



## 2015 ASSEMBLY BILL 692

January 13, 2016 - Introduced by Representatives SPIROS, SARGENT, KULP, JOHNSON, STUCK, BILLINGS, OHNSTAD, MILROY, BERCEAU, ALLEN, SUBECK, A. OTT, E. BROOKS, KAHL, ROHRKASTE, BROSTOFF, T. LARSON, POPE and C. TAYLOR, cosponsored by Senator HARRIS DODD. Referred to Committee on Education.

1     **AN ACT** *to renumber* 118.019 (1m) (a), 118.019 (1m) (b), 118.019 (2m) and 118.07  
2           (5); *to amend* 118.019 (2) (intro.), 118.019 (3), 118.019 (4), 118.46 (1) (intro.) and  
3           118.46 (1) (a) (intro.); and *to create* 118.019 (1m) (ag), 118.019 (1m) (c), (d), (e),  
4           (f), (g), (i), (j), (k), (L) and (m), 118.019 (2m) (b), 118.019 (2t), 118.07 (5) (b) and  
5           121.02 (1) (L) 2m. of the statutes; **relating to:** teen dating violence policies and  
6           education.

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### *Analysis by the Legislative Reference Bureau*

This bill requires schools to provide teen dating violence prevention education and establishes certain criteria governing the instruction provided. The bill requires the Department of Public Instruction (DPI) to prepare, by the beginning of the 2017-18 school year, a policy governing the prevention of and appropriate responses to teen dating violence and sexual violence on school grounds, at school-sponsored activities, and in vehicles used for the transportation of pupils to and from school-sponsored activities. The bill also requires DPI to incorporate teen dating violence and sexual violence curriculum into its model health curriculum. Within six months after the beginning of the 2017-18 school year, each school board must adopt either DPI's policy and curriculum or its own policy and curriculum.

Current law requires DPI to have developed a model school policy on bullying by pupils. The policy on bullying must include a definition of bullying. This bill requires DPI to periodically revise its model school policy on bullying.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 118.019 (1m) (a) of the statutes is renumbered 118.019 (1m) (ar).

2           **SECTION 2.** 118.019 (1m) (ag) of the statutes is created to read:

3           118.019 **(1m)** (ag) “Abusive behavior” means intimidation, threats, or  
4 harassment, whether direct, by electronic means, or through other persons, and  
5 includes the use of put-downs; name calling; insults; offensive, sexually explicit, or  
6 homophobic language; screaming; or yelling.

7           **SECTION 3.** 118.019 (1m) (b) of the statutes is renumbered 118.019 (1m) (h).

8           **SECTION 4.** 118.019 (1m) (c), (d), (e), (f), (g), (i), (j), (k), (L) and (m) of the statutes  
9 are created to read:

10           118.019 **(1m)** (c) “Child with a disability” has the meaning given in s. 115.76  
11 (5).

12           (d) “Consent” means permission that is clearly and freely given.

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

17           (f) “Dating partner” means any person involved in a relationship with another  
18 person primarily characterized by the demonstration of affection, whether casual,  
19 serious, or long-term.

20           (g) “Healthy relationship” means an equal relationship free from abusive,  
21 violent, and controlling behavior in which each person respects the other’s right to

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1 have his or her own opinions, friends, and activities, and each person can openly  
2 communicate with the other person.

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

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

9 (k) "Sexual violence" means any unwanted sexual contact including touching,  
10 kissing, caressing, and rubbing.

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

14 (m) "Teen dating violence" means behavior in which a person uses abusive  
15 behavior, threats of physical abuse, or actual physical abuse; sexual violence;  
16 cyberbullying; or emotional abuse; the effect of the behavior is to dominate, control,  
17 or punish the person's dating partner or former dating partner; and at least one of  
18 the partners is a teenager.

19 **SECTION 5.** 118.019 (2) (intro.) of the statutes is amended to read:

20 118.019 (2) SUBJECTS. (intro.) A school board may provide an instructional  
21 program in human growth and development in grades kindergarten to 12. If the  
22 school board elects to provide an instructional program under this ~~section~~  
23 subsection, when the school board establishes the curriculum for the instructional  
24 program, the school board shall make determinations as to whether and, if so, for  
25 what subjects covered in the curriculum the pupils shall be separated by gender. If

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1 the school board offers an instructional program is provided under this subsection,  
2 an instructional program that requires the instructor to do all of the following  
3 instructional program is recommended:

4 **SECTION 6.** 118.019 (2m) of the statutes is renumbered 118.019 (2m) (a).

5 **SECTION 7.** 118.019 (2m) (b) of the statutes is created to read:

6 118.019 (2m) (b) 1. Beginning in the 2017-18 school year, a school board shall  
7 provide to pupils in grades 6 to 12 age-appropriate instruction in the prevention of  
8 teen dating violence and sexual violence.

9 2. Teen dating violence prevention education required under this paragraph  
10 shall include instruction and materials regarding teen dating violence and sexual  
11 violence that include methods for all of the following:

12 a. Recognizing what constitutes a healthy relationship.

13 b. Identifying teen dating violence, abusive behavior, physical intimidation,  
14 stalking, physical abuse, sexual violence, and cyberbullying.

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

17 d. Appropriate and safe ways for teen bystanders to intervene in teen dating  
18 violence, sexual violence, and incidents of stalking and to seek help from supportive  
19 adults on behalf of victims.

