

2007 DRAFTING REQUEST

Bill

Received: **09/19/2007**

Received By: **tkuczens**

Wanted: **As time permits**

Identical to LRB:

For: **Tamara Grigsby (608) 266-0645**

By/Representing: **Cindy McGinnis**

This file may be shown to any legislator: **NO**

Drafter: **tkuczens**

May Contact:

Addl. Drafters:

Subject: **Education - school boards**

Extra Copies: **PG**

Submit via email: **YES**

Requester's email: **Rep.Grigsby@legis.wisconsin.gov**

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Providing instruction in human growth and development

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 10/04/2007	wjackson 10/08/2007		_____			S&L
/1	tkuczens 11/13/2007	wjackson 11/29/2007	nmatzke 10/08/2007	_____	lparisi 10/08/2007		S&L
/2	tkuczens 12/04/2007	wjackson 12/04/2007	pgreensl 11/30/2007	_____	sbasford 11/30/2007		S&L
/3			rschluet	_____	lparisi	sbasford	

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			12/04/2007 _____		12/04/2007	12/05/2007	

FE Sent For: "1/3" @ intro. 2-1-08

<END>

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Handwritten signature and date 12/5/07

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/1		1/2 wlj 11/29	nmatzke 10/08/2007	1/20	lparisi 10/08/2007		

FE Sent For:

1/29 PG
10/08/07
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/?	tkuczens	1 wly 10/4	nwn 10/8	<u>nwn/pa</u> <u>10/8</u>			

FE Sent For:

<END>

Bill Request Form

Legislative Reference Bureau
100 N. Hamilton Street
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date 9/19/07

Legislator, agency, or other person requesting this draft Rep. Grigsby

Person submitting request (name and phone number) Cindy McBinnis 6-0645

Persons to contact for questions about this draft (names and phone numbers) ↑

Describe the problem, including any helpful examples. How do you want to solve the problem?

redraft 2005 AB690

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes: Anyone who asks? YES NO
 Any legislator? YES NO

Only the following persons _____

Do you consider this request urgent? YES NO If yes, please indicate why _____

Should we give this request priority over any pending request of this legislator, agency, or person?
YES NO

Kuczenski, Tracy

From: Mcginnis, Cindy
Sent: Tuesday, October 02, 2007 1:35 PM
To: Kuczenski, Tracy
Subject: FW: Suggested sex ed bill
Importance: High
Attachments: Draft bill.doc

Tracy-

Here are the changes to 2005 AB 690. If you have any questions you can contact Chris Taylor at 256-7549 ext 2135 or Nicole Safar at 256-7549 ext. 2101.

Thanks

Cindy McGinnis
Office of State Representative Tamara Grigsby
122 North State Capitol
P.O. Box 8952
Madison, WI 53708
1-888-534-0018 - toll free
(608) 266-0645
(608) 282-3618 - fax

From: Taylor, Chris [mailto:Chris.Taylor@ppwi.org]
Sent: Friday, September 28, 2007 3:04 PM
To: Mcginnis, Cindy
Cc: Safar, Nicole
Subject: Suggested sex ed bill
Importance: High

Cindy: Here are some suggested changes to the sex ed bill. I will be in the office on Tuesday if you have any questions! Thanks. Chris

<<Draft bill.doc>>

Sent as attachment to email from Cindy McGinnis (Rep. Grigsby's office)
dated 10/2/07. JK

118.019: Human growth and development instruction

(1) Purpose: The purpose of this section is to encourage all school boards to make available to pupils instruction in topics related to human growth and development in order to promote accurate and comprehensive knowledge in this area, and responsible decision making, to teach students the skills to make responsible decisions about sexuality, and to support and enhance the efforts of parents to provide moral guidance to their children.

(2) Subjects. A school board may provide an instruction program in human growth and development in grades kindergarten to 12. If provided, the program shall offer scientifically-based medically accurate information and instruction appropriate to each grade level and the age and level of maturity of the pupils. If offered, the instruction of human growth and development shall address the following areas:

- (a) self-esteem, responsible decision making and personal responsibility related to relationships and sexual behavior.
- (b) Communication with parents or guardians about human sexuality
- (c) Sexual anatomy and physiology, and the stages, patterns and responsibilities associated with growth and development
- (d) Skills to assist students in making responsible decisions about sexuality, including how to avoid unwanted verbal, physical and sexual advances and how not to make unwanted verbal, physical and sexual advances; ~~Recognition of unwanted physician and verbal sexual advances and the rejection of unwanted sexual advances~~
- (e) Sexual stereotypes and protective behavior
- (f) Resources available to survivors of sexually assault, including counseling, medical and legal; ~~Information and counseling and medical and legal resources available to survivors of sexual assault~~
- (g) Teaches young people how alcohol and drug use can effect responsible decision making;
- (g) Discouragement of adolescent sexual activity
- (h) Family life and skills required of a parent

~~(g)(h)~~ Beginning in By grade 7, provides information on human sexuality; reproduction; family planning, as defined in s. 253.07 (1)(a), including natural family planning; prenatal development, childbirth; adoption, the social, psychological, and health benefits of ~~abstaining~~ abstaining or delaying from sexual activity; information about the health benefits and side effects of all contraceptives and barrier methods as a means to prevent pregnancy and reduce the risk of contracting sexually transmitted infections, including

HIV/AIDS including the prevention of pregnancy and sexually transmitted diseases; and how sexually transmitted diseases and transmitted and the effectiveness and safety of all federal food and drug administration methods of reducing the risk of unintended pregnancy and contracting sexually transmitted infections.

(b) 7.

(2m) (b) The school board shall ensure that instruction related to areas under 2(g) does all of the following:

keep (2m)

1. ~~4.~~ Presents abstinence from sexual activity as the preferred choice of behavior in relationship to sexual activity for minors.
2. Emphasizes that abstinence from sexual activity ~~before marriage~~ for minors is the most effective way to prevent pregnancy and sexually transmitted diseases, including human immunodeficiency virus and acquired immunodeficiency syndrome.

We would also need to add the definition of "medically accurate information" as information related to medical, psychiatric psychological, empirical or statistical statements that are supported by peer-reviewed research by leading medical, psychological, psychiatric and public health organizations and agencies."

conducted or published adopted
or in individual
mental health

This is the definition being used at the national level.

What are psychiatric statements?
" " psychological statements?

Responsible Ed. about Life Act

HR 819
HR 5598

What are "leading ... organizations and agencies"?

AMA

T. Conference w/ Chris Taylor 10/3/07

- ok to keep (2m) rather than repeal (as in 2005 AB 690)
- ok to modify definition of "medically accurate information"

Printed by Tracy Kuczenski from the web page of the Sexuality Information and Education Council of the United States on Oct. 3, 2007:
(<http://www.siecus.org/policy/PUupdates/pdate0160.html>)

Policy Update - February 2005

In this issue:

* * * * *

- Several States Introduce Legislation Related to Sexuality Education

* * * * *

Requiring Medical Accuracy

In fact, legislation that would require medical accuracy in all health and sexuality education classes has been introduced in several states this year. In Arizona, Senate Bill 1077 would require all sex education curricula used in Arizona to be medically accurate. This legislation defines medically accurate as "supported by the weight of the research conducted in compliance with accepted scientific methods, recognized as accurate and objective by leading professional organizations and agencies with relevant expertise in the field, and published in peer-reviewed journals, if appropriate." S.B. 1077 was introduced in January 2005 and referred to the Senate Committee on Education K-12 and the Senate Committee on Rules.

Similar legislation was also introduced in January 2005 in Hawaii. House Bill 483 and Senate Bill 286 would require any recipient of state funding that provides sex education, family planning information, pregnancy counseling, or information about STDs to use medically accurate, factually based information. According to this proposed bills, this information must include information about abstinence and contraception. The bills define medical accuracy as "verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant fields, such as the federal Centers for Disease Control and Prevention and the American College of Obstetricians and Gynecologists."

Similar legislation was also introduced in South Dakota in January 2005. Senate Bill 166 would require that all school districts that provide health education ensure that the information is "factual and medically accurate and objective." Medically accurate and objective are defined as "verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, if appropriate, and recognized as accurate and objective by leading professional medical organizations and agencies with expertise in the relevant fields." S.B. 166 is currently in the Senate Committee on Education.

2007
2005 ASSEMBLY BILL 690

in 10/4/07

September 26, 2005 - Introduced by Representatives GRIGSBY, BENEDICT, BERCEAU, BLACK, FIELDS, KESSLER, POCAN, SEIDEL, SHERIDAN, SINICKI, TRAVIS, WASSERMAN and YOUNG, cosponsored by Senators TAYLOR, RISSER, PLALE and ERPENBACH. Referred to Committee on Education.

Repeal

1 AN ACT *to repeal* 118.019 (2m); *to amend* 118.019 (3) (title) and 118.019 (3); and
2 *to repeal and recreate* 118.019 (2) of the statutes; **relating to:** providing
3 instruction in human growth and development.

and

Analysis by the Legislative Reference Bureau

Under current law a school board may provide an instructional program in human growth and development in grades kindergarten to 12 that may include instruction in the following areas: 1) self-esteem, responsible decision making, and personal responsibility; 2) interpersonal relationships; 3) discouragement of adolescent sexual activity; 4) family life and skills required of a parent, and 5) human sexuality, reproduction, family planning, human immunodeficiency virus and acquired immunodeficiency syndrome, prenatal development, childbirth, adoption, available prenatal and postnatal support, and male and female responsibility. If a school board offers instruction in any of these areas, it must also provide instruction in marriage and parental responsibility.

