

State of Wisconsin



2025 Assembly Bill 100

Date of enactment:
Date of publication*:

2025 WISCONSIN ACT

AN ACT to amend 118.13 (1); to create 118.132 and 118.315 of the statutes; relating to: designating athletic sports and teams operated or sponsored by public schools or private schools participating in a parental choice program based on the biological sex of the participants and locker room use.

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

SECTION 1. 118.13 (1) of the statutes is amended to read:

118.13 (1) Except as provided in ~~ss. 118.132 (2) (b) and~~ 120.13 (37m), no person may be denied admission to any public school or be denied participation in, be denied the benefits of or be discriminated against in any curricular, extracurricular, pupil services, recreational or other program or activity because of the person's sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.

SECTION 2. 118.132 of the statutes is created to read:

118.132 Interscholastic or intramural sports; designation as single sex or coed. (1) In this section:

(a) "Biological sex" means the physical condition of being male or female at birth, as stated on an individual's original birth certificate.

(am) "Educational institution" means a school board, operator of a charter school authorized under s. 118.40 (2r) or (2x), and governing body of a private school participating in a program under s. 118.60 or 119.23.

(2) An educational institution that operates or sponsors an interscholastic, intramural, or club athletic team or sport shall do all of the following:

(a) Expressly designate the athletic team or sport as one of the following based on the biological sex of the participating pupils:

1. Males. This designation may be referred to as "males," "men," or "boys."

2. Females. This designation may be referred to as "females," "women," or "girls."

3. Males and females. This designation may be referred to as "mixed-sex," "coed," or "inclusive."

(b) Prohibit pupils of the male biological sex from participating on an athletic team or in an athletic sport that is designated for females under par. (a).

(d) If the educational institution intends to change the designation of an athletic team or sport under par. (a), provide written notification of the change to pupils who are eligible to participate in the athletic sport or on the athletic team under the previous and current designation and to the parents or guardians of those pupils.

(3) (a) A pupil of the female biological sex who is deprived of the opportunity to participate in an athletic sport or on an athletic team or who suffers any direct or indirect harm as the result of a violation of sub. (2) (b) may bring a cause of action against an educational insti-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

tution for injunctive relief, damages, and any other relief available under law.

(b) A pupil of the female biological sex who is subject to retaliation or other adverse action by an educational institution or athletic association or organization, as a result of reporting a violation of sub. (2) (b) to an employee or representative of the educational institution or athletic association or organization or to any state or federal agency with oversight over the educational institution, may bring a cause of action against the educational institution or athletic association or organization for injunctive relief, damages, and any other relief available under law.

(c) An educational institution that suffers any direct or indirect harm by a governmental entity, licensing or accrediting organization, or athletic association or organization as a result of compliance with sub. (2) (b) may bring a cause of action against the governmental entity, licensing or accrediting organization, or athletic association or organization for injunctive relief, damages, and any other relief available under law.

SECTION 2m. 118.315 of the statutes is created to read:

118.315 Pupil physical privacy; locker rooms. (1) DEFINITIONS. In this section:

(a) “Biological sex” means the physical condition of being male or female at birth, as stated on an individual’s original birth certificate.

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

1. For a school district, a school board.
2. For a charter school, the governing board of the charter school.
3. For a private school participating in a program under s. 118.60 or 119.23, the governing body of the private school.

(c) “Locker room” means an area in a school building designated for pupils to change clothes or to be in various stages of undress and to be used by more than one individual pupil at a time. “Locker room” includes a shower room.

(d) “School” means a public school, including a charter school established under s. 118.40 (2r) or (2x), and a private school participating in a program under s. 118.60 or 119.23.

(2) USAGE; BIOLOGICAL SEX. (a) A governing body shall ensure that each locker room located in a school

building controlled by the governing body is designated for the exclusive use of individuals of one biological sex.

(b) A governing body may establish policies for special events, including athletic events, during which the governing body may temporarily redesignate a locker room for exclusive use by the opposite biological sex. Upon the conclusion of the special event, the locker room shall revert to the designation under par. (a).

(3) EXCEPTIONS. A governing body may allow individuals to enter a locker room that is designated for the exclusive use by the opposite biological sex if the individual is entering the locker room under any of the following circumstances:

(a) For custodial purposes.

(b) For maintenance or inspection purposes.

(c) To provide medical assistance.

(d) The individual is a teacher, school administrator, police officer, or emergency medical services personnel and is performing duties related to the individual’s employment.

(e) The individual is a child who is being assisted by a family member or guardian.

(f) To provide assistance to an individual with a disability.

(g) When the locker room is temporarily designated for exclusive use by the individual’s biological sex.

(h) During a natural disaster, an emergency, a serious threat to pupil safety, or a drill required under s. 118.07 (2) (a).

(4) ACCOMMODATIONS. If a pupil, or a parent or guardian of a minor pupil, submits to a governing body a written request to receive accommodations from the pupil being required to use a locker room designated for the exclusive use by one biological sex, the governing body shall provide reasonable accommodations to the pupil, including allowing the pupil to use a single-occupancy locker room or the regulated use of a staff locker room. A school board or governing board of a charter school shall treat a written request submitted under this subsection as a pupil record subject to the protections under s. 118.125 (2).

(5) AMERICANS WITH DISABILITIES ACT. Nothing in this section prohibits a governing body from adopting a policy that is necessary to accommodate individuals protected under the federal Americans with Disabilities Act.