproducing, advertising, selling, distributing or possessing with intent to sell or distribute any recording of a child engaged in sexually explicit conduct, where 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;
9. Incest with a child, as defined in Wis. Stat. § 948.06;
10. Causing or attempting to cause a 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 such parts;
 - d. record the child engaging in sexually explicit conduct.
11. Using 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, with intent to have sexual contact or sexual intercourse, resulting in a first-degree or second-degree sexual assault;
12. 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, supervising principal, executive director, or other person who acts as the administrative head of a private school participating in a Wisconsin parental choice program.

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 a governing body, including an employee of a school or a governing board and a person who provides services to a school or a governing 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 school designated to coordinate its efforts to comply with its responsibilities under Title IX.

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

Legal Analysis

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.

Who receives reports is defined in Wis. Stat. § 118.07(6). “Administrator” is defined in Wis. Stat. § 118.60(1)(ad). Title IX coordinator is defined in 34 C.F.R. 206.8(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. 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).