



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-2162/1  
FFK:skw

## 2023 SENATE BILL 542

October 23, 2023 - Introduced by Senators CABRAL-GUEVARA, STROEBEL and TOMCZYK, cosponsored by Representatives GUSTAFSON, MURPHY, O'CONNOR, SCHMIDT, BRANDTJEN and MOSES. Referred to Committee on Education.

1     **AN ACT to amend** 118.305 (1) (dm), 118.305 (2) (a), 118.305 (2) (e), 118.305 (3) (a)  
2             and 118.305 (3) (c) of the statutes; **relating to:** the seclusion and restraint of  
3             pupils.

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### *Analysis by the Legislative Reference Bureau*

Under current law, individuals who work in a public school, including a charter school, or a private school participating in the Special Needs Scholarship Program may use seclusion or physical restraint on a pupil at school only if certain conditions are met. One of the conditions is that the pupil's behavior must present a clear, present, and imminent risk to the physical safety of the pupil or others. Other conditions are that, for purposes of seclusion, the seclusion may only last for as long as is necessary to resolve the risk of physical safety to the pupil or others and, for purposes of physical restraint, the degree of force and the duration of the restraint may only be what is necessary to resolve the risk of physical safety to the pupil or others. This bill changes these conditions to include pupil behavior that presents a clear, present, and imminent risk of serious emotional distress for the pupil or others or creates a considerable disruption to a classroom or other learning environment. In other words, under the bill, an individual who works in a public school or an SNSP school may use seclusion or physical restraint on a pupil if the pupil's behavior presents a clear, present, and imminent risk to the physical safety of the pupil or others, presents a clear, present, and imminent risk of serious emotional distress for the pupil or others, or creates a considerable disruption to a classroom or other learning environment, and may use the seclusion or physical restraint for only as

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long as is necessary to resolve the risk of physical safety or serious emotional distress or the considerable disruption to the classroom or learning environment.

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

1           **SECTION 1.** 118.305 (1) (dm) of the statutes is amended to read:

2           118.305 (1) (dm) “Incident” means an occurrence of a covered individual or a  
3 law enforcement officer using seclusion or physical restraint on a pupil. It is  
4 considered one incident if immediately following the use of seclusion or physical  
5 restraint on a pupil, the pupil’s behavior presents a clear, present, and imminent risk  
6 to the physical safety of the pupil or others, presents a clear, present, and imminent  
7 risk of serious emotional distress for the pupil or others, or creates a considerable  
8 disruption to a classroom or other learning environment, and a covered individual  
9 or law enforcement officer resumes the use of seclusion or physical restraint.

10           **SECTION 2.** 118.305 (2) (a) of the statutes is amended to read:

11           118.305 (2) (a) The pupil’s behavior presents a clear, present, and imminent  
12 risk to the physical safety of the pupil or others, presents a clear, present, and  
13 imminent risk of serious emotional distress for the pupil or others, or creates a  
14 considerable disruption to a classroom or other learning environment, and it is the  
15 least restrictive intervention feasible.

16           **SECTION 3.** 118.305 (2) (e) of the statutes is amended to read:

17           118.305 (2) (e) The duration of the seclusion is only as long as necessary to  
18 resolve the clear, present, and imminent risk to the physical safety of the pupil or  
19 others, the clear, present, and imminent risk of serious emotional distress for the  
20 pupil or others, or the considerable disruption to a classroom or other learning  
21 environment.

