

2011 DRAFTING REQUEST

Bill

Received: 01/10/2012

Received By: pgrant

Wanted: As time permits

Companion to LRB:

For: Elizabeth Coggs (608) 266-0960

By/Representing: Tracey Dent

May Contact:

Drafter: pgrant

Subject: Education - school boards
Education - state superintendent

Addl. Drafters:

Extra Copies: TKK

Submit via email: YES

Requester's email: Rep.Coggs@legis.wi.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Teen dating violence education

Instructions:

See attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------------|--|---|----------------------------------|------------------------|-----------------|-----------------|
| /? | pgrant 01/10/2012 | jdyer 01/19/2012 | phenry 01/26/2012 | _____ | sbasford 01/26/2012 | | S&L |
| /P1 | pgrant 02/14/2012 | mduchek 01/31/2012 mduchek 02/14/2012 | jmurphy 01/30/2012 mduchek 02/01/2012 jmurphy 02/01/2012 | _____ _____ _____ _____ | lparisi 02/01/2012 | | S&L |

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|----------------|-----------------|------------------------|----------------|------------------------|-----------------------|-----------------|
| /1 | | | jfrantze 02/14/2012 | _____ | sbasford 02/14/2012 | ggodwin 02/16/2012 | |

FE Sent For:

*at intro
3-13-12*

<END>

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| | | | mduchek 02/01/2012 | _____ | | | |
| | | | jmurphy 02/01/2012 | _____ | | | |
| | | | | _____ | | | |

(Handwritten initials and dates)
2/14/12 2/14

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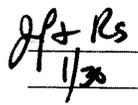
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|--------------|----------------|---|--|---|------------------|-----------------|-----------------|
| 1/? | pgrant |  |   |  | | | |

FE Sent For: <END>

Barman, Mike

From: LRB.Legal
Sent: Monday, January 09, 2012 7:36 AM
To: Grant, Peter; Malaise, Gordon
Subject: FW: legislation on teen violence education

Drafting Request ???

From: Dent, Tracey
Sent: Friday, January 06, 2012 7:26 PM
To: LRB.Legal
Subject: legislation on teen violence education

legislation on teen violence education

Reference information:

http://www.youtube.com/watch?v=MErGc525Y3U&feature=player_embedded

BILL ANALYSIS

Introduced by Senator CorreaDecember 6, 2010

An act to add Section 51230 to, and to add Article 3.7 (commencing with Section 32230) to Chapter 2 of Part 19 of Division 1 of Title 1 of, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 13, as introduced, Correa. Pupils: teen dating violence prevention.

Existing law requires a school district that provides instruction to pupils in grades 7 to 12, inclusive, to provide an adopted course of study to those pupils, as specified. Existing law requires the State Board of Education to adopt content standards in certain curriculum areas.

This bill would authorize a school district to provide teen dating violence prevention education consisting of age-appropriate instruction, as developed by the state board pursuant to the bill, as part of the sexual health and health education program it provides to pupils in grades 7 to 12, inclusive. The bill would authorize a school district to use school district personnel or outside consultants who are trained in the appropriate courses to provide this additional instruction. The bill would specify the required content and criteria for this additional instruction and any associated materials if a school district elects to provide it. The bill would provide that a parent or guardian of a pupil has the right to excuse his or her child from all or part of the teen dating violence prevention education and any assessments related to it, and would prescribe the procedure for a parent or guardian to exercise that right.

The bill would require the state board to incorporate teen dating violence and sexual violence curriculum into the health curriculum framework at its next revision, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3.7 (commencing with Section 32230) is
2 added to Chapter 2 of Part 19 of Division 1 of Title 1 of the
3 Education Code, to read:

4

5

Article 3.7. Teen Dating Violence Prevention

6

7

32230. (a) This chapter shall be known and may be cited as
8 the California Teen Dating Violence Prevention Education Act.

9

(b) The purposes of this chapter are as follows:

10

(1) To encourage pupils to develop healthy relationships and to
11 recognize dating violence warning signs and characteristics of
12 healthy relationships.

13

(2) To provide pupils with the knowledge, skills, services, and
14 information to prevent and respond to teen dating violence.

15

32231. The Legislature finds and declares all of the following:

16

(a) Teen dating violence is a pattern of actual or threatened acts
17 of physical, sexual, and emotional abuse, perpetrated by an
18 individual, acting alone or in concert with one or more persons,
19 against a current or former dating partner who is an adolescent.

20

(b) Abuse may include insults, coercion, social sabotage, sexual
21 harassment, threats, Internet abuse or cyber bullying, and acts of
22 physical or sexual abuse.

23

(c) Teen dating violence crosses racial, cultural, gender, sexual
24 orientation, gender identity, and socioeconomic lines.

25

(d) Teen dating violence and sexual assault are leading causes
26 of truancy and are associated with poor academic performance.

27

(e) Victims of teen dating violence are more likely to bring a
28 weapon onto school grounds.

29

(f) Teen perpetrators of dating violence are more likely to batter
30 their intimate partners as adults.

31

(g) Teen dating violence and sexual assault are public health
32 issues that affect the quality of life of pupils and the safety of
33 school campuses.

34

32232. For purposes of this article, the following definitions
35 apply:

SENATE COMMITTEE ON EDUCATION
Alan Lowenthal, Chair
2011-2012 Regular Session

BILL NO: SB 13
AUTHOR: Correa
INTRODUCED: December 6, 2010
FISCAL COMM: Yes HEARING DATE: April 27, 2011
URGENCY: No CONSULTANT: Lynn Lorber

SUBJECT : Teen Dating Violence Prevention

SUMMARY

This bill requires schools that elect to provide teen dating violence prevention education to ensure that the instruction meets certain criteria, and requires the State Board of Education to incorporate teen dating violence and sexual violence curriculum into the health curriculum framework.

BACKGROUND

Current law:

- 1) Authorizes schools to offer health education. Current law defines "comprehensive health education programs" to include activities designed to ensure that, among other things, pupils will receive instruction to aid them in making decisions and school districts may voluntarily provide pupils with instruction on preventative health care.
(Education Code § 51890)
- 2) Authorizes schools to offer comprehensive sexual health education. Current law provides that one of the purposes of the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act is to encourage a pupil to develop healthy attitudes concerning dating, among other things. (EC § 51930 and § 51933)
- 3) Authorizes schools to use School Safety Block Grant funds to, among other things, provide age-appropriate

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Page 2

instruction in domestic violence prevention, dating violence prevention, and interpersonal violence prevention. This funding is included in the categorical flexibility pursuant to SB 4 of the Third Extraordinary Session (Chapter 12, 2009), whereby schools are authorized to use funding from 43 categorical programs for any educational purpose. SB 70 (Committee on Budget and Fiscal Review, Ch. 7,

child not receive teen dating violence prevention education, which is consistent with current law relative to sex education and HIV/AIDS prevention education. Opponents have raised concerns that the requirement to notify parents at the beginning of the school year about any upcoming dating violence prevention education will be too burdensome for schools and would prevent schools from offering instruction in reaction to an event that may occur on campus or in the community after the beginning of the school year.

Opponents believe that allowing parents to opt-out singles out teen dating violence prevention (since there is no state mandate to provide parental opt-out for other types of violence prevention education). Some schools that currently provide teen dating violence prevention education do provide for parental opt-out, while other schools do not. For example, the Long Beach and Los Angeles unified school districts apparently offer teen

dating violence prevention education but do not provide for parental opt-out.

- 3) Existing instruction . The Education Code is permissive, and as such, schools may currently provide teen dating violence prevention instruction. This bill does not require schools to provide teen dating violence prevention instruction, but does require schools that elect to offer this instruction to ensure that instruction uniformly meets specific criteria.

Could this bill create situations where an existing program would no longer be allowed to be offered if it does not meet the criteria specified in this bill? For example, some existing instructional programs about teen dating violence prevention do not include any sexual content and/or cover only some of the topics specified in this bill.

- 4) Already in health framework and standards ? The State Board of Education (SBE) adopted the health education framework in 2002, and adopted the health content standards in March 2008. The content standards and framework currently include some references to dating

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Page 7

violence, characteristics of healthy relationships, and recognizing harmful or abusive dating relationships. However, neither the standards nor the framework include the level of detail about teen dating violence prevention that could be incorporated into the curriculum pursuant to this bill.

- 5) Schedule for revising frameworks . The health framework was scheduled for review in 2011 but the entire schedule to revise the frameworks and adopt instructional materials has been suspended until the 2015-16 school year. Considering this suspension, is this bill premature?

6) Related legislation . AB 1373 (Fong) authorizes school districts to provide education programs that promote healthy relationships and prevent teen dating violence through curricular, extracurricular, and school climate improvement activities, and requires the Superintendent of Public Instruction to post information about model curriculum programs on the California Department of Education's website. AB 1373 is pending in the Assembly Appropriations Committee.

ACR 29 (Bonilla) designates the month of February 2011 as Teen Dating Violence Awareness and Prevention Month. ACR 29 is pending on the Senate Floor.

7) Prior legislation . SB 1300 (Correa, 2010) was nearly identical to this bill. SB 1300 failed passage in the Assembly Education Committee.

AB 589 (Levine, 2007) would have required school districts to develop policies, procedures, and training for school employees regarding the prevention of teen dating violence and sexual violence. AB 589 was held in the Assembly Appropriations Committee.

AB 506 (Montañez, 2005) would have required each school district to establish a policy and protocol, as specified, for dealing with incidents of teen dating violence involving middle school and high school students. AB 506 was held in the Assembly Appropriations Committee.

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Page 8

AB 558 (Jackson, 2000) would have authorized age-appropriate instruction in domestic violence prevention in grades 1-12 and required the Department of Education to identify and distribute information and a model curriculum to school districts and county offices of education.

AB 558 was vetoed by Governor Davis, whose veto message read:

While I am supportive of efforts to reduce domestic violence, I cannot support this bill for the following reasons. Existing law already requires instruction in the principles and practices of individual, family, and community health. In addition, if districts chose to provide such instruction this bill could result in redirections of up to \$7 million away from core academic programs. Any such issues should be addressed through the annual Budget Act. Finally, this bill contains no provision for parents to exempt their children from this instruction if they so choose.

AB 578 (Honda, 2000) would have required the Superintendent of Public Instruction to develop training standards for teachers on domestic violence and sexual assault recognition and appropriate

prevention responses. This bill stipulated the use of these standards as optional for school districts. AB 578 was held in the Senate Appropriations Committee.

SUPPORT

Lucile Packard Children's Hospital
The Surviving Parents Coalition

OPPOSITION

Break the Cycle
California Coalition Against Sexual Assault
California Commission on the Status of Women
California Partnership to End Domestic Violence

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Page 9

California Women's Law Center
Community Overcoming Relationship Abuse
Community Resource Center
Domestic Violence and Sexual Assault Coalition
Family Violence Prevention Fund
Jewish Family Service of Los Angeles
Los Angeles Unified School District
Mountain Crisis Services
Peace Over Violence
Rainbow Services
WomenShelter of Long Beach
An individual

Tracey E Dent
Legislative Assistant
Office of State Representative Elizabeth M Coggs
10th Assembly District
608.266.0960
888.534.0010 (toll-free)
tracey.dent@legis.wisconsin.gov
Room 409 North, State Capitol

264.2. (a) Whenever there is an alleged violation or violations of subdivision (e) of Section 243, or Section 261, 261.5, 262, 273.5, 286, 288a, or 289, the law enforcement officer assigned to the case shall immediately provide the victim of the crime with the "Victims of Domestic Violence" card, as specified in subparagraph (G) of paragraph (9) of subdivision (c) of Section 13701.

(b) (1) The law enforcement officer, or his or her agency, shall immediately notify the local rape victim counseling center, whenever a victim of an alleged violation of Section 261, 261.5, 262, 286, 288a, or 289 is transported to a hospital for any medical evidentiary or physical examination. The victim shall have the right to have a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, and a support person of the victim's choosing present at any medical evidentiary or physical examination.

(2) Prior to the commencement of any initial medical evidentiary or physical examination arising out of a sexual assault, a victim shall be notified orally or in writing by the medical provider that the victim has the right to have present a sexual assault counselor and at least one other support person of the victim's choosing.

(3) The hospital may verify with the law enforcement officer, or his or her agency, whether the local rape victim counseling center has been notified, upon the approval of the victim.

(4) A support person may be excluded from a medical evidentiary or physical examination if the law enforcement officer or medical provider determines that the presence of that individual would be detrimental to the purpose of the examination.

CA Penal Code

| | | |
|------|-------|-----------------------------|
| sec. | 261 | RAPE |
| | 261.5 | unlawful sexual intercourse |
| | 262 | rape of spouse |
| | 286 | sodomy |
| | 288a | oral copulation |
| | 289 | sexual penetration |

- agpt persons will
- you child < 14
- 14 & older
- mental disorder
- unconscious

BILL

Date (time)
needed

~~FILE~~
Thurs

LRB - 37861 P1
PG: : :

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ;* and *to create . . .* of the statutes; **relating to:** *teen dating violence education*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

- If titles are needed in the analysis, in the component bar:
 - For the main heading, execute: **create** → **anal:** → **title:** → **head**
 - For the subheading, execute: **create** → **anal:** → **title:** → **sub**
 - For the sub-subheading, execute: **create** → **anal:** → **title:** → **sub-sub**
- For the analysis text, in the component bar:
 - For the text paragraph, execute: **create** → **anal:** → **text**

(attached)

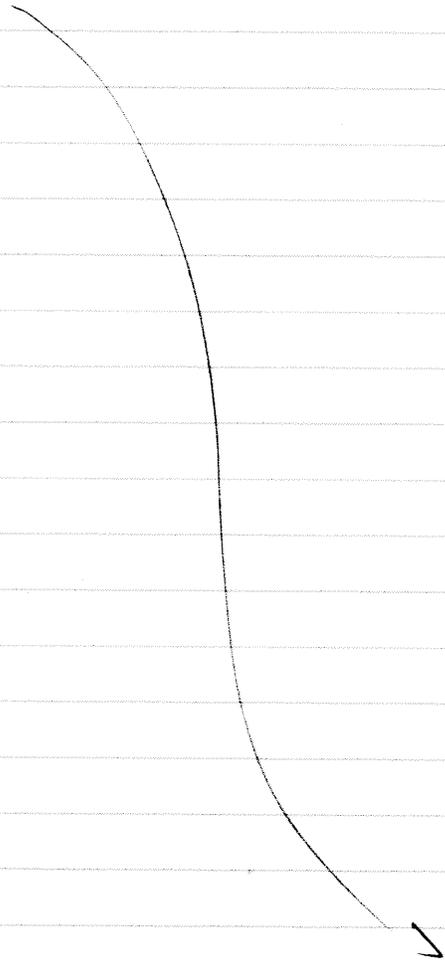
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

SEC. CR. 118.0195

118.0195 Teen dating violence education.

(1) In this section:



see INS. A

1 (a) "Abuse of property" means damaging or destroying the
2 property of another.

3 (b) "Dating partner" means any person involved in an intimate
4 relationship with another person primarily characterized by the
5 expectation of affectionate involvement, whether casual, serious,
6 or long term.

7 (c) "Healthy relationship" means an equal relationship free from
8 abusive, violent, and controlling behavior in which each person
9 respects the other's right to have his or her own opinions, friends,
10 and activities, and each person can openly communicate with the
11 other.

12 (d) "Inappropriate sexual behavior" means any unwanted sexual
13 contact including ~~sexual battery~~, touching, kissing, caressing, and
14 rubbing.

15 (e) "Internet abuse" or "cyber bullying" means ~~verbal or~~
16 ~~psychological abuse or threats~~ using electronic means including
17 cell phone texting, e-mail, Internet Web postings, blogs, or social
18 networking sites.

19 (f) ~~"Nonverbal abuse" means intimidation, threats, or~~
20 ~~harassment, whether direct, by electronic means, or through other~~
21 ~~persons.~~

22 (g) "Obscene material[s]" means sexually explicit notes, graffiti,
23 drawings, photos, or any other material that is made to be or is
24 otherwise presented in a sexually explicit nature.

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

28 (i) "Physical intimidation" means an attempt to frighten or
29 coerce another person by restraining them, blocking their
30 movements or exits, punching walls, or throwing things.

31 (j) "Reproductive control" means forms of coercion that interfere
32 with a person's ability to control his or her reproductive life,
33 including intentionally exposing a partner to sexually transmitted
34 infections, attempting to impregnate a young woman against her
35 will, intentionally interfering with birth control methods, or
36 threatening or acting violent if she or he does not comply with the
37 perpetrator's wishes regarding contraception or the decision
38 whether to terminate or continue a pregnancy.

39 (k) "Sexual assault" means any offense specified in paragraph
40 (l) of subdivision (b) of Section 264.2 of the Penal Code.

(ar) "child with a disability" has the meaning given in s. 115.76 (5)

abusive behavior

s. 940.225, 948.02, 948.025, or 948.09

1 (l) "Sexual harassment" means any unwanted sexual attention,
2 including catcalls, verbal or written comments about a person's
3 body or sexual conduct, sexual gestures, or spreading sexual gossip
4 or graffiti.

5 (m) "Sexual violence" means sexual assault, sexual abuse, or
6 sexual stalking of a minor child or teenager, including sexual
7 violence committed by perpetrators who are strangers to the victim
8 and by perpetrators who are known by, or related by blood or
9 marriage to, the victim. "Sexual violence" can involve sexual
10 harassment, inappropriate sexual behavior, and sexual assault.

may

11 (n) "Stalking" means willfully and repeatedly following or
12 harassing another person or making a threat with the intent to place
13 that person in fear for his or her safety, or the safety of his or her
14 family.

15 (o) "Teen dating violence" means a pattern of behavior where
16 a person uses threats of physical abuse or actual physical abuse,
17 sexual abuse, ~~verbal abuse,~~ or emotional abuse to control his or
18 her current or former dating partner and one or both of the partners
19 is a teenager. "Teen dating violence" can include ~~verbal abuse,~~
20 written materials, use of weapons, the destruction of property,
21 stalking, Internet abuse or cyber bullying, and other forms of
22 intimidation.

abusive behavior,

in which

may

23 ~~(p) "Verbal abuse" means the use of threats, put-downs,~~
24 ~~name-calling, insults, offensive language, sexually explicit or~~
25 ~~homophobic language, screaming, or yelling.~~

26 (q) "Written materials" means notes, graffiti drawings, photos,
27 obscene materials, or any other printed, electronic, or written
28 expressions.

