



2025 SENATE BILL 805

January 2, 2026 - Introduced by Senator CABRAL-GUEVARA, cosponsored by Representatives PENTERMAN, BEHNKE, DITTRICH and GOEBEN. Referred to Committee on Education.

1 **AN ACT to amend** 119.04 (1) and 121.02 (1) (f); **to create** 118.077 of the
2 statutes; **relating to:** recess in public schools.

Analysis by the Legislative Reference Bureau

Beginning in the 2026-27 school year, this bill requires public schools, including charter schools, to schedule at least 60 minutes of recess each school day for pupils in grades kindergarten to six. The bill specifies that pupils may not use computers, tablets, phones, or other personal electronic devices during minutes of recess that fulfill this requirement. The bill defines “recess” as time during which pupils have supervised, unstructured time for physical activity, play, organized games, or social engagement with other pupils. Under the bill, recess may not be withheld from a pupil as a disciplinary or punitive action, unless the pupil’s participation in recess poses an immediate threat to the safety of the pupil or others. In addition, the Department of Public Instruction must annually provide guidance and model professional development related to implementing the recess requirements in the bill.

Under current law, school boards and private schools participating in a parental choice program must annually schedule a minimum number of hours of direct pupil instruction. Current law specifies that time spent at recess counts toward this requirement. However, DPI’s current administrative rules state that no more than 30 minutes per day of recess may be counted towards the hours of direct pupil instruction requirement. The bill provides that up to 60 minutes per day of recess may count towards this requirement.

SENATE BILL 805**SECTION 1**

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 118.077 of the statutes is created to read:

2 **118.077 Recess.** (1) DEFINITION. In this section, “recess” means time
3 during the school day during which pupils are given supervised and unstructured
4 time for any of the following:

5 (a) Physical activity.

6 (b) Play.

7 (c) Organized games.

8 (d) Social engagement with other pupils.

9 **(2) RECESS; REQUIREMENTS.** (a) Beginning in the 2026-27 school year, each
10 school board and operator of a charter school shall schedule at least 60 minutes of
11 recess each school day for pupils in grades kindergarten to 6.

12 (b) Time during which pupils transfer to and from recess, including any time
13 spent dressing or undressing to be outdoors during recess, does not count towards
14 the requirement under par. (a).

15 (c) The school board or operator of a charter school shall ensure that pupils do
16 not use computers, tablets, phones, or other personal electronic devices during
17 recess that fulfills the requirement under par. (a).

18 **(3) WITHHOLDING RECESS; PROHIBITED.** No school board or operator of a
19 charter school may withhold recess as a disciplinary or punitive action, unless a
20 pupil’s participation in recess poses an immediate threat to the safety of the pupil or

SENATE BILL 805**SECTION 1**

1 others. Each school board and operator of a charter school shall take all reasonable
2 efforts to resolve such threats and minimize the use of exclusion from recess to the
3 greatest extent practicable.

4 (4) DEPARTMENT; GUIDANCE. The department shall provide school boards and
5 operators of charter schools with guidance and model professional development
6 resources for implementing this section.

7 **SECTION 2.** 119.04 (1) of the statutes, as affected by 2025 Wisconsin Act 42, is
8 amended to read:

9 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
10 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
11 115.345, 115.363, 115.364, 115.365 (3), 115.366, 115.367, 115.38 (2), 115.415,
12 115.445, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.075, 118.076, 118.077,
13 118.10, 118.12, 118.124, 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16,
14 118.162, 118.163, 118.164, 118.18, 118.19, 118.196, 118.20, 118.223, 118.225,
15 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.25, 118.255, 118.291, 118.292,
16 118.293, 118.2935, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53, 118.55,
17 118.56, 118.58, 120.12 (2m), (4m), (5), (15) to (27), and (29), 120.125, 120.13 (1), (2)
18 (b) to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137, 120.14,
19 120.20, 120.21 (3), and 120.25 are applicable to a 1st class city school district and
20 board but not, unless explicitly provided in this chapter or in the terms of a
21 contract, to the commissioner or to any school transferred to an opportunity schools
22 and partnership program.

23 **SECTION 3.** 121.02 (1) (f) of the statutes, as affected by 2025 Wisconsin Act 15,
24 is amended to read:

