



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-2152/2
FFK:cdc&amn

2021 BILL

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, 2022.

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, 2023, each school board must adopt DPI's policy governing the prevention of and appropriate responses to teen dating violence and sexual violence and teen dating violence and sexual violence prevention curriculum or create and adopt its own policy and 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 2023-24 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.

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

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

12 **118.47 Teen dating violence prevention education. (1) DEFINITIONS.** In
13 this section:

14 (a) "Abusive behavior" means verbal or physical intimidation, threats, or
15 harassment, whether direct, by electronic means, or through other persons.

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- 1 (b) “Age-appropriate” has the meaning given in s. 118.019 (1m) (a).
- 2 (c) “Child with a disability” has the meaning given in s. 115.76 (5).
- 3 (d) “Cyberbullying” means the use of information and communication
4 technologies, such as a cell phone, computer, Internet site, or electronic mail
5 message, to engage in or support deliberate, hostile behavior intended to frighten,
6 intimidate, mock, insult, bully, or harm others.
- 7 (e) “Dating partner” means any individual involved in an intimate relationship
8 with another individual primarily characterized by the demonstration of affection,
9 whether casual, serious, or long-term.
- 10 (f) “Emotional abuse” has the meaning given in s. 46.90 (1) (cm).
- 11 (g) “Harassment” has the meaning given in s. 813.125 (1) (am).
- 12 (h) “Healthy relationship” means an equal relationship free from abusive,
13 violent, and controlling behavior in which each individual respects the other’s right
14 to have his or her own opinions, friends, and activities, and each individual can
15 openly communicate with the other individual.
- 16 (i) “Physical abuse” means shaking, arm twisting, pushing, hitting, kicking,
17 slapping, strangulation, hair pulling, physical intimidation, or any behavior that
18 may result in injury.
- 19 (j) “Physical intimidation” means an attempt to frighten or coerce another
20 individual by physical contact, including by restraining the individual, blocking the
21 individual’s movements or exits, punching walls, or throwing objects.
- 22 (k) “Sexual contact” has the meaning given in s. 940.225 (5) (b).
- 23 (L) “Sexual violence” means any unwanted sexual contact.

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1 (m) "Stalking" means willfully and repeatedly following or harassing another
2 individual or making a threat with the intent to place that individual in fear for the
3 individual's safety or the safety of the individual's family.

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

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

7 2. The effect of the behavior is to dominate, control, or punish the individual's
8 dating partner or former dating partner.

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

10 **(2) DEPARTMENT; DUTIES.** (a) By July 1, 2022, the department shall, working in
11 consultation with the department of children and families, the department of health
12 services, the council on domestic abuse, and advocates from statewide organizations
13 representing victims of domestic abuse and sexual violence, prepare, adopt, and
14 make available to school districts a policy governing the prevention of and
15 appropriate responses to teen dating violence and sexual violence when pupils are
16 at school or while pupils are under the supervision of a school authority. The
17 department shall incorporate all of the following in its policy:

18 1. Methods for accommodating pupils who are victims of teen dating violence
19 or sexual violence.

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

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

23 (b) In preparing the policy required under par. (a), the department shall take
24 into consideration other policies that have been adopted by a school board and that
25 directly address the prevention of and appropriate responses to teen dating violence

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1 and sexual violence, as well as other obligations imposed upon the school board
2 related to education and training; the protection and accommodation of a pupil who
3 is the victim of bullying, harassment, or assault; and the reporting of suspected child
4 abuse and neglect. The department shall explicitly reference those policies and
5 obligations in the policy adopted under par. (a). To the greatest extent possible, the
6 department shall not duplicate in the policy adopted under par. (a) any requirement
7 or obligation imposed upon a school board under a policy adopted by a school board
8 or under current law.

9 (c) The department shall incorporate a teen dating violence and sexual violence
10 prevention curriculum into its model health problems education curriculum. The
11 teen dating violence and sexual violence prevention curriculum shall include all of
12 the following topics:

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

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

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

19 4. Characteristics of healthy relationships.

20 5. The meaning of consent, how to communicate consent, the absence of
21 consent, and how to identify consent and the absence of consent. The department
22 shall include under this subdivision all of the following:

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

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

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

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

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

10 8. Relevant information about and sources for legal, medical, and mental
11 health and other supportive services regarding teen dating violence and sexual
12 violence.

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

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

19 **(3) SCHOOL BOARD; DUTIES.** (a) By January 1, 2023, a school board shall adopt
20 a policy governing the prevention of and appropriate responses to teen dating
21 violence and sexual violence. A school board may adopt the department's model
22 policy described under sub. (2) (a) or adopt its own policy. If the school board adopts
23 its own policy, the school board shall ensure that the policy includes all of the
24 provisions under sub. (2) (a). A school board shall include in a policy adopted under
25 this paragraph a requirement that a teacher notify a pupil's parent or guardian if the

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1 teacher knows or has reason to believe that the pupil was involved in an incident of
2 teen dating violence or sexual violence that occurred at school or under the
3 supervision of a school authority.

4 (b) By July 1, 2023, a school board shall adopt and incorporate the teen dating
5 violence and sexual violence prevention curriculum described under sub. (2) (c) into
6 its health education program or adopt and incorporate its own teen dating violence
7 and sexual violence prevention curriculum that includes all of the topics described
8 under sub. (2) (c).

9 (c) At the beginning of each school term, or, for a pupil who enrolls in a school
10 after the beginning of the school term, at the time of that pupil's enrollment, a school
11 board shall notify the parent or guardian of each pupil about the instruction in teen
12 dating violence and sexual violence prevention education planned for the coming
13 term. The notice shall do all of the following:

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

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

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

22 121.02 (1) (L) 2m. Beginning in the 2023-24 school year, provide
23 age-appropriate instruction in the prevention of teen dating violence and sexual
24 violence to pupils once in any of the grades 6 to 8 and once in any of the grades 9 to
25 12. The school board shall ensure that the instruction provided under this

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1 subdivision is consistent with the curriculum described in s. 118.47 (3) (b) and that
2 the instructors use instructional methods and materials that are consistent with s.
3 118.13 (1).

4 **(END)**