



2013 ASSEMBLY BILL 919

April 3, 2014 - Introduced by Representatives SARGENT, C. TAYLOR and OHNSTAD, cosponsored by Senators HARRIS and LASSA. Referred to Committee on Public Safety and Homeland Security.

1 **AN ACT to amend** 118.46 (1) (intro.), 118.46 (1) (a) (intro.), 118.46 (1) (a) 1. and
2 118.46 (1) (b); and **to create** 118.0195 of the statutes; **relating to:** teen dating
3 violence education.

Analysis by the Legislative Reference Bureau

This bill requires schools to provide teen dating violence prevention education and establishes certain criteria governing the instruction provided. The bill requires the Department of Public Instruction (DPI) to incorporate teen dating violence and sexual violence curriculum into its model health curriculum. Specifically, the bill:

1. Requires each school district to, beginning in the 2016-17 school year, provide teen dating violence prevention education, consisting of age-appropriate instruction, as part of the health education program it provides to pupils in grades 7 to 12.

2. Requires the school district to include instruction and materials regarding teen dating violence and sexual violence that include methods for doing all of the following:

- a) Recognizing what constitutes a healthy relationship.
- b) Identifying teen dating violence, abusive behavior, physical intimidation, stalking, physical abuse, inappropriate sexual behavior, sexual harassment, sexual violence, sexual assault, and Internet abuse and cyberbullying.
- c) Locating sources for legal, medical, mental health, and other supportive services regarding teen dating violence.

3. Requires the instructional program offered by the school district to satisfy certain criteria. The information must be medically accurate and objective, age

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appropriate, and available to English learners, encourage communication with parents, and teach respect for marriage and committed relationships.

4. Requires each school district to notify the parent or guardian of each pupil about instruction planned for the coming year. The notice must inform the parent or guardian of all of the following:

a) That educational materials are available for inspection.

b) Whether the prevention education will be taught by school personnel or by outside consultants. If the instruction is by consultants, the notice must specify the date of instruction, name of the organization of each speaker, and a statement of the right of parents to request a copy of the statute.

c) An explanation of the right to request a copy of the statute.

d) That the parent may request in writing that his or her child not participate in teen dating violence prevention education.

e) That upon written request to the school principal, a parent must be allowed to examine the instructional materials at the school in which the child is enrolled.

5. Authorizes anonymous, voluntary, and confidential research and evaluation tools to measure pupils' health behaviors and risks, including questionnaires and surveys containing age-appropriate questions about the pupil's attitudes concerning teen dating violence to be administered to any pupil in grades 7 to 12. The questionnaire or survey may be given only if the parent is first notified in writing that it is going to be administered and the pupil's parent is given the opportunity to review the questionnaire or survey and to request in writing that his or her child not participate.

6. Prohibits a pupil from attending any class in teen dating violence prevention education, or participating in any questionnaire or survey, if the school has received a written request from the pupil's parent excusing the pupil from participation. The bill also prohibits a pupil from being subject to disciplinary action, academic penalty, or other sanctions if the pupil's parent declines to permit the pupil to receive teen dating violence prevention education or to participate in a questionnaire or survey. The bill requires schools to provide an alternative educational activity for pupils who are not participating in teen dating violence prevention education or the questionnaire or survey.

7. Authorizes schools to use school district personnel or outside consultants who are trained in the appropriate courses.

Current law requires DPI to have developed a model school policy on bullying by pupils and a model education and awareness program on bullying. The policy on bullying must include a definition of bullying. This bill requires DPI to periodically revise its model school policy on bullying and the education and awareness program. The bill also requires DPI to include in the definition of bullying a statement that bullying includes violence in a dating relationship.

Finally, the bill requires DPI to incorporate teen dating violence and sexual violence curriculum into the model health curriculum and to make the updated health curriculum available to school districts prior to the start of the 2016–17 school year. The bill requires DPI to consult with the Department of Health Services, the Attorney General, and domestic violence and sexual assault prevention advocates

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for advice on the development of grade-level concepts and content guidelines to be incorporated into the health education program currently taught in grades 7 to 12.

For further information see the *state and local* 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.** 118.0195 of the statutes is created to read:

2 **118.0195 Teen dating violence education. (1)** In this section:

3 (a) “Abuse of property” means damaging or destroying the property of another.

4 (ag) “Abusive behavior” means intimidation, threats, or harassment, whether
5 direct, by electronic means, or through other persons, and includes the use of
6 put-downs; name calling; insults; offensive, sexually explicit, or homophobic
7 language; screaming; or yelling.

8 (ar) “Child with a disability” has the meaning given in s. 115.76 (5).

9 (b) “Dating partner” means any person involved in an intimate relationship
10 with another person primarily characterized by the expectation of affectionate
11 involvement, whether casual, serious, or long-term.

