



## 2025 SENATE BILL 268

May 20, 2025 - Introduced by Senators ROYS, HESSELBEIN, LARSON, RATCLIFF and SPREITZER, cosponsored by Representatives CLANCY, MAYADEV, ANDRACA, BARE, BILLINGS, DESANTO, DESMIDT, EMERSON, FITZGERALD, JOERS, JOHNSON, MADISON, MIRESE, PHELPS, ROE, SNODGRASS, STUBBS, SUBECK and TENORIO. Referred to Committee on Education.

1     **AN ACT** *to renumber and amend* 118.31 (1); *to amend* 118.305 (3) (e), 118.31  
2           (2), 118.31 (3) (intro.), 118.31 (4), 118.31 (5) and 118.31 (6); *to create* 118.31  
3           (1) (b) and 118.31 (1) (c) of the statutes; **relating to:** prohibiting corporal  
4           punishment in public and private schools.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, no official, employee, or agent of a school board may subject a pupil enrolled in the school district to corporal punishment. Current law defines “corporal punishment” as the intentional infliction of physical pain that is used as a means of discipline, which includes paddling, slapping, and prolonged maintenance of physically painful positions.

This bill expands the prohibition against subjecting pupils to corporal punishment to apply to officials, employees, and agents of school boards, governing boards of charter schools, and governing bodies of private schools.

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

5           **SECTION 1.** 118.305 (3) (e) of the statutes is amended to read:

**SENATE BILL 268****SECTION 1**

118.305 (3) (e) It does not constitute corporal punishment, as defined in s.  
118.31 (1) (a).

**SECTION 2.** 118.31 (1) of the statutes is renumbered 118.31 (1) (intro.) and  
amended to read:

118.31 (1) (intro.) In this section, ~~“corporal~~:

(a) “Corporal punishment” means the intentional infliction of physical pain  
~~which that~~ 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 individualized education program developed  
under s. 115.787 or reasonable physical activities associated with athletic training.

**SECTION 3.** 118.31 (1) (b) of the statutes is created to read:

118.31 (1) (b) “Governing body” means any of the following:

1. For a public school that is not a charter school, a school board.
2. For a charter school, the governing board of the charter school.
3. For a private school, the governing body of the private school.

**SECTION 4.** 118.31 (1) (c) of the statutes is created to read:

118.31 (1) (c) “School” means a public school, including a charter school, and  
a private school.

**SECTION 5.** 118.31 (2) of the statutes is amended to read:

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

**SENATE BILL 268****SECTION 6**

1           **SECTION 6.** 118.31 (3) (intro.) of the statutes is amended to read:

2           118.31 (3) (intro.) Subsection (2) does not prohibit an official, employee, or  
3 agent of ~~a school board~~ the governing body of a school from doing any of the  
4 following:

5           **SECTION 7.** 118.31 (4) of the statutes is amended to read:

6           118.31 (4) Each ~~school board~~ governing body of a school shall adopt a policy  
7 that allows any official, employee, or agent of the ~~school board~~ governing body of the  
8 school to use reasonable and necessary force for the purposes of sub. (3) (a) to (h). In  
9 determining whether or not a person was acting within the exceptions in sub. (3),  
10 deference shall be given to reasonable, good faith judgments made by an official,  
11 employee, or agent of ~~a school board~~ the governing body of the school.

12           **SECTION 8.** 118.31 (5) of the statutes is amended to read:

13           118.31 (5) Except as provided in s. 939.61 (1), this section does not create a  
14 separate basis for civil liability of ~~a school board~~ the governing body of a school or  
15 ~~their~~ its officials, employees, or agents for damages arising out of claims involving  
16 allegations of improper or unnecessary use of force by school employees against  
17 ~~students~~ pupils.

18           **SECTION 9.** 118.31 (6) of the statutes is amended to read:

19           118.31 (6) Nothing in this section shall prohibit, permit, or otherwise affect  
20 any action taken by an official, employee, or agent of ~~a school board~~ the governing  
21 body of a school with regard to a person who is not a pupil enrolled in the school  
22 ~~district~~.

23           **SECTION 10. Effective date.**

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1 (1) This act takes effect on the first July 1 after publication.

2 (END)