This bill provides that a school board may offer an instructional program in human growth and development that is scientifically-based and that does all of the following: 1) encourages pupils to communicate with parents or guardians about human sexuality; 2) provides information about sexual anatomy and physiology; 3) teaches self-esteem, responsible decision making, and personal responsibility related to relationships and sexual behavior; 4) teaches pupils to recognize unwanted physical and verbal sexual advances, not to make unwanted physical and verbal sexual advances, and to reject unwanted sexual advances; 5) teaches pupils

how to avoid making or receiving

Not in The school board may also provide instruction in

communication between the pupil and

provides medically accurate information

ASSEMBLY BILL 690

Insert Analysis = 2

including counseling and sources of medical and legal assistance

insert analysis-

about sexual stereotypes and protective behavior; 6) teaches pupils about counseling and medical and legal resources available to survivors of sexual assault; and 7) commencing in the seventh grade, teaches pupils about marriage, parental responsibility, prenatal development, childbirth, adoption, the benefits of abstinence, and pregnancy and sexually transmitted disease prevention. Finally, the bill requires each school board that elects not to offer human growth and development instruction to notify each pupil's parent or guardian of this fact.

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:

Insert 2-2

SECTION 1. 118.019 (2) of the statutes is repealed and recreated to read:

118.019 (2) SUBJECTS. A school board may provide an instructional program in human growth and development in grades kindergarten to 12. If provided, the program shall offer scientifically-based information and instruction appropriate to each grade level and the age and level of maturity of the pupils. If offered, the program shall include instruction in all of the following areas:

(a) Self-esteem, responsible decision-making and personal responsibility related to relationships and sexual behavior.

(b) Communication with parents or guardians about human sexuality.

(c) Sexual anatomy and physiology, and the stages, patterns, and responsibilities associated with growth and development.

(d) Recognition of unwanted physical and verbal sexual advances and the rejection of unwanted sexual advances.

(e) Sexual stereotypes and protective behavior.

(f) Information about counseling and medical and legal resources available to survivors of sexual assault.

Insert 2-12

Insert 2-15

ASSEMBLY BILL 690

Insert 3-1

1 (g) Beginning in grade 7, ~~marriage and parental responsibilities~~ prenatal
 2 development; childbirth; adoption; the social, psychological, and health benefits of
 3 abstaining from ^{or delaying} sexual activity, including the prevention of pregnancy and sexually
 4 ~~transmitted diseases~~, and how sexually transmitted ~~diseases~~ are transmitted and
 5 the effectiveness and safety of all federal food and drug administration methods of
 6 reducing the risk of unintended pregnancy and contracting sexually transmitted
 7 diseases.

Insert 3-5a
3-5b
3-5c

immunodeficiency virus and acquired immunodeficiency syndrome

8 SECTION 2. 118.019 (2m) of the statutes is repealed.

9 SECTION 3. 118.019 (3) (title) of the statutes is amended to read:

10 118.019 (3) (title) DISTRIBUTION OF CURRICULUM TO PARENTS; NOTICE.

11 ^{renumbered 118.019(3)(intro) and} SECTION 4. 118.019 (3) of the statutes is amended to read:

12 ^(intro) 118.019 (3) ^{NOTICE} (DISTRIBUTION OF CURRICULUM TO PARENTS. Each school board that

13 provides an instructional program in human growth and development shall
 14 annually provide the parents of each pupil enrolled in the school district with an
 15 outline of the human growth and development curriculum used in the pupil's grade
 16 level and information regarding how the parent may inspect the complete
 17 curriculum and instructional materials. The school board shall make the complete
 18 human growth and development curriculum and all instructional materials
 19 available upon request for inspection at any time, including prior to their use in the

20 classroom. ^{that} If a school board ^{shall} elects not to provide an instructional program in human

21 growth and development, by September 30 of each school year, ^{it shall} send a notice

22 to the parent or guardian of each pupil that includes ^{all of the following} ~~a statement that the school~~

23 board is permitted to provide instruction in human growth and development in

24 kindergarten to grade 12, the required subjects of the instruction under sub. (2), and

Insert 3-23a

INSERT 3-23b

ASSEMBLY BILL 690

SECTION 4

1 a statement that the school board is not providing human growth and development

2 instruction to its pupils.

3

(END)

1 **INSERT ANALYSIS - 1**

2 (NoF) 7) the effect of alcohol and drug use on responsible decision-making; and 8)

3 **INSERT ANALYSIS - 2**

4 (FF) The bill defines “medically accurate information” as empirical or statistical
5 information related to medicine, reproductive health, or mental health that satisfies
6 all of the following: 1) the information is verified or supported by research conducted
7 in compliance with accepted scientific methods and published in peer-reviewed
8 journals, where appropriate; and 2) the information is recognized as accurate and
9 objective by professional organizations and agencies with expertise in the relevant
10 fields, such as the federal Centers for Disease Control and Prevention, the American
11 College of Obstetricians and Gynecologists, and the American Medical Association.

12 **INSERT 2-2**

13 (NoF) (a) In this ^{sub}section, “medically accurate information” means empirical or
14 statistical information related to medicine, reproductive health, or mental health
15 that satisfies all of the following:

16 1. The information is verified or supported by research conducted in compliance
17 with accepted scientific methods and published in peer-reviewed journals, where
18 appropriate.

19 2. The information is recognized as accurate and objective by professional
20 organizations and agencies with expertise in the relevant fields, such as the federal
21 centers for disease control and prevention, the American College of Obstetricians
22 and Gynecologists, and the American Medical Association.

23 (b)

1 **INSERT 2-12**

2 4. How to avoid making and receiving unwanted verbal or physical sexual
3 advances.

4 **INSERT 2-15**

5 6. Resources available to survivors of sexual assault, including counseling and
6 sources of medical and legal assistance.

7 7. The effect of the use of alcohol and drugs on responsible decision-making. ^e
8 ^Δ

8 **INSERT 3-1**

9 ^(No ff) human sexuality; reproduction; family planning, as defined in s. 253.07 (1) (a),
10 including natural family planning;

11 **INSERT 3-5_a**

12 ^(No ff) ; and the health benefits and side effects of all contraceptives used to prevent
13 pregnancy and reduce the risk of contracting sexually transmitted infections.

INSERT 3-5C

14 **SECTION 118.019 (2m) (b)** of the statutes is amended to read:

15 118.019 (2m) (b) The school board shall ensure that instruction related to the
16 areas under sub. (2) (e) (b) 8 does all of the following:

17 1. Presents abstinence from sexual activity as the preferred choice of behavior
18 in relationship to all sexual activity for ~~unmarried pupils~~ minors.

19 2. Emphasizes that abstinence from sexual activity ~~before marriage~~ is the most
20 effective way to prevent pregnancy and sexually transmitted diseases, including
21 human immunodeficiency virus and acquired immunodeficiency syndrome.

History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445.

22 **INSERT 3-23_a**

23 **SECTION 2** 118.019 (3) (a) of the statutes is created to read:

1 118.019 (3) (a) A statement that the school board is permitted to provide
2 instruction in human growth and development in ^{grades} kindergarten to ^{grade} 12.

3 **SECTION 3.** 118.019 (3) (b) of the statutes is created to read:

4 118.019 (3) (b) The required subjects of the instruction under sub. (2).

5 **SECTION 4.** 118.019 (3) (c) of the statutes is created to read:

6 118.019 (3) (c) A statement that the school board is not providing human
7 growth and development instruction to its pupils.

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3218/lins
TKK:.....

1 **INSERT 3-5b**

2 ~~SECTION 118.019~~ (2m) (a) of the statutes is amended to read:

3 118.019 **(2m)** (a) If a school board provides instruction in any of the areas under
4 sub. (2) (e) (b) 8., the school board shall ensure that instruction in marriage and
5 parental responsibility is provided in the same course, during the same school year,
6 as the area under sub. (2) (e) (b) 8.

7 History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445.

7 **INSERT 3-23b**

8 ~~SECTION 146.89~~ (3r) (e) of the statutes is amended to read:

9 146.89 **(3r)** (e) Under this subsection, a volunteer health care provider may
10 provide instruction in human growth and development if the instructional program
11 is in compliance with requirements of s. 118.019, except that the volunteer health
12 care provider may not provide instruction on a topic specified under s. 118.019 (2) (e)
13 (b) 8.

History: 1989 a. 206; 1991 a. 269; 1993 a. 28, 490; 1995 a. 27 ss. 4378 to 4380, 9126 (19); 1997 a. 27, 57, 67; 1999 a. 23; 2003 a. 92; 2005 a. 188.

Kuczenski, Tracy

From: Taylor, Chris [Chris.Taylor@ppwi.org]
Sent: Wednesday, November 07, 2007 4:20 PM
To: Kuczenski, Tracy
Cc: McGinnis, Cindy; Safar, Nicole
Subject: Sex ed provisions
Attachments: Sex Education Bill Review.doc

Attached are the sex ed provisions we discussed today. Thanks so much! Let me know if you have any questions. Chris

<<Sex Education Bill Review.doc>>

Sex Education Bill Review (suggested changes underlined)

1. Add the following

118.019: Human growth and development instruction

✓ (1) Purpose: The purpose of this section is to encourage all school boards to make available to pupils instruction in topics related to human growth and development in order to promote accurate and comprehensive knowledge in this area, and responsible decision making, to teach students the skills to make responsible decisions about sexuality, and to support and enhance the efforts of parents to provide moral guidance to their children.

✓ 2. Section 1, paragraph 2, lines 8-9

“The information or statement is recognized as accurate and objective by leading medical, psychological and public health organizations and agencies with expertise in the relevant fields.”

✓ 3. Paragraph b, para 3 on p. 3, lines 9-10

“Reproductive anatomy. . . .”

✓ 4. Paragraph (b)5, p. 3, lines 13

“Gender stereotypes and protective behavior”

✓ 5. Paragraph (b)8, p. 3, lines 17-24

“By grade 7, human sexuality, reproduction, family planning, as defined in . . . the health benefits and side effects of all FDA approved contraceptives. . . .”

✓ 6. Section 8, p. 5, lines 14-17

Delete phrase “except that the volunteer health care providers may not provide instruction on a topic specified under s. 118.019 (e)(b)8.”



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3218/1
TKK:wlj:nwn

in 11/13/07

Stays insert
RMNR

2007 BILL

Soon please

Regen

1 AN ACT *to renumber and amend* 118.019 (3); *to amend* 118.019 (2m) (a),
2 118.019 (2m) (b) and 146.89 (3r) (e); *to repeal and recreate* 118.019 (2); and
3 *to create* 118.019 (3) (a), 118.019 (3) (b) and 118.019 (3) (c) of the statutes;
4 **relating to:** providing instruction in human growth and development.

Analysis by the Legislative Reference Bureau

Under current law a school board may provide an instructional program in human growth and development in grades kindergarten to 12 that may include instruction in the following areas: 1) self-esteem, responsible decision making, and personal responsibility; 2) interpersonal relationships; 3) discouragement of adolescent sexual activity; and 4) family life and skills required of a parent. The school board may also provide instruction in human sexuality, reproduction, family planning, human immunodeficiency virus, and acquired immunodeficiency syndrome, prenatal development, childbirth, adoption, available prenatal and postnatal support, and male and female responsibility. If a school board offers instruction in any of these areas, it must also provide instruction in marriage and parental responsibility.

Insert Analysis 1

(HIV)
(AIDS)

This bill provides that a school board may offer an instructional program in human growth and development ~~that provides~~ medically accurate information and ~~that addresses~~ all of the following: 1) communication between the pupil and parents or guardians about human sexuality; 2) sexual anatomy and physiology; 3) self-esteem, responsible decision making, and personal responsibility related to relationships and sexual behavior; 4) how to avoid making or receiving unwanted

reproductive

(NFI) If the school board offers an instructional program in human growth and development, the bill requires that the program provide

BILL

physical and verbal sexual advances; 5) ^{the prevention of} sexual stereotypes and protective behavior; 6) resources available to survivors of sexual assault, including counseling and sources of medical and legal assistance; 7) the effect of alcohol and drug use on responsible decision making; and 8) ^{gender} commencing in the seventh grade, marriage, parental responsibility, prenatal development, childbirth, adoption, the benefits of abstinence, pregnancy, ^{infections} and sexually transmitted disease prevention.

The bill defines "medically accurate information" as empirical or statistical information related to medicine, reproductive health, or mental health that satisfies all of the following: 1) the information is verified or supported by research conducted in compliance with accepted scientific methods and published in peer-reviewed journals, where appropriate; and 2) the information is recognized as accurate and objective by professional organizations and agencies with expertise in the relevant fields, such as the federal Centers for Disease Control and Prevention, the American College of Obstetricians and Gynecologists, and the American Medical Association.

Finally, the bill requires each school board that elects not to offer human growth and development instruction to notify each pupil's parent or guardian of this fact.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

leading medical, psychological and public health

Insert Analysis 2

and the health benefits and side effects of contraceptives approved by the Food and Drug Administration (FDA) to prevent pregnancy and reduce the risk of contracting sexually transmitted infections

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Insert 2-1

- 1 SECTION 1. 118.019 (2) of the statutes is repealed and recreated to read:
- 2 118.019 (2) SUBJECTS. (a) In this subsection, "medically accurate information"
- 3 means empirical or statistical information related to medicine, reproductive health,
- 4 or mental health that satisfies all of the following:
- 5 1. The information is verified or supported by research conducted in compliance
- 6 with accepted scientific methods and published in peer-reviewed journals, where
- 7 appropriate.
- 8 2. The information is recognized as accurate and objective by professional
- 9 organizations and agencies with expertise in the relevant fields, such as the federal
- 10 centers for disease control and prevention, the American College of Obstetricians
- 11 and Gynecologists, and the American Medical Association.

leading medical, psychological and public health

centers for disease control and prevention, the American College of Obstetricians and Gynecologists, and the American Medical Association.

