



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-5251/1
TKK:kjf

2017 SENATE BILL 734

January 29, 2018 - Introduced by Senators PETROWSKI, SHILLING, JOHNSON, L. TAYLOR and LARSON, cosponsored by Representatives SARGENT, SPIROS, HEBL, ANDERSON, SHANKLAND, SPREITZER, WACHS, HORLACHER, CROWLEY, BERCEAU, SUBECK, KULP, C. TAYLOR, BILLINGS and SINICKI. 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 the beginning of the 2018-19 school year, 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 the beginning of the 2019-20 school year, 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:

SENATE BILL 734**SECTION 2**

1 118.07 (5) (b) A school board shall, consistent with s. 118.47 (2) (a) and (3) (a),
2 do all of the following:

3 1. Require every person who is an employee of the school district governed by
4 the school board on the effective date of this paragraph [LRB inserts date], and
5 who has direct contact with pupils in grades 6 to 12 to receive training provided by
6 the department in the prevention of and appropriate responses to teen dating
7 violence and sexual violence when pupils are at school or while pupils are under the
8 supervision of a school authority within 12 months of the effective date of this
9 paragraph [LRB inserts date], and at least once every 5 years after that initial
10 training.

11 2. Ensure that a school district employee who is hired after the effective date
12 of this paragraph [LRB inserts dated], and who has direct contact with pupils in
13 grades 6 to 12 receives the training described in subd. 1. within the first 6 months
14 after commencing employment with the school district and at least once every 5 years
15 after that initial training.

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

17 **118.47 Teen dating violence prevention education. (1)** In this section:

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

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

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

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

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1 (e) "Dating partner" means any person involved in an intimate relationship
2 with another person primarily characterized by the demonstration of affection,
3 whether casual, serious, or long-term.

4 (f) "Emotional abuse" has the meaning given in s. 46.90 (1) (cm).

5 (g) "Harassment" has the meaning given in s. 813.125 (1) (am).

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

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

13 (j) "Physical intimidation" means an attempt to frighten or coerce another
14 person by physical contact, including by restraining him or her, blocking his or her
15 movements or exits, punching walls, or throwing objects.

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

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

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

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

22 1. A person uses abusive behavior, threats of or actual physical abuse, sexual
23 violence, cyberbullying, or emotional abuse.

24 2. The effect of the behavior is to dominate, control, or punish the person's
25 dating partner or former dating partner.

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

2 **(2)** (a) 1. By the beginning of the 2018-19 school year, the department shall,
3 working in consultation with the department of children and families, the
4 department of health services, the council on domestic abuse, and advocates from
5 statewide organizations representing victims of domestic abuse and sexual violence,
6 prepare, adopt, and make available to school districts a policy governing the
7 prevention of and appropriate responses to teen dating violence and sexual violence
8 when pupils are at school or while pupils are under the supervision of a school
9 authority. The department shall incorporate all of the following in its policy:

10 a. Methods for accommodating pupils who are victims of teen dating violence
11 or sexual violence.

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

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

15 2. In preparing the policy required under subd. 1., the department shall take
16 into consideration other policies that may have been adopted by a school board and
17 that directly address the prevention of and appropriate responses to teen dating
18 violence and sexual violence, as well as other obligations imposed upon the school
19 board related to education and training; the protection and accommodation of a pupil
20 who is the victim of bullying, harassment, or assault; and the reporting of suspected
21 child abuse and neglect. The department shall explicitly reference those policies and
22 obligations in the policy adopted under subd. 1. and, to the greatest extent possible,
23 the department shall not duplicate in the policy adopted under subd. 1. any
24 requirement or obligation imposed upon a school board under a policy adopted by the
25 school board or under current law.

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1 3. The department shall incorporate a teen dating violence and sexual violence
2 prevention curriculum into its model health problems education curriculum and
3 shall make the updated health problems education curriculum and the following
4 materials available to school boards prior to the start of the 2018-19 school year:

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

6 b. Skills for identifying teen dating violence, abusive behavior, physical
7 intimidation, stalking, physical abuse, sexual violence, and cyberbullying.

8 c. Appropriate and safe ways for teen bystanders to intervene in teen dating
9 violence, sexual violence, and incidents of stalking and to seek help from supportive
10 adults on behalf of victims.

11 d. Characteristics of healthy relationships.

12 e. The meaning of consent, how to communicate consent and the absence of
13 consent, and how to identify consent and the absence of consent. The department
14 shall include in the materials under this subd. 3. e. a discussion about consent that
15 explains all of the following: that consent does not exist when a person is coerced or
16 when permission is implied, assumed, or given under threat; that a person that
17 consents to one act does not thereby consent to any other act; and that consent does
18 not exist when one or all parties involved in an activity are intoxicated or otherwise
19 incapacitated.

20 f. Communication techniques to help pupils discuss and resolve conflicts within
21 dating relationships with respect and nonviolence.

22 g. Methods for exercising critical thinking skills and developing skills for pupils
23 to recognize and understand their own individual boundaries and recognize and
24 respect the boundaries of others.

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1 h. Relevant information about and sources for legal, medical, and mental
2 health and other supportive services regarding teen dating violence and sexual
3 violence.

4 (b) 1. Within 6 months after the beginning of the 2018-19 school year, a school
5 board shall either adopt the model policy governing the prevention of and
6 appropriate responses to teen dating violence and sexual violence described under
7 par. (a) 1. or modify or adopt its own policy. If the school board adopts its own policy,
8 the school board shall ensure that the policy includes all of the provisions under par.
9 (a) 1.

10 2. By the beginning of the 2019-20 school year, a school board shall either adopt
11 and incorporate the teen dating violence and sexual violence prevention curriculum
12 described under par. (a) 3. into its health education program or adopt and incorporate
13 its own teen dating violence and sexual violence prevention curriculum that includes
14 all of the subject areas and skills described under par. (a) 3.

15 **(3)** Beginning in the 2018-19 school year, a school board shall provide
16 age-appropriate instruction in the prevention of teen dating violence and sexual
17 violence to pupils once in any of the grades 6 to 8 and once in any of the grades 9 to
18 12. The school board shall ensure that the instruction provided under this subsection
19 includes the curriculum described in sub. (2) (b) 2. and that the instructors use
20 instructional methods and materials that are consistent with s. 118.13 (1).

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

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

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

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

9 121.02 (1) (L) 2m. In grades 6 to 12, provide a comprehensive health education
10 program that addresses healthy relationships, teen dating violence, and sexual
11 violence as provided in s. 118.47 (3).

12

(END)