



2019 ASSEMBLY BILL 378

August 28, 2019 - Introduced by Representatives SARGENT, SPIROS, ANDERSON, BILLINGS, BOWEN, CROWLEY, FIELDS, GRUSZYNSKI, KERKMAN, MURSAU, NOVAK, OHNSTAD, SINICKI, SKOWRONSKI, SPREITZER, STUBBS, SUBECK, C. TAYLOR, VINING, ZIMMERMAN, MILROY and NEUBAUER, cosponsored by Senators PETROWSKI, SHILLING, JOHNSON, LARSON, RISSER, SCHACHTNER and WIRCH. Referred to Committee on Education.

1 **AN ACT** *to renumber* 118.07 (5); and *to create* 118.07 (5) (b), 118.47 and 121.02
2 (1) (L) 2m. of the statutes; **relating to:** teen dating violence prevention
3 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 to prepare, by July 1, 2020, a policy governing the prevention of and appropriate responses to teen dating violence and sexual violence when pupils are at school or while pupils are under the supervision of a school authority. By January 1, 2021, each school board must adopt either DPI's policy and curriculum or its own policy and curriculum. The bill also requires DPI to incorporate teen dating violence and sexual violence prevention curriculum into its model health curriculum.

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:

4 **SECTION 1.** 118.07 (5) of the statutes is renumbered 118.07 (5) (a).
5 **SECTION 2.** 118.07 (5) (b) of the statutes is created to read:

ASSEMBLY BILL 378**SECTION 2**

1 118.07 (5) (b) A school board shall require every employee of the school district
2 governed by the school board who has direct contact with pupils in grades 6 to 12 to
3 attend training provided by the department in the prevention of and appropriate
4 responses to teen dating violence and sexual violence when pupils are at school or
5 while pupils are under the supervision of a school authority. The school board shall
6 ensure that a school district employee attends the training required under this
7 paragraph within the first 6 months after beginning employment with the school
8 district and at least once every 5 years after the initial training.

9 **SECTION 3.** 118.47 of the statutes is created to read:

10 **118.47 Teen dating violence prevention education. (1) DEFINITIONS.** In
11 this section:

12 (a) “Abusive behavior” means verbal or physical intimidation, threats, or
13 harassment, whether direct, by electronic means, or through other persons.

14 (b) “Age-appropriate” has the meaning given in s. 118.019 (1m) (a).

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

16 (d) “Cyberbullying” means the use of information and communication
17 technologies, such as a cell phone, computer, Internet site, or electronic mail
18 message, to engage in or support deliberate, hostile behavior intended to frighten,
19 intimidate, mock, insult, bully, or harm others.

20 (e) “Dating partner” means any individual involved in an intimate relationship
21 with another individual primarily characterized by the demonstration of affection,
22 whether casual, serious, or long-term.

23 (f) “Emotional abuse” has the meaning given in s. 46.90 (1) (cm).

24 (g) “Harassment” has the meaning given in s. 813.125 (1) (am).

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

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

8 (j) "Physical intimidation" means an attempt to frighten or coerce another
9 individual by physical contact, including by restraining the individual, blocking the
10 individual's movements or exits, punching walls, or throwing objects.

11 (k) "Sexual contact" has the meaning given in s. 940.225 (5) (b).

12 (L) "Sexual violence" means any unwanted sexual contact.

13 (m) "Stalking" means willfully and repeatedly following or harassing another
14 individual or making a threat with the intent to place that individual in fear for the
15 individual's safety or the safety of the individual's family.

16 (n) "Teen dating violence" means behavior in which all of the following apply:

17 1. An individual uses abusive behavior, threats of or actual physical abuse,
18 sexual violence, cyberbullying, or emotional abuse.

19 2. The effect of the behavior is to dominate, control, or punish the individual's
20 dating partner or former dating partner.

21 3. At least one of the partners is a teenager.

22 **(2) DEPARTMENT; DUTIES.** (a) By July 1, 2020, the department shall, working in
23 consultation with the department of children and families, the department of health
24 services, the council on domestic abuse, and advocates from statewide organizations
25 representing victims of domestic abuse and sexual violence, prepare, adopt, and

ASSEMBLY BILL 378**SECTION 3**

1 make available to school districts a policy governing the prevention of and
2 appropriate responses to teen dating violence and sexual violence when pupils are
3 at school or while pupils are under the supervision of a school authority. The
4 department shall incorporate all of the following in its policy:

5 1. Methods for accommodating pupils who are victims of teen dating violence
6 or sexual violence.

7 2. A requirement that school districts comply with and support compliance
8 with court orders related to teen dating violence and sexual violence.

9 3. Methods for protecting the rights, safety, and privacy of victims.

10 (b) In preparing the policy required under par. (a), the department shall take
11 into consideration other policies that have been adopted by a school board and that
12 directly address the prevention of and appropriate responses to teen dating violence
13 and sexual violence, as well as other obligations imposed upon the school board
14 related to education and training; the protection and accommodation of a pupil who
15 is the victim of bullying, harassment, or assault; and the reporting of suspected child
16 abuse and neglect. The department shall explicitly reference those policies and
17 obligations in the policy adopted under par. (a). To the greatest extent possible, the
18 department shall not duplicate in the policy adopted under par. (a) any requirement
19 or obligation imposed upon a school board under a policy adopted by a school board
20 or under current law.

21 (c) The department shall incorporate a teen dating violence and sexual violence
22 prevention curriculum into its model health problems education curriculum. The
23 teen dating violence and sexual violence prevention curriculum shall include all of
24 the following topics:

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

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1 2. Skills for identifying teen dating violence, abusive behavior, physical
2 intimidation, stalking, physical abuse, sexual violence, and cyberbullying.

3 3. Appropriate and safe ways for teen bystanders to intervene in teen dating
4 violence, sexual violence, and incidents of stalking and to seek help from supportive
5 adults on behalf of victims.

6 4. Characteristics of healthy relationships.

7 5. The meaning of consent, how to communicate consent, the absence of
8 consent, and how to identify consent and the absence of consent. The department
9 shall include under this subdivision all of the following:

10 a. That consent does not exist when a person is coerced or when permission is
11 implied, assumed, or given under threat.

12 b. That a person that consents to one act does not thereby consent to any other
13 act.

14 c. That consent does not exist when one or all parties involved in an activity are
15 intoxicated or otherwise incapacitated.

16 6. Communication techniques to help pupils discuss and resolve conflicts
17 within dating relationships with respect and nonviolence.

18 7. Methods for exercising critical thinking skills and developing skills for pupils
19 to recognize and understand their own individual boundaries and recognize and
20 respect the boundaries of others.

21 8. Relevant information about and sources for legal, medical, and mental
22 health and other supportive services regarding teen dating violence and sexual
23 violence.

24 9. Relevant information about trafficking, as defined in s. 940.302 (1) (d), for
25 purposes of a commercial sex act, as defined in s. 940.302 (1) (a).

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1 (d) The department shall provide to school district employees who have direct
2 contact with pupils in grades 6 to 12 training in the prevention of and appropriate
3 responses to teen dating violence and sexual violence when pupils are at school or
4 while pupils are under the supervision of a school authority.

5 **(3) SCHOOL BOARD; DUTIES.** (a) By January 1, 2021, a school board shall adopt
6 a policy governing the prevention of and appropriate responses to teen dating
7 violence and sexual violence. A school board may adopt the department's model
8 policy described under sub. (2) (a) or adopt its own policy. If the school board adopts
9 its own policy, the school board shall ensure that the policy includes all of the
10 provisions under sub. (2) (a).

11 (b) By July 1, 2021, a school board shall adopt and incorporate the teen dating
12 violence and sexual violence prevention curriculum described under sub. (2) (c) into
13 its health education program or adopt and incorporate its own teen dating violence
14 and sexual violence prevention curriculum that includes all of the topics described
15 under sub. (2) (c).

16 (c) At the beginning of each school term, or, for a pupil who enrolls in a school
17 after the beginning of the school term, at the time of that pupil's enrollment, a school
18 board shall notify the parent or guardian of each pupil about the instruction in teen
19 dating violence and sexual violence prevention education planned for the coming
20 term. The notice shall do all of the following:

21 1. Advise the parent or guardian that written and audiovisual educational
22 materials used in comprehensive teen dating violence and sexual violence
23 prevention education are available for inspection and that a copy of the instructional
24 materials is available upon request.

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1 2. Advise the parent or guardian that the parent or guardian may request in
2 writing that his or her child not receive teen dating violence and sexual violence
3 prevention education.

4 **SECTION 4.** 121.02 (1) (L) 2m. of the statutes is created to read:

5 121.02 (1) (L) 2m. Beginning in the 2021-22 school year, provide
6 age-appropriate instruction in the prevention of teen dating violence and sexual
7 violence to pupils once in any of the grades 6 to 8 and once in any of the grades 9 to
8 12. The school board shall ensure that the instruction provided under this
9 subdivision is consistent with the curriculum described in s. 118.47 (3) and that the
10 instructors use instructional methods and materials that are consistent with s.
11 118.13 (1).

12

(END)