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1 (b) A school board may provide an instructional program in human growth and
2 development in grades kindergarten to 12. If provided, the program shall offer
3 medically accurate information and instruction appropriate to each grade level and
4 the age of the pupils. If offered, the instructional program in human growth and
5 development shall address all of the following topics:

6 1. Self-esteem, responsible decision making, and personal responsibility
7 related to relationships and sexual behavior.

8 2. Communication with parents or guardians about human sexuality.

9 ^{Reproductive} 3. Sexual anatomy and physiology, and the stages, patterns, and
10 responsibilities associated with growth and development.

11 4. How to avoid making and receiving unwanted verbal or physical sexual
12 advances.

13 ^{Gender} 5. Sexual stereotypes and protective behavior.

14 6. Resources available to survivors of sexual assault, including counseling and
15 sources of medical and legal assistance.

16 7. The effect of the use of alcohol and drugs on responsible decision making.

17 ^{By} 8. Beginning in grade ⁷ ⁸ human sexuality; reproduction; family planning, as
18 defined in s. 253.07 (1) (a), including natural family planning; prenatal development;
19 childbirth; adoption; the social, psychological, and health benefits of abstaining from
20 or delaying sexual activity; how sexually transmitted infections, including human
21 immunodeficiency virus and acquired immunodeficiency syndrome, are
22 transmitted; and the health benefits and side effects of all contraceptives ^{approved by the federal food and drug administration to be} used to
23 prevent pregnancy and reduce the risk of contracting sexually transmitted
24 infections.

25 SECTION 2. 118.019 (2m) (a) of the statutes is amended to read:

BILL

1 118.019 (2m) (a) If a school board provides instruction in any of the areas under
2 sub. (2) (e) (b) 8., the school board shall ensure that instruction in marriage and
3 parental responsibility is provided in the same course, during the same school year,
4 as the area under sub. (2) (e) (b) 8.

5 **SECTION 3.** 118.019 (2m) (b) of the statutes is amended to read:

6 118.019 (2m) (b) The school board shall ensure that instruction related to the
7 areas under sub. (2) (e) (b) 8. does all of the following:

8 1. Presents abstinence from sexual activity as the preferred choice of behavior
9 in relationship to all sexual activity for ~~unmarried pupils~~ minors.

10 2. Emphasizes that abstinence from sexual activity ~~before marriage~~ is the most
11 effective way to prevent pregnancy and sexually transmitted diseases, including
12 human immunodeficiency virus and acquired immunodeficiency syndrome.

13 **SECTION 4.** 118.019 (3) of the statutes is renumbered 118.019 (3) (intro.) and
14 amended to read:

15 118.019 (3) (intro.) DISTRIBUTION OF CURRICULUM TO PARENTS; NOTICE. Each
16 school board that provides an instructional program in human growth and
17 development shall annually provide the parents of each pupil enrolled in the school
18 district with an outline of the human growth and development curriculum used in
19 the pupil's grade level and information regarding how the parent may inspect the
20 complete curriculum and instructional materials. The school board shall make the
21 complete human growth and development curriculum and all instructional
22 materials available upon request for inspection at any time, including prior to their
23 use in the classroom. A school board that elects not to provide an instructional
24 program in human growth and development shall, by September 30 of each school

BILL

1 year, send a notice to the parent or guardian of each pupil that includes all of the
2 following:

3 **SECTION 5.** 118.019 (3) (a) of the statutes is created to read:

4 118.019 (3) (a) A statement that the school board is permitted to provide
5 instruction in human growth and development in grades kindergarten to 12.

6 **SECTION 6.** 118.019 (3) (b) of the statutes is created to read:

7 118.019 (3) (b) The required subjects of the instruction under sub. (2).

8 **SECTION 7.** 118.019 (3) (c) of the statutes is created to read:

9 118.019 (3) (c) A statement that the school board is not providing human
10 growth and development instruction to its pupils.

11 **SECTION 8.** 146.89 (3r) (e) of the statutes is amended to read:

12 146.89 (3r) (e) Under this subsection, a volunteer health care provider may
13 provide instruction in human growth and development if the instructional program

14 is in compliance with requirements of s. 118.019, ~~except that the volunteer health~~
15 ~~care provider may not provide instruction on a topic specified under s. 118.019 (2) (e)~~

16 (b) 8.

17 (END)

1 **INSERT ANALYSIS 1**

apply Under current law, a volunteer health care provider (provider) may submit an application to the department of administration to be permitted to provide health care services without charge in a school or nonprofit agency. If the provider wishes to provide services at a school, the provider must file the application jointly with the school board, or, if the school is a charter school, the governing body of the school.

* *cc* Volunteer health care provider is defined under current law as a physician, dentist or dental hygienist, registered nurse, practical nurse, nurse-midwife, nurse practitioner, optometrist, physician assistant, or dietitian who receives no income from the practice of that health care profession or who receives no income from the practice of that health care profession when providing services at the school. Under current law, the provider may provide instruction in human growth and development if the instructional program complies with the requirements above, but may not provide instruction in human sexuality; reproduction; family planning, including natural family planning; human immunodeficiency virus and acquired immunodeficiency syndrome; prenatal development; childbirth; adoption; available prenatal and postnatal support; and male and female responsibility.

AIDS

HIV

2 **INSERT ANALYSIS 2**

Finally, ^{the} ~~this~~ bill permits ^{volunteer health care} providers to provide instruction in marriage, parental responsibility, prenatal development, childbirth, adoption, the benefits of abstinence, pregnancy, the prevention of sexually transmitted infections, and the health benefits and side effects of contraceptives approved by the FDA to prevent pregnancy and reduce the risk of contracting sexually transmitted infections.

3 **INSERT 2-1**

4 **SECTION 118.019** (1) of the statutes is amended to read:

5 118.019 (1) **PURPOSE.** The purpose of this section is to encourage all school
6 boards to make available to pupils instruction in topics related to human growth and
7 development in order to promote accurate and comprehensive knowledge in this area
8 and, to promote responsible decision making, to teach students the skills necessary
9 to make responsible decisions about sexual behavior, and to support and enhance the
10 efforts of parents to provide moral guidance to their children.

History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445.



stays

3
RMNR

2007 BILL

Today

1 AN ACT ^{Regen} *to renumber and amend* 118.019 (3); *to amend* 118.019 (1), 118.019
 2 (2m) (a), 118.019 (2m) (b) and 146.89 (3r) (e); *to repeal and recreate* 118.019
 3 (2); and *to create* 118.019 (3) (a), 118.019 (3) (b) and 118.019 (3) (c) of the
 4 statutes; **relating to:** providing instruction in human growth and
 5 development.

Analysis by the Legislative Reference Bureau

Under current law a school board may provide an instructional program in human growth and development in grades kindergarten to 12 that may include instruction in the following areas: 1) self-esteem, responsible decision making, and personal responsibility; 2) interpersonal relationships; 3) discouragement of adolescent sexual activity; and 4) family life and skills required of a parent. The school board may also provide instruction in human sexuality, reproduction, family planning, human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS), prenatal development, childbirth, adoption, available prenatal and postnatal support, and male and female responsibility. If a school board offers instruction in any of these areas, it must also provide instruction in marriage and parental responsibility.

Under current law, a volunteer health care provider (provider) may apply to the Department of Administration to be permitted to provide health care services without charge in a school or nonprofit agency. If the provider wishes to provide services at a school, the provider must file the application jointly with the school

BILL

board or, if the school is a charter school, the governing body of the school. "Volunteer health care provider" is defined under current law as a physician, dentist or dental hygienist, registered nurse, practical nurse, nurse-midwife, nurse practitioner, optometrist, physician assistant, or dietitian who receives no income from the practice of that health care profession or who receives no income from the practice of that health care profession when providing services at the school. Under current law, the provider may provide instruction in human growth and development if the instructional program complies with the requirements above, but may not provide instruction in human sexuality; reproduction; family planning, including natural family planning; HIV and AIDS; prenatal development; childbirth; adoption; available prenatal and postnatal support; and male and female responsibility.

This bill provides that a school board may offer an instructional program in human growth and development. If the school board offers an instructional program in human growth and development, the bill requires that the program provide medically accurate information and address all of the following: 1) communication between the pupil and parents or guardians about human sexuality; 2) reproductive anatomy and physiology; 3) self-esteem, responsible decision making, and personal responsibility related to relationships and sexual behavior; 4) how to avoid making or receiving unwanted physical and verbal sexual advances; 5) gender stereotypes and protective behavior; 6) resources available to survivors of sexual assault, including counseling and sources of medical and legal assistance; 7) the effect of alcohol and drug use on responsible decision making; and 8) by grade eight, marriage, parental responsibility, prenatal development, childbirth, adoption, the benefits of abstinence, pregnancy, the prevention of sexually transmitted infections, and the health benefits and side effects of contraceptives approved by the Food And Drug Administration (FDA) to prevent pregnancy and reduce the risk of contracting sexually transmitted infections.

The bill defines "medically accurate information" as empirical or statistical information related to medicine, reproductive health, or mental health that satisfies all of the following: 1) the information is verified or supported by research conducted in compliance with accepted scientific methods and published in peer-reviewed journals, where appropriate; and 2) the information is recognized as accurate and objective by leading medical, psychological, and public health organizations and agencies with expertise in the relevant fields.

The bill requires each school board that elects not to offer human growth and development instruction to notify each pupil's parent or guardian of this fact.

Finally, the bill permits providers to provide instruction in marriage, parental responsibility, prenatal development, childbirth, adoption, the benefits of abstinence, pregnancy, the prevention of sexually transmitted infections, and the health benefits and side effects of contraceptives approved by the FDA to prevent pregnancy and reduce the risk of contracting sexually transmitted infections.

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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.** 118.019 (1) of the statutes is amended to read:

2 118.019 (1) PURPOSE. The purpose of this section is to encourage all school
3 boards to make available to pupils instruction in topics related to human growth and
4 development in order to promote accurate and comprehensive knowledge in this area
5 and, to promote responsible decision making, to teach students the skills necessary
6 to make responsible decisions about sexual behavior, and to support and enhance the
7 efforts of parents to provide moral guidance to their children.

8 **SECTION 2.** 118.019 (2) of the statutes is repealed and recreated to read:

9 118.019 (2) SUBJECTS. (a) In this subsection, “medically accurate information”
10 means empirical or statistical information related to medicine, reproductive health,
11 or mental health that satisfies all of the following:

12 1. The information is verified or supported by research conducted in compliance
13 with accepted scientific methods and published in peer-reviewed journals, where
14 appropriate.

15 2. The information is recognized as accurate and objective by leading medical,
16 psychological, and public health organizations and agencies with expertise in the
17 relevant fields.

18 (b) A school board may provide an instructional program in human growth and
19 development in grades kindergarten to 12. If provided, the program shall offer
20 medically accurate information and instruction appropriate to each grade level and

BILL

1 the age of the pupils. If offered, the instructional program in human growth and
2 development shall address all of the following topics:

3 1. Self-esteem, responsible decision making, and personal responsibility
4 related to relationships and sexual behavior.

5 2. Communication with parents or guardians about human sexuality.

6 3. Reproductive anatomy and physiology, and the stages, patterns, and
7 responsibilities associated with growth and development.

8 4. How to avoid making and receiving unwanted verbal or physical sexual
9 advances.

10 5. Gender stereotypes and protective behavior.

11 6. Resources available to survivors of sexual assault, including counseling and
12 sources of medical and legal assistance.

13 7. The effect of the use of alcohol and drugs on responsible decision making.

14 8. By ~~in~~ grade 8, human sexuality; reproduction; family planning, as defined
15 in s. 253.07 (1) (a), including natural family planning; prenatal development;
16 childbirth; adoption; the social, psychological, and health benefits of abstaining from
17 or delaying sexual activity; how sexually transmitted infections, including human
18 immunodeficiency virus and acquired immunodeficiency syndrome, are
19 transmitted; and the health benefits and side effects of all contraceptives approved
20 by the federal food and drug administration to be used to prevent pregnancy and
21 reduce the risk of contracting sexually transmitted infections.

22 **SECTION 3.** 118.019 (2m) (a) of the statutes is amended to read:

23 118.019 (2m) (a) If a school board provides instruction in any of the areas under
24 sub. (2) ~~(e)~~ (b) 8., the school board shall ensure that instruction in marriage and

BILL

1 parental responsibility is provided in the same course, during the same school year,
2 as the area under sub. (2) (e) (b) 8.

3 **SECTION 4.** 118.019 (2m) (b) of the statutes is amended to read:

4 118.019 (2m) (b) The school board shall ensure that instruction related to the
5 areas under sub. (2) (e) (b) 8. does all of the following:

6 1. Presents abstinence from sexual activity as the preferred choice of behavior
7 in relationship to all sexual activity for ~~unmarried pupils~~ minors.

8 2. Emphasizes that abstinence from sexual activity ~~before marriage~~ is the most
9 effective way to prevent pregnancy and sexually transmitted diseases, including
10 human immunodeficiency virus and acquired immunodeficiency syndrome.

11 **SECTION 5.** 118.019 (3) of the statutes is renumbered 118.019 (3) (intro.) and
12 amended to read:

13 118.019 (3) (intro.) ~~DISTRIBUTION OF CURRICULUM TO PARENTS; NOTICE.~~ Each
14 school board that provides an instructional program in human growth and
15 development shall annually provide the parents of each pupil enrolled in the school
16 district with an outline of the human growth and development curriculum used in
17 the pupil's grade level and information regarding how the parent may inspect the
18 complete curriculum and instructional materials. The school board shall make the
19 complete human growth and development curriculum and all instructional
20 materials available upon request for inspection at any time, including prior to their
21 use in the classroom. A school board that elects not to provide an instructional
22 program in human growth and development shall, by September 30 of each school
23 year, send a notice to the parent or guardian of each pupil that includes all of the
24 following:

25 **SECTION 6.** 118.019 (3) (a) of the statutes is created to read:

Basford, Sarah

From: Mcginnis, Cindy

Sent: Tuesday, December 04, 2007 4:24 PM

To: LRB.Legal

Subject: Draft Review: LRB 07-3218/3 Topic: Providing instruction in human growth and development

Please Jacket LRB 07-3218/3 for the ASSEMBLY.