(2) board

29 ~~32233~~ (a) A school ~~district~~ may provide teen dating violence
30 prevention education consisting of age-appropriate instruction, ~~as~~
31 ~~developed by the state board pursuant to Section 51230,~~ as part of
32 the ~~sexual health and health education~~ program it provides to pupils
33 in grades 7 to 12, ~~in person~~. A school ~~district~~ may use school
34 district personnel or outside consultants who are trained in the
35 appropriate courses to provide this additional instruction.

not for

36 (b) A school ~~district~~ that elects to offer teen dating violence
37 prevention education ~~pursuant to~~ this section shall include
38 instruction and materials regarding teen dating violence and sexual
39 violence that include methods for all of the following:

board under

40 1. ~~1.~~ Recognizing what constitutes a healthy relationship.

abusive behavior⁵⁻

- 1 2. (2) Identifying teen dating violence, ~~verbal abuse, nonverbal~~
- 2 ~~abuse~~, physical intimidation, stalking, physical abuse, inappropriate
- 3 sexual behavior, sexual harassment, sexual violence, sexual assault,
- 4 and Internet abuse and cyber bullying.
- 5 3. (2) Locating sources for legal, medical, mental health, and other
- 6 supportive services regarding teen dating violence.
- 7 (c) A school ~~district~~ that elects to offer teen dating violence
- 8 prevention education ~~pursuant to~~ ^{under} this section shall satisfy all of
- 9 the following criteria:
- 10 1. (1) Instruction and materials shall be age appropriate.
- 11 2. (2) All factual information presented shall be medically accurate
- 12 and objective.
- 13 3. (2) Instruction shall be made available on an equal basis to a
- 14 pupil who is an English learner, ~~consistent with the existing~~
- 15 ~~curriculum and alternative options for an English learner as~~
- 16 ~~otherwise provided in this code.~~
- 17 4. (2) Instruction and materials shall be appropriate for use with
- 18 pupils of all races, genders, sexual orientations, gender identities,
- 19 and ethnic and cultural backgrounds and with ~~pupils~~ ^{children} with
- 20 disabilities.
- 21 5. (2) Instruction and materials shall be accessible to ~~pupils~~ ^{(with}
- 22 ~~disabilities, including, but not limited to,~~ the provision of a
- 23 modified curriculum, materials and instruction in alternative
- 24 formats, and auxiliary aids.
- 25 6. (2) Instruction and materials shall encourage a pupil to
- 26 communicate with his or her parents or guardians about human
- 27 sexuality, and should provide the skills to initiate those discussions.
- 28 7. (2) Instruction and materials shall teach respect for marriage
- 29 and committed relationships that are voluntary, healthy, and safe.
- 30 8. (2) Instruction and materials shall teach pupils the skills to
- 31 recognize and aspire to healthy, respectful relationships including
- 32 all of the following:
- 33 a. (A) Communication skills that help them discuss and resolve
- 34 conflicts within intimate relationships with respect and
- 35 nonviolence.
- 36 b. (B) Critical thinking skills.
- 37 c. (C) Skills to negotiate with an intimate partner.
- 38 d. (D) Skills for pupils to recognize and understand their own
- 39 individual boundaries, and recognize and respect the boundaries
- 40 of others.

buse

children

1 9. (2) Instruction and materials shall not teach or promote religious
2 doctrine.

3 10. (10) Instruction and materials shall not reflect or promote bias
4 against any person on the basis of any category protected by
5 ~~Section 220~~ s. 118.13

6 32234. It is the intent of the Legislature to encourage pupils
7 to communicate with their parents or guardians about human
8 sexuality and teen dating violence and to respect the rights of
9 parents or guardians to supervise their children's education on
10 these subjects. The Legislature intends to create a streamlined
11 process to make it easier for parents and guardians to review
12 materials and evaluation tools related to teen dating violence
13 prevention education, and, if they wish, to excuse their children
14 from participation in all or part of that instruction or evaluation.
15 The Legislature recognizes that while parents and guardians
16 overwhelmingly support medically accurate, comprehensive sex
17 education, parents and guardians have the ultimate responsibility
18 for imparting values regarding human sexuality to their children.

19 3) A parent or guardian of a pupil ~~has the right to~~ excuse his or her
20 child from all or part of teen dating violence prevention education,
21 and assessments related to that education, as follows:

22 (a) At the beginning of each school ~~year~~, or, for a pupil who
23 enrolls in a school after the beginning of the school ~~year~~ at the
24 time of that pupil's enrollment, each school ~~district~~ that provides
25 teen dating violence prevention education pursuant to this article,
26 shall notify the parent or guardian of each pupil about instruction
27 in teen dating violence prevention education and research on pupil
28 health behaviors and risks planned for the coming ~~year~~. The notice
29 shall do all of the following:

30 1. ~~(1)~~ Advise the parent or guardian that written and audiovisual
31 educational materials used in comprehensive teen dating violence
32 prevention education are available for inspection.

33 2. (2) Advise the parent or guardian whether the teen dating
34 violence prevention education will be taught by school district
35 personnel or by outside consultants. A school ~~district~~ may provide
36 teen dating violence prevention education, to be taught by outside
37 consultants, and may hold an assembly to deliver teen dating
38 violence prevention education by guest speakers, but if it elects to
39 provide teen dating violence prevention education in either of these
40 manners, the notice shall include the date of the instruction, the

may

term

board

under this section

board

1 name of the organization or affiliation of each guest speaker, and
2 information stating the right of the parent or guardian to request
3 a copy of this section.

4 3. ~~(2)~~ Include information explaining the parent's or guardian's
5 right to request a copy of this ~~chapter~~ section

6 4. ~~(4)~~ Advise the parent or guardian that the parent or guardian
7 may request in writing that his or her child not receive teen dating
8 violence prevention education.

9 5. ~~(1)~~ Upon written request to the school principal, a parent or
10 ~~legal~~ guardian of a pupil less than 18 years of age, within a
11 reasonable period of time after the request is made, shall be
12 permitted to examine the teen dating violence education program
13 instructional materials at the school in which his or her child is
14 enrolled.

15 (b) ~~Notwithstanding Section 51513,~~ anonymous, voluntary, and
16 confidential research and evaluation tools to measure pupils' health
17 behaviors and risks, including questionnaires and surveys
18 containing age-appropriate questions about the pupil's attitudes
19 concerning teen dating violence, may be administered to any pupil
20 in grades 7 to 12, ~~inclusive,~~ if the parent or guardian is notified in
21 writing that this questionnaire or survey is to be administered and
22 the pupil's parent or guardian is given the opportunity to review
23 the questionnaire or survey and to request in writing that his or
24 her child not participate.

25 (c) The use of outside consultants or guest speakers as described
26 in ~~paragraph (2) of subdivision (a)~~ is within the discretion of the
27 school ~~district~~ board

par. (a) 2.

28 (d) A pupil may not attend any class in teen dating violence
29 prevention education, or participate in any anonymous, voluntary,
30 and confidential questionnaire or survey on pupil health behaviors
31 and risks, if the school has received a written request from the
32 pupil's parent or guardian excusing the pupil from participation.

33 (e) A pupil may not be subject to disciplinary action, academic
34 penalty, or other sanction if the pupil's parent or guardian declines
35 to permit the pupil to receive teen dating violence prevention
36 education or to participate in anonymous, voluntary, and
37 confidential questionnaires or surveys on pupil health behaviors
38 and risks.

39 (f) During the administration of teen dating violence prevention
40 education or an anonymous, voluntary, and confidential

1 questionnaire or survey on pupil health behaviors and risks, an
2 alternative educational activity shall be made available to pupils
3 whose parents or guardians have requested that they not receive
4 the instruction or participate in the questionnaire or survey.

5 ~~SEC 2 Section 51230 is added to the Education Code, to read:~~

6 ~~(4) 51230. (a) The state board shall incorporate teen dating~~
7 ~~violence and sexual violence curriculum into the health curriculum~~
8 ~~framework at its next revision.~~ *its model*

department

9 (b) The state board shall consult with the State Department of
10 ~~Public Health~~, the Attorney General, and domestic violence and
11 sexual assault prevention advocates for advice on the development
12 of grade-level concepts and content guidelines to be incorporated
13 into the ~~sexual health and~~ health education program currently
14 taught at secondary schools to pupils in ~~any of~~ grades 7 to 12,
15 ~~inclusive~~. Materials produced pursuant to this subdivision shall
16 focus on educating pupils regarding teen dating violence, sexual
17 violence, and healthy relationships.

services

under this paragraph

18 (c) ~~(1)~~ Teen dating violence and sexual violence education shall
19 include, ~~but is not limited to~~, defining teen dating violence and
20 sexual violence, ~~and~~ recognizing teen dating violence warning
21 signs, ~~and~~ characteristics of healthy relationships, and information
22 about legal, medical, and mental health services.

23 ~~2-(2)~~ The curriculum shall focus on educating pupils regarding
24 teen dating violence and sexual violence.

25 ~~3-(3)~~ The curriculum shall be developed through interagency
26 collaborations with advocates who work in the areas of domestic
27 violence, teen dating violence, and sexual violence.

28 ~~(d)~~ ~~(e)~~ The state board shall incorporate teen dating violence
29 prevention education into the sexual health and health education
30 program currently taught at secondary schools to pupils in any of
31 grades 7 to 12, inclusive. Teen dating violence prevention
32 education shall be an independent section in the health curriculum.

department

33 ~~(e)~~ ~~(d)~~ For purposes of this section, teen dating violence, sexual
34 violence, and healthy relationships have the same meaning as
35 specified in Section 32232.

(End)

0

¶ (ag) "Abusive behavior" means the use of ~~threats~~ put-downs, name-calling, insults, offensive language, sexually explicit or homophobic language, screaming, or yelling. ~~intimidation, or harassment, whether direct, by electronic means, or through other persons.~~

intimidation, threats, or harassment, whether direct, by electronic means, or through other persons, and includes

March 24, 2011) extended categorical flexibility to the 2014-15 fiscal year. (EC § 32228 & 42605)

The processes for reviewing frameworks and adopting instructional materials has been suspended since July 2009, pursuant to AB 2 of the Fourth Extraordinary Session (Chapter 2, July 2009) which among other things, prohibited the SBE from reviewing frameworks and adopting instructional materials until the 2013-14 school year. SB 70 (Committee on Budget and Fiscal Review, Ch. 7, March 24, 2011) extended this suspension to the 2015-16 school year. (EC § 60200.7)

ANALYSIS

This bill requires schools that elect to provide teen dating violence prevention education to ensure that the instruction meets certain criteria, and requires the ~~State Board of Education (SBE)~~ to incorporate teen dating violence and sexual violence curriculum into ~~the~~ health curriculum ~~framework~~. Specifically, ~~this~~ ^{the} bill:

Department of Public Instruction (DPI)

1. ~~2~~ Authorizes a school district to provide teen dating violence prevention education, consisting of age-appropriate instruction, ~~as developed by the SBE,~~ as part of the ~~sexual health and~~ health education program it provides to pupils in grades ~~(7-12)~~ ^{7 to 12}

2. ~~1~~ Requires the ~~SBE~~ ^(DPI) to incorporate teen dating violence and sexual violence curriculum into the ~~health curriculum framework at its next revision.~~ ^{model} This ~~bill~~ ^{The} requires ~~the SBE~~ to consult with the Department of ~~Public Health,~~ the Attorney General, and domestic violence and sexual assault prevention advocates for advice on the development of grade-level concepts and content guidelines to be incorporated into the ~~sexual health and~~ health education program currently taught

Finally the bill

move to p. 5.

Services

in grades 7-12.

SB 13 Page 3

2. ~~2~~ Requires a school district that elects to offer teen dating violence prevention education 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, ~~verbal abuse nonverbal abuse,~~ ^{abusive behavior} physical intimidation, stalking, physical abuse, inappropriate sexual behavior, sexual harassment, sexual violence, sexual assault, and Internet abuse and cyber bullying.
- c) Locating sources for legal, medical, mental health, and other supportive services regarding teen dating violence.

3. ~~2~~ Requires a school district that elects to offer teen dating violence prevention education to satisfy

certain

~~criteria that is consistent with current law regarding sex education including the information must be medically accurate and objective, age appropriate, available to English learners, encourage communication with parents, and teach respect for marriage and committed relationships.~~

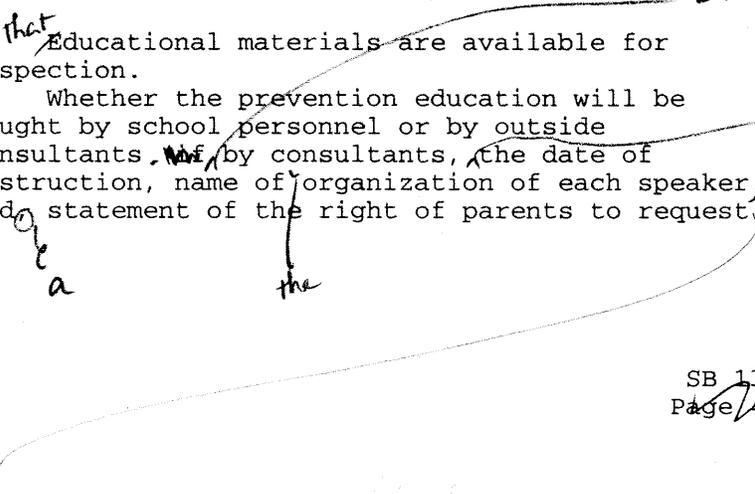
4. ~~SB~~

Requires each school district that provides teen dating violence prevention education to notify the parent or guardian of each pupil about instruction planned for the coming year. The notice must include all of the following, ~~which is consistent with current law regarding sex education and HIV/AIDS prevention education:~~

If the instruction is

- a) ~~that~~ Educational materials are available for inspection.
- b) Whether the prevention education will be taught by school personnel or by ~~outside consultants, ~~not~~ by consultants,~~ the date of instruction, name of organization of each speaker, and statement of the right of parents to request

the notice must specify



a

the

SB 13
Page 4

a copy of this section ~~in law~~.

- c) ~~An~~ Explanation of the right to request a copy of this section ~~in law~~.
- d) ~~that~~ The parent may request in writing that his or her child not ~~not~~ participate in teen dating violence prevention education.
- e) ~~that~~ Upon written request to the school principal, a parent ~~shall~~ be allowed to examine the instruction materials at the school in which the child is enrolled.

must

5. ~~SB~~

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 ~~(7-12)~~. 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. ~~This is consistent with current law regarding sex education.~~

7 to 12

6. ~~SB~~

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. ~~This~~ bill also prohibits a pupil from being subject to disciplinary action, academic penalty, or other sanction 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. ~~This~~ bill

The

The

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. ~~All are consistent with current law regarding sex education and HIV/AIDS prevention education.~~

SB 13
Page 5

7. ~~Authorizes schools to use school district personnel or outside consultants who are trained in the appropriate courses, which is consistent with current law regarding sexual education and HIV/AIDS prevention education.~~

INS.
FROM
P. 3

9) Defines the following terms:

- a) Abuse of property.
- b) Dating partner.
- c) Healthy relationship.
- d) Inappropriate sexual behavior.
- e) Internet abuse or cyber bullying.
- f) Nonverbal abuse.
- g) Obscene materials.
- h) Physical abuse.
- i) Physical intimidation.
- j) Reproductive control.
- aa) Sexual assault.
- bb) Sexual harassment.
- cc) Sexual violence.
- dd) Stalking.
- ee) Teen dating violence.
- ff) Verbal abuse.
- gg) Written materials.

STAFF COMMENTS

1) Purpose of the bill . According to the author, "Under existing law, public school districts do not have to educate employees and students about dating violence, nor do they have to have a response policy and protocol for complaints of teen dating violence. SB 13 would provide guidelines for dating and sexual violence prevention on campus and aid in preventing dating violence by spreading awareness. SB 13 will create greater partnership between schools and the community to help educate students about teen dating violence and ensure the safety of young victims of dating violence."

2) Parental notification and opt-out . This bill requires schools that choose to provide teen dating violence prevention education to notify parents prior to this instruction, and allows parents to request that their

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State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3786/P1

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to create* 118.0195 of the statutes; **relating to:** teen dating violence
2 education.

Analysis by the Legislative Reference Bureau

This bill requires schools that elect to provide teen dating violence prevention education to ensure that the instruction meets certain criteria, and 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. Authorizes a school district to 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 a school district that elects to offer teen dating violence prevention education 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 cyber bullying.
 - c) Locating sources for legal, medical, mental health, and other supportive services regarding teen dating violence.
3. Requires a school district that elects to offer teen dating violence prevention education to satisfy certain criteria. The information must be medically accurate and objective, age appropriate, available to English learners, encourage communication with parents, and teach respect for marriage and committed relationships.

4. Requires each school district that provides teen dating violence prevention education to notify the parent or guardian of each pupil about instruction planned for the coming year. The notice must include 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 ~~this section~~ *the statute*.
- c) An explanation of the right to request a copy of ~~this section~~.
- 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.

Finally, the bill requires ~~the~~ DPI to incorporate teen dating violence and sexual violence curriculum into the model health curriculum. The bill requires DPI to consult with the Department of Health Services, the Attorney General, and domestic violence and sexual assault prevention advocates 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:

SECTION 1. 118.0195 of the statutes is created to read:

118.0195 Teen dating violence education. (1) In this section: (a) "Abuse of property" means damaging or destroying the property of another.

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

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

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

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

(d) "Inappropriate sexual behavior" means any unwanted sexual contact including touching, kissing, caressing, and rubbing.

(e) "Internet abuse or cyber bullying" means abusive behavior using electronic means including cell phone texting, e-mail, Internet Web postings, blogs, or social networking sites.

(g) "Obscene material" means sexually explicit notes, graffiti, drawings, photos, or any other material that is made to be or is otherwise presented in a sexually explicit nature.

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

4 (i) "Physical intimidation" means an attempt to frighten or coerce another
5 person by restraining ^{g him or her} ~~them~~, blocking ^{g his or her} ~~their~~ movements or exits, punching walls, or
6 throwing things.

7 (j) "Reproductive control" means forms of coercion that interfere with a person's
8 ability to control his or her reproductive life, including intentionally exposing a
9 partner to sexually transmitted infections, attempting to impregnate a woman
10 against her will, intentionally interfering with birth control methods, or threatening ^{violence}
11 or acting violent if she or he does not comply with the perpetrator's wishes regarding
12 contraception or the decision whether to terminate or continue a pregnancy.

13 (k) "Sexual assault" means any offense specified s. 940.225, 948.02, 948.025, or
14 948.09.

15 (l) "Sexual harassment" means any unwanted sexual attention, including
16 catcalls, verbal or written comments about a person's body or sexual conduct, sexual
17 gestures, or spreading sexual gossip or graffiti.

18 (m) "Sexual violence" means sexual assault, sexual abuse, or sexual stalking of
19 a minor child or teenager, including ^{g acts} ~~sexual violence~~ committed by perpetrators who
20 are strangers to the victim and by perpetrators who are known by, or related by blood
21 or marriage to, the victim. "Sexual violence" may involve sexual harassment,
22 inappropriate sexual behavior, and sexual assault.

23 (n) "Stalking" means willfully and repeatedly following or harassing another
24 person or making a threat with the intent to place that person in fear for his or her
25 safety or the safety of his or her family.

1 (b) "Teen dating violence" means a pattern of behavior in which a person uses
2 abusive behavior, threats of physical abuse, or actual physical abuse, sexual abuse,
3 or emotional abuse to control his or her current or former dating partner and one or
4 both of the partners is a teenager. "Teen dating violence" may include written
5 material, use of weapons, the destruction of property, stalking, Internet abuse or
6 cyber bullying, and other forms of intimidation.

7 (c) "Written material" means notes, graffiti, drawings, photos, obscene
8 material, or any other printed, electronic, or written expressions.

9 (2) (a) A school board may provide teen dating violence prevention education
10 consisting of age-appropriate instruction as part of the health education program it
11 provides to pupils in grades 7 to 12. A school board may use school district personnel
12 or outside consultants who are trained in the appropriate courses to provide this
13 additional instruction.

14 (b) A school board that elects to offer teen dating violence prevention education
15 under this section shall include instruction and materials regarding teen dating
16 violence and sexual violence that include methods for all of the following:

- 17 1. Recognizing what constitutes a healthy relationship.
- 18 2. Identifying teen dating violence, abusive behavior, physical intimidation,
19 stalking, physical abuse, inappropriate sexual behavior, sexual harassment, sexual
20 violence, sexual assault, and Internet abuse and cyber bullying.

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

23 (c) A school board that elects to offer teen dating violence prevention education
24 under this section shall satisfy all of the following criteria:

- 25 1. Instruction and materials shall be age appropriate.

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

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

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

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

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

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

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

17 a. Communication skills that help ^{the pupils} (them) discuss and resolve conflicts within
18 intimate relationships with respect and nonviolence.

19 b. Critical thinking skills, 

20 c. Skills to negotiate with an intimate partner.

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

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

24 10. Instruction and materials shall not reflect or promote bias against any
25 person on the basis of any category protected ^{under} (by) s. 118.13.

1 (3) A parent or guardian of a pupil may excuse his or her child from all or part
2 of teen dating violence prevention education, and assessments related to that
3 education, as follows:

4 (a) At the beginning of each school term, or, for a pupil who enrolls in a school
5 after the beginning of the school term, at the time of that pupil's enrollment, each
6 school board that provides teen dating violence prevention education under this
7 section shall notify the parent or guardian of each pupil about instruction in teen
8 dating violence prevention education and research on pupil health behaviors and
9 risks planned for the coming term. The notice shall do all of the following:

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

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

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

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

² (am)

1 5. Upon written request to the school principal, a parent or guardian of a pupil
2 less than 18 years of age, within a reasonable period of time after the request is made,
3 shall be permitted ^{to} ~~to~~ ^{may} examine the teen dating violence education program
4 instructional materials at the school in which his or her child is enrolled.

5 (b) Anonymous, voluntary, and confidential research and evaluation tools to
6 measure pupils' health behaviors and risks, including questionnaires and surveys
7 containing age-appropriate questions about the pupil's attitudes concerning teen
8 dating violence, may be administered to any pupil in grades 7 to 12 if the parent or
9 guardian is notified in writing that this questionnaire or survey is to be administered
10 and the pupil's parent or guardian is given the opportunity to review the
11 questionnaire or survey and to request in writing that his or her child not participate.

12 (c) The use of outside consultants or guest speakers as described in par. (a) 2.
13 is within the discretion of the school board.

14 (d) A pupil may not attend any class in teen dating violence prevention
15 education, or participate in any ^{activities under par. (b)} ~~anonymous, voluntary, and confidential~~
16 ~~questionnaire or survey on pupil health behaviors and risks~~ if the school has
17 received a written request from the pupil's parent or guardian excusing the pupil
18 from participation.

19 (e) A pupil may not be subject to disciplinary action, academic penalty, or other
20 ^s ~~sanction~~ if the pupil's parent or guardian declines to permit the pupil to receive teen
21 dating violence prevention education or to participate in ~~anonymous, voluntary, and~~
22 ~~confidential questionnaires or surveys on pupil health behaviors and risks~~ ^{any activities under} ~~par. (b)~~

23 (f) During the administration of teen dating violence prevention education or
24 ~~an anonymous, voluntary, and confidential questionnaire or survey on pupil health~~
25 behaviors and risks, an alternative educational activity shall be made available to
^{described in par. (b)}

1 pupils whose parents or guardians have requested that they not receive the
2 instruction or participate in the questionnaire or survey.

3 (4) (a) The department shall incorporate teen dating violence and sexual
4 violence curriculum into its model health curriculum.

5 (b) The department shall consult with the department of health services, the
6 attorney general, and domestic violence and sexual assault prevention advocates for
7 advice on the development of grade-level concepts and content guidelines to be
8 incorporated into the health education program currently taught at secondary
9 schools to pupils in grades 7 to 12. Materials produced under this paragraph shall
10 focus on educating pupils regarding teen dating violence, sexual violence, and
11 healthy relationships.

12 (c) ^{materials and instruction} (1) Teen dating violence and sexual violence education shall include defining
13 ^{all of the following: #1. Definitions of teen dating violence and sexual violence, #2. Skills for} recognizing teen dating violence warning
14 ^{#3. signs/characteristics of healthy relationships, #4. Relevant} and information about legal, medical,
15 and mental health services.

16 ~~2. The curriculum shall focus on educating pupils regarding teen dating~~
17 ~~violence and sexual violence.~~
18 3. The curriculum shall be developed through interagency collaborations with
19 advocates who work in the areas of domestic violence, teen dating violence, and
20 sexual violence.

21 (END)

Grant, Peter

From: LRB.Legal
Sent: Monday, February 13, 2012 5:35 PM
To: Grant, Peter
Subject: FW: Draft review: LRB 11-3786/P1 Topic: Teen dating violence education

From: Rep.Coggs
Sent: Monday, February 13, 2012 5:29 PM
To: LRB.Legal
Subject: RE: Draft review: LRB 11-3786/P1 Topic: Teen dating violence education

This is good...

From: LRB.Legal
Sent: Wednesday, February 01, 2012 4:07 PM
To: Rep.Coggs
Subject: Draft review: LRB 11-3786/P1 Topic: Teen dating violence education

Following is the PDF version of draft LRB 11-3786/P1.



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3786/P1
PG:med:jm

SCSN

Stamps

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~

1 AN ACT *to create* 118.0195 of the statutes; **relating to:** teen dating violence
2 education.

Analysis by the Legislative Reference Bureau

This bill requires schools that elect to provide teen dating violence prevention education to ensure that the instruction meets certain criteria, and 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. Authorizes a school district to 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 a school district that elects to offer teen dating violence prevention education 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 cyber bullying.

c) Locating sources for legal, medical, mental health, and other supportive services regarding teen dating violence.

3. Requires a school district that elects to offer teen dating violence prevention education to satisfy certain criteria. The information must be medically accurate and objective, age appropriate, and available to English learners, encourage communication with parents, and teach respect for marriage and committed relationships.

4. Requires each school district that provides teen dating violence prevention education to notify the parent or guardian of each pupil about instruction planned for the coming year. The notice must ~~include~~ all of the following:

- inform the parent or guardian of*
- 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.

Finally, the bill requires DPI to incorporate teen dating violence and sexual violence curriculum into the model health curriculum. The bill requires DPI to consult with the Department of Health Services, the Attorney General, and domestic violence and sexual assault prevention advocates 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 put
6 downs; name calling; insults; offensive, sexually explicit, or homophobic language;
7 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 cyber bullying” means abusive behavior using electronic
19 means, including cell phone texting, electronic mail, Internet Web postings, blogs,
20 or social networking sites.

21 (g) “Obscene material” means sexually explicit notes, graffiti, drawings,
22 photos, or any other material that is made to be or is otherwise presented in a
23 sexually explicit nature.

1 (h) “Physical abuse” means shaking, arm twisting, pushing, hitting, kicking,
2 slapping, choking, hair pulling, physical intimidation, or any behavior that may
3 result in injury.

4 (i) “Physical intimidation” means an attempt to frighten or coerce another
5 person by restraining him or her, blocking his or her movements or exits, punching
6 walls, or throwing things.

7 (j) “Sexual assault” means any offense specified s. 940.225, 948.02, 948.025, or
8 948.09.

9 (k) “Sexual harassment” means any unwanted sexual attention, including
10 catcalls, verbal or written comments about a person’s body or sexual conduct, sexual
11 gestures, or spreading sexual gossip or graffiti.

12 (L) “Sexual violence” means sexual assault, sexual abuse, or sexual stalking of
13 a minor child or teenager, including acts committed by perpetrators who are
14 strangers to the victim and by perpetrators who are known by, or related by blood or
15 marriage to, the victim.

16 (m) “Stalking” means willfully and repeatedly following or harassing another
17 person or making a threat with the intent to place that person in fear for his or her
18 safety or the safety of his or her family.

19 (n) “Teen dating violence” means a pattern of behavior in which a person uses
20 abusive behavior, threats of physical abuse, or actual physical abuse, sexual abuse,
21 or emotional abuse to control his or her current or former dating partner if one or both
22 of the partners is a teenager.

23 (p) “Written material” means notes, graffiti, drawings, photos, obscene
24 material, or any other printed, electronic, or written expressions.

1 **(2)** (a) A school board may provide teen dating violence prevention education
2 consisting of age-appropriate instruction as part of the health education program it
3 provides to pupils in grades 7 to 12. A school board may use school district personnel
4 or outside consultants who are trained in the appropriate courses to provide this
5 additional instruction.

6 (b) A school board that elects to offer teen dating violence prevention education
7 under this section shall include instruction and materials regarding teen dating
8 violence and sexual violence that include methods for all of the following:

9 1. Recognizing what constitutes a healthy relationship.

10 2. Identifying teen dating violence, abusive behavior, physical intimidation,
11 stalking, physical abuse, inappropriate sexual behavior, sexual harassment, sexual
12 violence, sexual assault, and Internet abuse and cyber bullying.

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

15 (c) A school board that elects to offer teen dating violence prevention education
16 under this section shall satisfy all of the following criteria:

17 1. Instruction and materials shall be age appropriate.

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

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

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

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

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

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

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

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

13 b. Critical thinking skills.

14 c. Skills to negotiate with an intimate partner.

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

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

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

20 **(3)** (a) At the beginning of each school term, or, for a pupil who enrolls in a school
21 after the beginning of the school term, at the time of that pupil's enrollment, each
22 school board that provides teen dating violence prevention education under this
23 section shall notify the parent or guardian of each pupil about instruction in teen
24 dating violence prevention education and research on pupil health behaviors and
25 risks planned for the coming term. The notice shall do all of the following:

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

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

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

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

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

21 (b) Anonymous, voluntary, and confidential research and evaluation tools to
22 measure pupils' health behaviors and risks, including questionnaires and surveys
23 containing age-appropriate questions about the pupil's attitudes concerning teen
24 dating violence, may be administered to any pupil in grades 7 to 12 if the parent or
25 guardian is notified in writing that this questionnaire or survey is to be administered

1 and the pupil's parent or guardian is given the opportunity to review the
2 questionnaire or survey and to request in writing that his or her child not participate.

3 (c) The use of outside consultants or guest speakers as described in par. (a) 2.
4 is within the discretion of the school board.

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

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

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

17 **(4)** (a) The department shall incorporate teen dating violence and sexual
18 violence curriculum into its model health curriculum.

19 (b) The department shall consult with the department of health services, the
20 attorney general, and domestic violence and sexual assault prevention advocates for
21 advice on the development of grade-level concepts and content guidelines to be
22 incorporated into the health education program currently taught at secondary
23 schools to pupils in grades 7 to 12. Materials produced under this paragraph shall
24 focus on educating pupils regarding teen dating violence, sexual violence, and
25 healthy relationships.

Parisi, Lori

From: Dent, Tracey
Sent: Thursday, February 16, 2012 2:26 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-3786/1 Topic: Teen dating violence education

Please Jacket LRB 11-3786/1 for the ASSEMBLY.