20 e. Communication skills that help pupils discuss and resolve conflicts within  
21 dating relationships with respect and nonviolence.

22 f. Critical thinking skills.

23 g. Skills for pupils to recognize and understand their own individual  
24 boundaries and recognize and respect the boundaries of others.

25 **SECTION 8.** 118.019 (2t) of the statutes is created to read:

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1           118.019 (2t) MODEL POLICY AND MODEL CURRICULUM ON TEEN DATING VIOLENCE AND  
2           SEXUAL VIOLENCE; SCHOOL DISTRICT POLICIES AND CURRICULA. (a) 1. By the beginning  
3           of the 2017-18 school year, the department shall, working in consultation with the  
4           department of children and families, the department of health services, the council  
5           on domestic abuse, and advocates from statewide organizations representing victims  
6           of domestic abuse and sexual violence, prepare, adopt, and make available to school  
7           districts a policy governing the prevention of and appropriate responses to teen  
8           dating violence and sexual violence on school grounds, at school-sponsored  
9           activities, and in vehicles used for the transportation of pupils to and from  
10          school-sponsored activities. The department shall incorporate all of the following  
11          in its policy:

12           a. Methods for accommodating pupils who are victims of teen dating violence  
13          or sexual violence.

14           b. A requirement that school districts comply with and support compliance  
15          with court orders related to teen dating violence and sexual violence.

16           c. Methods for protecting the rights, safety, and privacy of victims.

17          2. The department shall incorporate teen dating violence and sexual violence  
18          curriculum into its model health problems education curriculum and shall make the  
19          updated health problems education curriculum and the following materials  
20          available to school boards prior to the start of the 2017-18 school year:

21           a. Definitions of teen dating violence and sexual violence.

22           b. Skills for recognizing teen dating violence warning signs.

23           c. Characteristics of healthy relationships.

24           d. The meaning of consent, how to communicate consent and the absence of  
25          consent, and how to identify consent and the absence of consent. The department

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1 shall include in the materials under this subd. 2. d. a discussion about consent that  
2 explains all of the following: that consent does not exist when a person is coerced or  
3 when permission is implied, assumed, or given under threat; that a person that  
4 consents to one act does not thereby consent to any other act; and that consent does  
5 not exist when one or all parties involved in an activity are intoxicated or otherwise  
6 incapacitated.

7 e. Relevant information about legal, medical, and mental health and other  
8 supportive services regarding teen dating violence and sexual violence.

9 (b) 1. Within 6 months after the beginning of the 2017-18 school year, a school  
10 board shall either adopt the model policy governing the prevention of and  
11 appropriate responses to teen dating violence and sexual violence described under  
12 par. (a) 1. or modify or adopt its own policy. If the school board adopts its own policy,  
13 the school board shall ensure that the policy includes all of the provisions under par.  
14 (a) 1.

15 2. Within 6 months after the beginning of the 2017-18 school year, a school  
16 board shall either adopt and incorporate the teen dating violence and sexual violence  
17 curriculum described under par. (a) 2. into its health education program or adopt and  
18 incorporate its own teen dating violence and sexual violence curriculum.

19 **SECTION 9.** 118.019 (3) of the statutes is amended to read:

20 118.019 (3) DISTRIBUTION OF HUMAN GROWTH AND DEVELOPMENT CURRICULUM TO  
21 PARENTS; NOTICE. ~~Each~~ A school board that provides an instructional program in  
22 human growth and development shall annually provide the parents or guardians of  
23 each pupil enrolled in the school district with an outline of the human growth and  
24 development curriculum used in the pupil's grade level, information regarding how  
25 the parent or guardian may inspect the complete curriculum and instructional

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1 materials, an explanation of the exemption under sub. (4), and a statement that  
2 pupils exempted from instruction under this section will still receive instruction in  
3 the subjects under s. 118.01 (2) (d) 2. c., unless exempted, and s. 118.01 (2) (d) 8. The  
4 school board shall make the complete human growth and development curriculum  
5 and all instructional materials available for inspection by a parent or guardian upon  
6 his or her request at any time, including prior to their use in the classroom.

7 **SECTION 10.** 118.019 (4) of the statutes is amended to read:

8 118.019 (4) No pupil may be required to take instruction in human growth and  
9 development or in the specific subjects under subs. (2) and (2m) (a) if the pupil's  
10 parent or guardian files with the teacher or school principal a written request that  
11 the pupil be exempted.

12 **SECTION 11.** 118.07 (5) of the statutes is renumbered 118.07 (5) (a).

13 **SECTION 12.** 118.07 (5) (b) of the statutes is created to read:

14 118.07 (5) (b) A school board shall, consistent with s. 118.019 (2m) (b) and (2t)  
15 (a), require every employee of the school district governed by the school board who  
16 has direct contact with pupils in grades 6 to 12 to receive training provided by the  
17 department in the prevention of and appropriate responses to teen dating violence  
18 and sexual violence on school grounds, at school sponsored activities, and in vehicles  
19 used for the transportation of pupils to and from school sponsored activities. The  
20 school board shall ensure that the school district employee receives that training  
21 within the first 6 months after commencing employment with the school district and  
22 at least once every 5 years after that initial training.

23 **SECTION 13.** 118.46 (1) (intro.) of the statutes is amended to read:

24 118.46 (1) (intro.) ~~By March 1, 2010, the~~ The department shall do all of the  
25 following:

