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New Wisconsin Laws Target Grooming in Schools: What School Districts Need to Know

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Posted By: Ryan P. Heiden & Mark S. Kapocius & Payton L. Rahn

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Grooming is destructive. Grooming involves boundary-crossing conduct and private communications intended to build a child's trust before terribly abusive conduct against the child occurs. Grooming has come into focus as a significant student safety issue with high community interest and now legal prohibitions. On March 6, 2026, Governor Tony Evers signed into law two new bills aimed at strengthening student safety. The Bills define and criminalize grooming of children by individuals in a position of trust (which includes all school employees, elected officials, and volunteers) and require schools to adopt policies and annual training addressing appropriate communications between students and school employees and volunteers.

These two laws follow the passage of 2025 Wisconsin Act 57, which expanded parental notification requirements when school administrators have reason to believe a staff member or volunteer engaged in sexual misconduct with a student. Together, these legislative changes more clearly define, identify, and reduce risk of grooming behaviors in school settings by improving the early detection and reporting of conduct that places students at risk.

This *Legal Update* addresses what school districts need to know to understand and comply with these new legal requirements.

What is Grooming? – 2025 Wisconsin Act 88

The first of the two new laws define "grooming" as when a person in a position of trust or authority over a child engages in conduct, behavior, or a series of acts with an intent to "condition, seduce, solicit, lure, or entice a child for the purpose of engaging in sexual intercourse or sexual contact, or for the purpose of producing, distributing, or possessing depictions of the child engaged in sexually explicit conduct." *See* Wis. Stat. § 948.072. Grooming a child is a Class G Felony, and notably for schools, this penalty increases to a Class F felony if the person is in a position of trust or authority, to a Class E felony if the child has a disability, and to a Class D felony if the violation involves two or more children.

The new statutory definition of "position of trust or authority over a child" encompasses anyone who works or volunteers at a school. The statute does not define "child," but a common understanding of the term suggests the new statute applies to students under 18 years of age. Given the statute is criminal in nature, it is also constitutionally required to be forward-looking in terms of penalizing grooming behavior that falls under the statute.

The intent behind the statute is to provide greater clarity with regard to what constitutes "grooming" behavior, as the concept of grooming was undefined by Wisconsin law. Greater clarity was also needed, because grooming can be difficult to identify, particularly in schools where the appearance of close relationships between students and staff are common, making it hard to distinguish between innocent and calculated harmful behaviors toward a child. While the statute still requires schools to make judgment calls on difficult matters, it serves as a first step in better defining the behaviors schools must pay attention to.

To that end, the new statute provides a non-exclusive list of grooming behaviors and the grounds for criminal charges against the alleged perpetrator:

- Verbal comments, suggestions or conversations of a sexual nature;
- Attempted or actual inappropriate physical contact;
- Written, electronic, or digital communications intending to to seduce, solicit, lure, or entice a child (such as via text messages, emails, social media, or another online platform);
- Provision or promise of gifts, favors, privileges or attention, made with the intent to lower a child's inhibitions, gain trust, or create emotional dependence; and
- Acts intending to isolate or separate a child from their family, friends, or other trusted figures.

The crime of grooming a child is now formally listed as "abuse" under the Children's Code in Chapter 48 of the state statutes and now triggers mandatory reporting obligations under that same Chapter.

A person charged with grooming cannot claim victim consent as a defense, and the statute of limitations ends when the victim reaches the age of 45.

What Schools Need to Know:

- Grooming is on the forefront of the public's and the Legislature's respective minds.
- To avoid legal and public relations issues, schools must take these new legal obligations seriously and demonstrate as much to the public. Regular training and robust policies are the minimum.
- Act 88 applies to anyone in a position of trust, which includes elected officials, school employees and volunteers.
- Policies and training must reflect this broad class of individuals covered by the new law. Policies should also be updated to reflect the new statutory definition of grooming.
- Act 88 applies to children only, suggesting grooming of an 18-year old student would not, in and of itself, be grooming under the new law. But it is important to note such behavior directed toward an 18-year old student may still constitute sexual misconduct, which is a crime under Wis. Stat. § 948.098 and applicable to pupils, rather than just children. Such behavior directed toward an 18-year old student may implicate other criminal statute and municipal ordinance violations.
- Act 88 modifies the reporting obligations of sexual misconduct under Wis. Stat. § 948.098 (Act 57) by clarifying that victims include *any* pupil enrolled in *any* school in Wisconsin. In other words, school administrators must report knowledge of sexual misconduct by a staff member or volunteer *even if the alleged victim does not attend their school*. Act 57 policies should be updated to reflect this clarification. If the sexual misconduct triggers mandatory reporting obligations, schools must follow applicable protocols under Wisconsin's mandatory reporting laws, too.

• Schools should also consider implementing additional measures, such as educating parents and students on risk signs and red flags, implementing systems designed to minimize opportunities for sexual predators (like the "buddy system" for restrooms and locker rooms or implementing "SafeSport").

• Initial prevention is the key. Schools must ensure they are conducting thorough and appropriate background checks on anyone who has contact with students in a position of trust. Additionally, those background checks must be routinely renewed to address new convictions that may pose safety risks or liability.

• District officials, staff, volunteers, students, and parents must be educated that "grooming" behaviors violative of the new law are not limited to those listed in the statute: if a school staff member, official, or volunteer becomes aware of potential grooming, the behaviors must be timely reported regardless of whether they are explicitly identified in the statute.

• The best practice is to report suspected abuse involving a child, even if the report is later disproven—the mandatory reporting statute provides good faith reporters with immunity from legal liability; on the contrary, the statute provides criminal liability for those who fail to timely report.

New Training Obligations – 2025 Wisconsin Act 89

In many cases, grooming begins with private or shielded communications between a child and an individual whom the child believes to be trustworthy. These interactions may initially appear innocent and may occur through conversations, messaging, or other forms of direct communication that are not easily observed by others. These behaviors can be particularly difficult to detect—especially in a school setting where staff members regularly communicate with students for legitimate educational and support purposes.

For this reason, Act 89 establishes substantive requirements for school districts and their employees aimed at helping them recognize and maintain the line between appropriate professional interactions and conversations that may cross professional boundaries. To further support these efforts, Act 89 requires the Department of Public Instruction (DPI) to develop training focused on identifying, preventing, and reporting grooming behaviors and perceived professional boundary violations. This DPI training will be made available to school districts at no cost no later than the 2026–2027 school year.

Act 89 also requires schools to provide annual training to employees on identifying, preventing, and reporting grooming and professional boundary violations. This training requirement can be met through use of DPI's training module, or a school can use its own training provided it meets the requirements of Act 89.

What Schools Need to Do:

• No later than September 1, 2026, all school districts, private schools, and independent charter schools are required to adopt a policy describing appropriate communications between students and district employees and volunteers acting in their official capacities. Act 89 does not define appropriate vs. inappropriate communications, leaving it to districts to determine at a local level.

• This policy must address a range of consequences for violations of the communication policy. Termination must be one of the listed potential consequences. We recommend schools take great caution in drafting this language so as not to provide an arbitrator, an impartial hearing officer, or a court the opportunity to infer that a lower level of penalty might be appropriate than the disciplinary sanction imposed by the school district.

• The policy must state that it applies to communications both during and outside of school hours, and it must impose standards for appropriate content and methods of communication.

• Certain communications and methods of communication should be defined as inappropriate at all times of the day. Other communications may be appropriate during the school day or through a particular method of communication, but not outside of the school day or via other methods of communication. Particular thought should go into the policy so it is well-defined, yet practical.

• Beginning in the 2026–2027 school year, schools must provide and require employees and volunteers to complete annual training on grooming and professional boundary violations. Districts should give serious consideration to whether DPI's training module meets the District's desired objectives, rather than presumptively fall back on using DPI's training. This type of subject matter is such that, like sexual harassment, courts will expect employers take seriously, which starts with the training selected and the policy drafted.

• Training should be serious, deliberate, in-person, use real examples, and be conducted in small groups. Training should also reaffirm the importance of not just avoiding grooming but also fulfilling mandatory reporting obligations. This is the most effective method of training when dealing with difficult subjects involving what some may say are areas of gray.

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