



## 2017 ASSEMBLY BILL 831

January 12, 2018 - Introduced by Representatives SARGENT, SPIROS, HEBL, ANDERSON, SHANKLAND, SPREITZER, WACHS, HORLACHER, CROWLEY, BERCEAU, SUBECK, KULP, C. TAYLOR, BILLINGS and SINICKI, cosponsored by Senators PETROWSKI, SHILLING, JOHNSON, L. TAYLOR and LARSON. Referred to Committee on Education.

\*\*\*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.

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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 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.

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*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 831****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:

