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DANIEL M. ROSSMILLER, EXECUTIVE DIRECTOR

TO: Members, Senate Committee on Education
FROM: Christopher Kulow, WASB Government Relations Director
DATE: March 2, 2026
RE: SUPPORT for Senate Bill 1000/Assembly Bill 1004, Relating to: prohibiting education employers from entering into certain agreements.

The WASB supports the overall intent of this legislation to provide transparency and keep bad actors out of schools.

With the speed with which this legislation advanced in the Assembly, we did not have time to give this bill language full review before the Assembly hearing on AB 1004. Having had the opportunity to subsequently review the bill language closely, we do have suggestions for improvements to the draft language.

We are fully aware of the fact that this legislation has been approved with wide bipartisan support by the Assembly in its current form and that chamber has adjourned for the 2025-26 session.

In this context, **we offer this information for the record and as a recommendation for trailer legislation in the next legislative session. It is not our intention to derail the bill this session by asking for an amendment.**

The WASB supports that this bill applies to charter schools and private schools participating in parental choice programs. We also support the following provisions of the newly created 118.227: (2)(b) which prohibits agreements affecting the ability to report suspected immoral conduct; (2)(c) which would prohibit agreements to expunge information about alleged immoral conduct; and (3) which grants immunity for certain job references.

Our attorneys have flagged concern with the drafting of proposed 118.227(2)(a) and potential ambiguities it creates. Will this provision interfere with an employer accepting an employee's resignation, even a resignation without conditions? We do not object to the bill prohibiting the suppression or destruction of information that is currently known. Our concern is that a school district's acceptance of an unconditional resignation would likely end further local investigation. If that ending of the investigation is interpreted as suppressing information of immoral conduct, the bill may discourage employers from accepting even unconditional resignations. (NOTE: an

unconditional resignation would not prevent an educational employer from telling others, including other employers, the reasons why the employer investigated an employee or sought and agreed to the resignation.)

Unconditional resignations are often preferable to school districts because they are an (often immediate) clean break with the employee under investigation that is less resource and cost intensive than pursuing termination. Pursuing termination can also pose the risk of a challenge that could potentially overturn a termination on a technicality. Under either an unconditional resignation or termination, a report is sent to DPI for further investigation and potential license revocation.

Below is a suggestion for a rewrite of the proposed 118.227(2)(a) language (lines 12-13 of the bill) to strengthen intent and remove ambiguity:

“Has or imposes terms, conditions, or requirements which would obligate or incentivize the education employer to suppress or destroy information relating to an investigation of alleged immoral conduct by a current or former employee, including any such term, condition, or requirement that would have the effect of limiting the information that the education employer could provide to a prospective employer, the department or other state agency, or any law enforcement agency about allegations of criminal or immoral conduct except for allegations that after investigation the department or the education employer found to be false or not substantiated.”

Again, we will be pursuing potential trailer legislation for a change in line with this testimony next legislative session. We continue to encourage lawmakers to use as deliberative a process as possible to encourage and foster stakeholder input on legislation.

Thank you for your consideration.