12 (c) “Healthy relationship” means an equal relationship free from abusive,
13 violent, and controlling behavior in which each person respects the other’s right to
14 have his or her own opinions, friends, and activities, and each person can openly
15 communicate with the other person.

16 (d) “Inappropriate sexual behavior” means any unwanted sexual contact
17 including touching, kissing, caressing, and rubbing.

18 (e) “Internet abuse or cyberbullying” means abusive behavior using electronic
19 means, including cell phone texting, electronic mail, Internet postings, blogs, or
20 social networking sites.

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1 (g) "Obscene material" means sexually explicit notes, graffiti, drawings,
2 photos, or any other material having a sexually explicit nature or that is otherwise
3 presented in a sexually explicit manner.

4 (h) "Physical abuse" means shaking, arm twisting, pushing, hitting, kicking,
5 slapping, choking, hair pulling, physical intimidation, or any behavior that may
6 result in injury.

7 (i) "Physical intimidation" means an attempt to frighten or coerce another
8 person by restraining him or her, blocking his or her movements or exits, punching
9 walls, or throwing objects.

10 (j) "Sexual assault" means any offense specified s. 940.225, 948.02, 948.025, or
11 948.09.

12 (k) "Sexual harassment" means any unwanted sexual attention, including
13 catcalls, oral or written comments about a person's body or sexual conduct, sexual
14 gestures, writing graffiti, or spreading sexual gossip.

15 (L) "Sexual violence" means sexual assault, sexual abuse, or sexual stalking of
16 a minor child or teenager, including acts committed by perpetrators who are
17 strangers to the victim and by perpetrators who are known by, or related by blood or
18 marriage to, the victim.

19 (m) "Stalking" means willfully and repeatedly following or harassing another
20 person or making a threat with the intent to place that person in fear for his or her
21 safety or the safety of his or her family.

22 (n) "Teen dating violence" means a pattern of behavior in which a person
23 attempts to control his or her current or former dating partner through abusive
24 behavior, threats of physical abuse, or actual physical abuse; sexual abuse; or
25 emotional abuse; and one or both of the partners is a teenager.

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1 (p) "Written material" means notes, graffiti, drawings, photos, obscene
2 material, or any other printed, electronic, or written expressions.

3 (2) (a) Beginning in the 2016-17 school year, each school board shall include
4 as part of the health education program it provides to pupils in grades 7 to 12
5 age-appropriate instruction in the prevention of teen dating violence. A school board
6 may use school district personnel or outside consultants who are trained in the
7 appropriate courses to provide this additional instruction. Each school board shall
8 provide in-service and other training in the prevention of teen dating violence to
9 middle school and high school teachers and administrators.

10 (b) Teen dating violence prevention education required under this section shall
11 include instruction and materials regarding teen dating violence and sexual violence
12 that include methods for all of the following:

13 1. Recognizing what constitutes a healthy relationship.

14 2. Identifying teen dating violence, abusive behavior, physical intimidation,
15 stalking, physical abuse, inappropriate sexual behavior, sexual harassment, sexual
16 violence, sexual assault, and Internet abuse and cyberbullying.

17 3. Locating sources for legal, medical, mental health, and other supportive
18 services regarding teen dating violence.

19 (c) Each school board shall ensure that the instructional program satisfies all
20 of the following:

21 1. Instruction and materials shall be age appropriate.

22 2. All factual information presented shall be medically accurate and objective.

23 3. Instruction shall be made available on an equal basis to a pupil who is an
24 English learner.

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1 4. Instruction and materials shall be appropriate for use with pupils of all
2 races, genders, sexual orientations, gender identities, and ethnic and cultural
3 backgrounds and with children with disabilities.

4 5. Instruction and materials shall be accessible to children with disabilities,
5 including the provision of a modified curriculum, materials, and instruction in
6 alternative formats, and auxiliary aids.

7 6. Instruction and materials shall encourage a pupil to communicate with his
8 or her parents or guardians about human sexuality, and should provide the skills to
9 initiate those discussions.

10 7. Instruction and materials shall teach respect for marriage and committed
11 relationships that are voluntary, healthy, and safe.

12 8. Instruction and materials shall teach pupils the skills to recognize and aspire
13 to healthy, respectful relationships including all of the following:

14 a. Communication skills that help pupils discuss and resolve conflicts within
15 intimate relationships with respect and nonviolence.

16 b. Critical thinking skills.

17 c. Skills to negotiate with an intimate partner.

18 d. Skills for pupils to recognize and understand their own individual
19 boundaries, and recognize and respect the boundaries of others.

20 9. Instruction and materials shall not teach or promote religious doctrine.

21 10. Instruction and materials shall not reflect or promote bias against any
22 person on the basis of any category protected under s. 118.13.

23 **(3)** (a) At the beginning of each school term, or, for a pupil who enrolls in a school
24 after the beginning of the school term, at the time of that pupil's enrollment, each
25 school board shall notify the parent or guardian of each pupil about instruction in

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1 teen dating violence prevention education and research on pupil health behaviors
2 and risks planned for the coming term. The notice shall do all of the following:

3 1. Advise the parent or guardian that written and audiovisual educational
4 materials used in comprehensive teen dating violence prevention education are
5 available for inspection.

6 2. Advise the parent or guardian whether the teen dating violence prevention
7 education will be taught by school district personnel or by outside consultants. A
8 school board may provide teen dating violence prevention education, to be taught by
9 outside consultants, and may hold an assembly to deliver teen dating violence
10 prevention education by guest speakers, but if it elects to provide teen dating
11 violence prevention education in either of these manners, the notice shall include the
12 date of the instruction, the name of the organization or affiliation of each guest
13 speaker, and information stating the right of the parent or guardian to request a copy
14 of this section.

15 3. Include information explaining the parent's or guardian's right to request a
16 copy of this section.

17 4. Advise the parent or guardian that the parent or guardian may request in
18 writing that his or her child not receive teen dating violence prevention education.

19 (b) Upon written request to the school principal, a parent or guardian of a pupil
20 less than 18 years of age, within a reasonable period of time after the request is made,
21 may examine the teen dating violence education program instructional materials at
22 the school in which his or her child is enrolled.

23 (c) Anonymous, voluntary, and confidential research and evaluation tools to
24 measure pupils' health behaviors and risks, including questionnaires and surveys
25 containing age-appropriate questions about the pupil's attitudes concerning teen

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1 dating violence, may be administered to any pupil in grades 7 to 12 if the parent or
2 guardian is notified in writing that this questionnaire or survey is to be administered
3 and the pupil's parent or guardian is given the opportunity to review the
4 questionnaire or survey and to request in writing that his or her child not participate.

5 (d) The use of outside consultants or guest speakers as described in par. (a) 2.
6 is within the discretion of the school board.

7 (e) A pupil may not attend any class in teen dating violence prevention
8 education, or participate in any activities under par. (c) if the school has received a
9 written request from the pupil's parent or guardian excusing the pupil from
10 participation.

11 (f) A pupil may not be subject to disciplinary action, academic penalty, or other
12 sanctions if the pupil's parent or guardian declines to permit the pupil to receive teen
13 dating violence prevention education or to participate in any activities under par. (c).

14 (g) During the administration of teen dating violence prevention education or
15 a survey on pupil health behaviors and risks described in par. (c), an alternative
16 educational activity shall be made available to pupils whose parents or guardians
17 have requested that they not receive the instruction or participate in the
18 questionnaire or survey.

19 **(4)** (a) The department shall incorporate teen dating violence and sexual
20 violence curriculum into its model health problems education curriculum and shall
21 make the updated health problems education curriculum and the materials
22 described under par. (b) available to school boards prior to the start of the 2016–17
23 school year.

24 (b) The department shall consult with the department of health services, the
25 attorney general, and domestic violence and sexual assault prevention advocates for

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1 advice on the development of grade-level concepts and content guidelines to be
2 incorporated into the health education program currently taught at secondary
3 schools to pupils in grades 7 to 12. Materials produced under this paragraph shall
4 focus on educating pupils regarding teen dating violence, sexual violence, and
5 healthy relationships and shall include all of the following:

6 1. Definitions of teen dating violence and sexual violence.

7 2. Skills for recognizing teen dating violence warning signs.

8 3. Characteristics of healthy relationships.

9 4. The meaning of consent and communicating the giving or withholding of
10 consent.

11 5. Relevant information about legal, medical, and mental health services.

12 **SECTION 2.** 118.46 (1) (intro.) of the statutes is amended to read:

13 118.46 (1) (intro.) ~~By March 1, 2010, the~~ The department shall do all of the
14 following:

15 **SECTION 3.** 118.46 (1) (a) (intro.) of the statutes is amended to read:

16 118.46 (1) (a) (intro.) Develop and periodically revise a model school policy on
17 bullying by pupils. The policy shall include all of the following:

18 **SECTION 4.** 118.46 (1) (a) 1. of the statutes is amended to read:

19 118.46 (1) (a) 1. A definition of bullying. The department shall include in the
20 definition of bullying a statement that bullying includes violence in a dating
21 relationship.

22 **SECTION 5.** 118.46 (1) (b) of the statutes is amended to read:

23 118.46 (1) (b) Develop and periodically revise a model education and awareness
24 program on bullying.

25 (END)