



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 134
[2009 Assembly Bill 458]

**Instruction in Human Growth and
Development**

HUMAN GROWTH AND DEVELOPMENT INSTRUCTION

Current Law

Under current law, a school board may provide an instructional program in human growth and development in grades kindergarten to 12. If provided, the program must offer information and instruction appropriate to each grade level and the age and level of maturity of the pupils. The program may include instruction in any of the following areas:

- Self-esteem, responsible decision making, and personal responsibility.
- Interpersonal relationships.
- Discouragement of adolescent sexual activity.
- Family life and skills required of a parent.
- Human sexuality; reproduction; family planning, including natural 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.
- Sex stereotypes and protective behavior.

If a school board provides instruction in any of the areas listed with human sexuality and reproduction, above, the school board must ensure that instruction in marriage and parental responsibility is provided in the same course, during the same school year. The school board must

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

ensure that instruction related to the areas listed with human sexuality and reproduction, above, does all of the following:

- Presents abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried pupils.
- Emphasizes that abstinence from sexual activity before marriage is the most effective way to prevent pregnancy and sexually transmitted diseases, including HIV and AIDS.

The school board must provide an outline of the human growth and development curriculum to parents. In addition, a school board must make the complete human growth and development curriculum and instructional materials available for inspection by a parent or guardian upon his or her request at any time, including prior to their use in the classroom.

The Act

Purpose

Under the Act, the purpose of the statute on instruction in human growth and development instruction is to encourage all school boards to ensure that pupils in their districts are provided age-appropriate instruction in human growth and development. The Act provides that the instruction should support and enhance communication between pupils and their parents and provide pupils with the knowledge, skills, and support necessary to make healthy decisions now and throughout their lifetimes and to make responsible decisions about sexual behavior. The Act defines “age-appropriate” as suitable to a particular age group of pupils based on the developing cognitive and emotional capacity of and behaviors typical for the age group.

Subjects of Instruction

Under the Act, as under current law, a school board may provide an instructional program in human growth and development in grades kindergarten to 12. If provided, the Act requires the instructional program to do all of the following:

- Present medically accurate information* to all pupils and, when age-appropriate, address the following topics:

* The bill defines “medically accurate information” as information that satisfies all of the following:

- The information is supported by the weight of research conducted in compliance with accepted scientific methods.
- Where appropriate, the information is published in peer-reviewed journals.
- The information is recognized as accurate by relevant leading professional organizations or agencies, such as the American Medical Association, the American Public Health Association, or the American Academy of Pediatrics.

- The importance of communication about sexuality and decision making about sexual behavior between the pupil and the pupil's parents, guardians, or other family members.
- Reproductive and sexual anatomy and physiology, including biological, psychosocial, and emotional changes that accompany maturation.
- Puberty, pregnancy, parenting, body image, and gender stereotypes.
- The skills needed to make responsible decisions about sexuality and sexual behavior throughout the pupil's life, including how to refrain from making inappropriate verbal, physical, and sexual advances and how to recognize, rebuff, and report any unwanted or inappropriate verbal, physical, and sexual behaviors.
- The benefits of and reasons for abstaining from sexual activity. Instruction under this provision must stress the value of abstinence as the most reliable way to prevent pregnancy and sexually transmitted infections.
- The health benefits, side effects, and proper use of contraceptives and barrier methods approved by the Federal Food and Drug Administration (FDA) to prevent pregnancy and barrier methods approved by the FDA to prevent sexually transmitted infections.
- Methods for developing healthy life skills, including setting goals, making responsible decisions, communicating, and managing stress.
- How alcohol and drug use affect responsible decision making.
- The impact of media and one's peers on thoughts, feelings, and behaviors related to sexuality.
- Use instructional methods and materials that do not promote bias against pupils of any race, gender, sexual orientation, or ethnic or cultural background or against sexually active pupils or children with disabilities.
- Promote self-esteem and positive interpersonal skills, with an emphasis on healthy relationships, including friendships, marriage, and romantic and familial relationships.
- Identify counseling, medical, and legal resources for survivors of sexual abuse and assault, including resources for escaping violent relationships.

Under the Act, a school board that provides an instructional program in human growth and development must also, when age-appropriate, instruct pupils about all of the following:

- The criminal penalties for engaging in sexual activities with a child.
- The sex offender registration requirements under current law. Instruction under this provision must include who is required to report as a sex offender, what information must be reported, who has access to the information reported, and the implications of being registered as a sex offender.

Notice of Election to Not Provide Instruction

The Act provides that a school board that elects not to provide an instructional program in human growth and development must, by September 30 of each school year, send home to the parent or guardian of each pupil enrolled in the school district a notice that includes all of the following:

- A statement that the school board is encouraged by state statute to provide instruction in human growth and development in grades kindergarten to 12.
- The subjects of instruction required if the school board were to provide instruction in human growth and development.
- A statement that the school board is not providing any instruction in human growth and development to pupils enrolled in the school district.

VOLUNTEER HEALTH CARE PROVIDER PROGRAM

Current Law

Under current law, a health care provider may participate in the volunteer health care provider program with a school if he or she submits a joint application with the school board or the governing body of a charter school or a private school that participates in the Milwaukee Parental Choice Program to the Department of Administration (DOA), and DOA approves the application.

A volunteer health care provider may provide instruction in human growth and development if the instructional program is in compliance with current law relating to such instruction, except that the volunteer health care provider may not provide instruction on human sexuality, reproduction, family planning, HIV and AIDS, prenatal development, childbirth, adoption, available prenatal and postnatal support, and male and female responsibility.

The Act

The Act eliminates the prohibition on volunteer health care providers providing instruction on human sexuality, reproduction, family planning, HIV and AIDS, prenatal development, childbirth, adoption, available prenatal and postnatal support, and male and female responsibility in a school.

Effective date: Act 134 takes effect on March 11, 2010.

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