



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4994/1
FFK:amn

2023 ASSEMBLY BILL 728

December 6, 2023 - Introduced by Representatives EMERSON, HONG, C. ANDERSON, J. ANDERSON, CONLEY, CONSIDINE, DRAKE, JACOBSON, JOERS, MADISON, OHNSTAD, ORTIZ-VELEZ, PALMERI, RATCLIFF, SHANKLAND, SHELTON, SINICKI, STUBBS and CLANCY, cosponsored by Senators AGARD, ROYS, HESSELBEIN, L. JOHNSON, LARSON, PFAFF, SMITH, SPREITZER and TAYLOR. Referred to Committee on Criminal Justice and Public Safety.

AUTHORS SUBJECT TO CHANGE

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 the Department of Public Instruction to work with the Department of Children and Families, the Department of Health Services, the Council on Domestic Abuse, and advocates from statewide organizations representing victims of domestic abuse and sexual violence, to adopt 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. DPI must adopt this policy and make it available to school districts by no later than July 1, 2024.

The bill also requires DPI to incorporate a teen dating violence and sexual violence prevention curriculum into its model health problems education curriculum. Under the bill, DPI's teen dating violence and sexual violence prevention curriculum must include various topics, including skills for identifying teen dating violence, abusive behavior, physical intimidation, stalking, physical abuse, sexual violence, and cyberbullying; appropriate and safe ways for teen bystanders to intervene in teen dating violence, sexual violence, and incidents of stalking and to seek help from supportive adults on behalf of victims; the meaning of consent, how to communicate consent, the absence of consent, and how to identify consent and the absence of consent; and characteristics of healthy relationships.

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By January 1, 2025, each school board must adopt DPI's policy governing the prevention of and appropriate responses to teen dating violence and sexual violence or create its own substantially similar policy, and by July 1, 2025, each school board must adopt and incorporate DPI's teen dating violence and sexual violence prevention curriculum or create and incorporate its own substantially similar curriculum. Under the bill, a school board's policy must require a teacher to notify a pupil's parent or guardian if the teacher knows or has reason to believe the pupil was involved in an incident of teen dating violence or sexual violence that occurred at school or under the supervision of a school authority.

Beginning in the 2025-26 school year, the bill requires school boards to provide age-appropriate instruction about teen dating violence prevention to pupils at least once in grades 6 to 8 and once in grades 9 to 12. Under the bill, before the first day of the school term, school boards must provide parents and guardians a notice about instruction in teen dating violence and sexual violence prevention education planned for that school term. The notice must include 1) that the written and audiovisual educational materials used in the instruction are available for inspection and a copy of the materials is available upon request and 2) that a parent or guardian may request in writing that their child not receive the instruction.

Finally, under the bill, school boards must require school district employees who have direct contact with pupils in grades 6 to 12 to attend teen dating violence and sexual violence prevention training within six months of beginning employment and again at least once every five years.

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

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

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

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1 paragraph within the first 6 months after beginning employment with the school
2 district and at least once every 5 years after the initial training.

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

4 **118.47 Teen dating violence prevention education. (1) DEFINITIONS.** In
5 this section:

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

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

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

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

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

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

18 (g) “Harassment” has the meaning given in s. 813.125 (1) (am) 4.

19 (h) “Healthy relationship” means an equal relationship free from abusive,
20 violent, and controlling behavior in which each individual respects the other’s right
21 to have his or her own opinions, friends, and activities, and each individual can
22 openly communicate with the other individual.

23 (i) “Physical abuse” means shaking, arm twisting, pushing, hitting, kicking,
24 slapping, strangulation, hair pulling, physical intimidation, or any behavior that
25 may result in injury.

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1 (j) “Physical intimidation” means an attempt to frighten or coerce another
2 individual by physical contact, including by restraining the individual, blocking the
3 individual’s movements or exits, punching walls, or throwing objects.

4 (k) “Sexual contact” has the meaning given in s. 940.225 (5) (b).

5 (L) “Sexual violence” means any unwanted sexual contact.

6 (m) “Stalking” means willfully and repeatedly following or harassing another
7 individual or making a threat with the intent to place that individual in fear for the
8 individual’s safety or the safety of the individual’s family.

9 (n) “Teen dating violence” means behavior to which all of the following apply:

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

12 2. The effect of the behavior is to dominate, control, or punish the individual’s
13 dating partner or former dating partner.

14 3. At least one of the dating partners is a teenager.

15 **(2) DEPARTMENT; DUTIES.** (a) By July 1, 2024, the department shall, working in
16 consultation with the department of children and families, the department of health
17 services, the council on domestic abuse, and advocates from statewide organizations
18 representing victims of domestic abuse and sexual violence, prepare, adopt, and
19 make available to school districts a policy governing the prevention of and
20 appropriate responses to teen dating violence and sexual violence when pupils are
21 at school or while pupils are under the supervision of a school authority. The
22 department shall incorporate all of the following in its policy:

23 1. Methods for accommodating pupils who are victims of teen dating violence
24 or sexual violence.

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

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

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

15 (c) The department shall incorporate a teen dating violence and sexual violence
16 prevention curriculum into its model health problems education curriculum. The
17 teen dating violence and sexual violence prevention curriculum shall include all of
18 the following topics:

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

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

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

25 4. Characteristics of healthy relationships.

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1 5. The meaning of consent, how to communicate consent, the absence of
2 consent, and how to identify consent and the absence of consent. The department
3 shall include under this subdivision all of the following:

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

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

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

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

12 7. Methods for exercising critical thinking skills and developing skills for pupils
13 to recognize and understand their own individual boundaries and recognize and
14 respect the boundaries of others.

15 8. Relevant information about and sources for legal, medical, and mental
16 health and other supportive services regarding teen dating violence and sexual
17 violence.

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

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

24 **(3) SCHOOL BOARD; DUTIES.** (a) By January 1, 2025, a school board shall adopt
25 a policy governing the prevention of and appropriate responses to teen dating

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1 violence and sexual violence. A school board may adopt the department's model
2 policy described under sub. (2) (a) or adopt its own policy. If the school board adopts
3 its own policy, the school board shall ensure that the policy includes all of the
4 provisions under sub. (2) (a). A school board shall include in a policy adopted under
5 this paragraph a requirement that a teacher notify a pupil's parent or guardian if the
6 teacher knows or has reason to believe that the pupil was involved in an incident of
7 teen dating violence or sexual violence that occurred at school or under the
8 supervision of a school authority.

9 (b) By July 1, 2025, a school board shall adopt and incorporate the teen dating
10 violence and sexual violence prevention curriculum described under sub. (2) (c) into
11 its health education program or adopt and incorporate its own teen dating violence
12 and sexual violence prevention curriculum that includes all of the topics described
13 under sub. (2) (c).

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

19 1. That the written and audiovisual educational materials used in
20 comprehensive teen dating violence and sexual violence prevention education are
21 available for inspection and that a copy of the instructional materials is available
22 upon request.

23 2. That a parent or guardian may request in writing that his or her child not
24 receive teen dating violence and sexual violence prevention education.

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

