

1987 Senate Bill 163

Date of enactment: **April 20, 1988**
Date of publication: **April 27, 1988**

1987 Wisconsin Act 303

AN ACT to create 118.31 of the statutes, relating to corporal punishment in public schools.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Legislative findings and purpose. The legislature finds that the use of corporal punishment in public schools is not a desirable means of modifying a pupil's behavior or an appropriate means of discipline. In addition, the legislature is concerned about reports of a growing incidence of child abuse and finds that prohibiting corporal punishment is consistent with the state's broader efforts to protect children and to eliminate the use of physical violence against them. Except for the prohibition against the use of corporal punishment, the legislature does not intend to interfere with disciplinary policies adopted and enforced by school boards. Each school board is encouraged to provide in-service training, or any other type of training, to assist school employes in complying with section 118.31 of the statutes, as created by this act.

SECTION 2. 118.31 of the statutes is created to read:

118.31 Corporal punishment. (1) In this section, "corporal punishment" means the intentional infliction of physical pain which is used as a means of discipline. "Corporal punishment" includes, but is not limited to, paddling, slapping or prolonged maintenance of physically painful positions, when used as a means of discipline. "Corporal punishment" does not include actions consistent with an individual educational program developed under s. 115.80 (3) (e) or reasonable physical activities associated with athletic training.

(2) Except as provided in sub. (3), no official, employe or agent of a school board may subject a pupil enrolled in the school district to corporal punishment.

(3) Subsection (2) does not prohibit an official, employe or agent of a school board from:

(a) Using reasonable and necessary force to quell a disturbance or prevent an act that threatens physical injury to any person.

(b) Using reasonable and necessary force to obtain possession of a weapon or other dangerous object within a pupil's control.

(c) Using reasonable and necessary force for the purpose of self-defense or the defense of others under s. 939.48.

(d) Using reasonable and necessary force for the protection of property under s. 939.49.

(e) Using reasonable and necessary force to remove a disruptive pupil from a school premises or motor vehicle, as defined in s. 125.09 (2) (a) 1 and 4, or from school-sponsored activities.

(f) Using reasonable and necessary force to prevent a pupil from inflicting harm on himself or herself.

(g) Using reasonable and necessary force to protect the safety of others.

(h) Using incidental, minor or reasonable physical contact designed to maintain order and control.

(4) In determining whether or not a person was acting within the exceptions in sub. (3), deference shall be given to reasonable, good faith judgments made by an official, employe or agent of a school board.

(5) Except as provided in s. 939.61 (1), this section does not create a separate basis for civil liability of a school board or their officials, employes or agents for damages arising out of claims involving allegations of improper or unnecessary use of force by school employes against students.

(6) Nothing in this section shall prohibit, permit or otherwise affect any action taken by an official, employe or agent or a school board with regard to a person who is not a pupil enrolled in the school district.

SECTION 3. **Nonstatutory provisions; public instruction.** Prior to September 1, 1988, the department of public instruction shall inform each school board of the requirements under section 118.31 of the statutes.

SECTION 4. **Effective dates.** This act takes effect on September 1, 1988.
