

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 323

(SENATE AUTHORS: TORRES RAY and Marty)

DATE	D-PG	OFFICIAL STATUS
01/22/2019	129	Introduction and first reading Referred to E-12 Finance and Policy
01/28/2019	196	Author added Marty

1.1 A bill for an act

1.2 relating to education; requiring affirmative consent instruction; appropriating

1.3 money; proposing coding for new law in Minnesota Statutes, chapter 121A.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **[121A.24] PROGRAM TO PREVENT SEXUAL ASSAULT.**

1.6 Subdivision 1. Consent program. (a) The commissioner of education, in consultation

1.7 with the Department of Health, must assist districts and charter schools in developing and

1.8 implementing an affirmative consent program to prevent and reduce the incidence of sexual

1.9 assault. Each district must have a program that includes age-appropriate instruction on

1.10 consent in grades 8 through 12, consistent with paragraph (c), that includes at least the

1.11 following:

- 1.12 (1) planning materials and guidelines;
- 1.13 (2) in-service training for appropriate district staff and school board members;
- 1.14 (3) collaboration with local community health services, agencies, and organizations
- 1.15 having a consent program; and
- 1.16 (4) participation by state and local student organizations.

1.17 (b) If a district fails to develop and implement a consent program, the department must

1.18 assist the service cooperative in the region serving that district or charter school to develop

1.19 or implement the program.

1.20 (c) "Consent" as used in this section means affirmative, conscious, and voluntary

1.21 agreement to engage in sexual activity. It is a responsibility of each person involved in

2.1 sexual activity to ensure that the other or others consent to engage in the sexual activity.
 2.2 Lack of protest or resistance does not mean consent. Consent must be ongoing throughout
 2.3 a sexual activity and can be revoked at any time. The existence of a dating relationship
 2.4 between the persons involved, or the fact of past sexual relations between them, should
 2.5 never by itself be assumed to be an indicator of consent.

2.6 Subd. 2. **Funding sources.** Districts and charter schools may accept funds for consent
 2.7 programs developed and implemented under this section from public and private sources
 2.8 including public health funds and foundations, department professional development funds,
 2.9 federal block grants, or other federal or state grants.

2.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.11 Sec. 2. **APPROPRIATION.**

2.12 Subdivision 1. **Department of Education.** The sum indicated in this section is
 2.13 appropriated from the general fund to the commissioner of education for the fiscal year
 2.14 designated.

2.15 Subd. 2. **Affirmative consent.** To assist districts and charter schools in implementing
 2.16 a consent program in accordance with Minnesota Statutes, section 121A.24:

2.17 § 2020