



2011 ASSEMBLY BILL 694

March 13, 2012 - Introduced by Representatives E. COGGS and YOUNG, cosponsored by Senator TAYLOR. Referred to Committee on Education.

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.

ASSEMBLY BILL 694

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 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.

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:

ASSEMBLY BILL 694

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.

ASSEMBLY BILL 694**SECTION 1**

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.

ASSEMBLY BILL 694

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.

ASSEMBLY BILL 694**SECTION 1**

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:

ASSEMBLY BILL 694

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

ASSEMBLY BILL 694**SECTION 1**

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.

ASSEMBLY BILL 694

1 (c) Teen dating violence and sexual violence education materials and
2 instruction shall include all of the following:

- 3 1. Definitions of teen dating violence and sexual violence.
- 4 2. Skills for recognizing teen dating violence warning signs.
- 5 3. Characteristics of healthy relationships.
- 6 4. Relevant information about legal, medical, and mental health services.

7 (END)