# 2011 DRAFTING REQUEST

## Bill

Received: **10/10/2011**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Jeremy Thiesfeldt (608) 266-3156**

By/Representing: **Trish**

May Contact:

Drafter: **tkuczens**

Subject: **Education - school boards**

Addl. Drafters:

Extra Copies: **pg**

Submit via email: **YES**

Requester's email: **Rep.Thiesfeldt@legis.wi.gov**

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

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Changes to human growth and development instruction

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**Instructions:**

See attached

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**Drafting History:**

| Vers. | Drafted | Reviewed | Typed | Proofed | Submitted | Jacketed | Required |
|---|---|---|---|---|---|---|---|
| /? | tkuczens 10/10/2011 | kfollett 10/10/2011 | | _____ _____ | | | S&L |
| /1 | | | phenry 10/10/2011 | _____ _____ | lparisi 10/10/2011 | mbarman 10/10/2011 | |

FE Sent For:

<END>

At Intro.

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| /? | tkuczens | /1 kgf 10/10 | 12/10 ph | _____ ~~X~~ | | | |

FE Sent For:

**<END>**

3160/1

# State of Wisconsin
**2011 – 2012 LEGISLATURE**

LRB-~~2088~~/1
TKK:nwn&kjf:rs

Stays

# 2011 BILL

10/10/11
Today or 10/11/11
No charges

AN ACT ***to repeal*** 118.019 (1m) (b) 1., 2. and 3., 118.019 (2) (a) 3., 118.019 (2) (a) 4., 118.019 (2) (a) 6., 118.019 (2) (b), 118.019 (2m) (b) (intro.), 118.019 (2r) (intro.) and 118.019 (3) (a), (b) and (c); ***to renumber and amend*** 118.019 (1m) (b) (intro.), 118.019 (2m) (a), 118.019 (2m) (b) 1., 118.019 (2m) (b) 2., 118.019 (2r) (a), 118.019 (2r) (b) and 118.019 (3) (intro.); ***to amend*** 115.29 (7), 118.019 (1), 118.019 (1m) (a), 118.019 (2) (intro.), 118.019 (2) (a) (intro.), 118.019 (2) (a) 1., 118.019 (2) (a) 2., 118.019 (2) (a) 5., 118.019 (2) (c), 118.019 (4), 118.019 (5) and 146.89 (3r) (e); and ***to create*** 118.019 (2) (a) 10., 118.019 (2) (a) 11., 118.019 (2) (e), 118.019 (2) (f), 118.019 (2m) (e), 118.019 (2m) (f) and 118.019 (2s) of the statutes; **relating to:** providing instruction in human growth and development.

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### *Analysis by the Legislative Reference Bureau*

Under current law, a school board may offer an instructional program in human growth and development (instructional program). If the school board offers an instructional program, the instructional program must provide medically accurate information and, when age appropriate, address all of the following: 1)

communication between the pupil and the pupil's parents or guardians about sexuality; 2) reproductive and sexual anatomy and physiology; 3) puberty, pregnancy, parenting, body image, and gender stereotypes; 4) skills to make responsible decisions about sexuality and sexual behavior throughout the pupil's life span, including how to recognize, rebuff, and report unwanted or inappropriate verbal, physical, or sexual behaviors; 5) the benefits of and reasons for abstaining from sexual activity; 6) 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; 7) methods for developing healthy life skills, including setting goals, responsible decision making, communication, and stress management; 8) how alcohol or drug use affects responsible decision making; and 9) the impact of media and peer messages on thoughts, feelings, and behaviors related to sexuality. If a school board provides instruction in any of the subject areas enumerated in items 1 to 9, it must do all of the following: a) ensure that instruction in marriage and family responsibility is provided, but not necessarily in the same course or during the same school year; b) instruct pupils about the criminal penalties for engaging in sexual activities involving a child; and c) instruct pupils about sex offender registration requirements.

This bill recommends, rather than requires, instructional topics for a school board that elects to provide an instructional program and restructures the recommended curriculum. The bill eliminates from the current law curriculum items 3 and 6, above, but retains discussion of pregnancy, parenting, and gender stereotypes in other portions of the recommended curriculum. The bill modifies item 4 by adding discussion of bullying, and modifies item 5 to require the instruction under that item to identify the skills necessary to remain abstinent. The bill also adds the following subjects to the recommended topics, instruction of which is to be medically accurate and provided when age appropriate: adoption resources, prenatal care, and postnatal supports, and the nature and treatment of sexually transmitted infections, personal responsibility, and the positive connection between marriage and parenting.

The bill requires a school board that offers an instructional program to do all of the following in the same course and during the same year: 1) present abstinence as the preferred choice of behavior for unmarried pupils; 2) emphasize that abstinence is the only reliable way to prevent pregnancy and avoid sexually transmitted infections; 3) provide instruction in parental responsibility and the socioeconomic benefits of marriage; and 4) explain pregnancy, prenatal development, and childbirth. The bill also permits a school board to provide the instructional program to pupils while the pupils are separated from members of the opposite sex.

Under current law, the instructional program must also do all of the following: 1) use instructional methods and materials that do not promote bias against pupils of any race, gender, religion, sexual orientation, or ethnic or cultural background or against sexually active pupils or children with disabilities; 2) promote self–esteem and positive interpersonal skills, with an emphasis on healthy relationships; and 3) identify counseling, medical, and legal resources for survivors of sexual abuse and

assault, including resources for escaping violent relationships. This bill replaces item 1, above, with a reference to a provision under current law that prohibits discrimination in public schools.

Current law defines "medically accurate information" as information that satisfies all of the following: 1) the information is supported by the weight of research conducted in compliance with accepted scientific methods; 2) where appropriate, the information is published in peer–reviewed journals; and 3) 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. Current law 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. Current law permits a school district to eliminate from the human sexuality and development curriculum information that is not age appropriate.

This bill modifies the definition for "medically accurate information" to mean information that is scientifically–based and published, where appropriate, in peer–reviewed journals and textbooks. The bill also modifies the definition of "age–appropriate" to mean suitable to a particular age group of pupils based on their developing cognitive and emotional capacity and consistent with adolescent development and community standards.

Current law permits a pupil's parent or guardian to request that the pupil be exempt from participating in the instructional program. Current law also requires each school board that provides an instructional program to distribute an outline of the curriculum to the parents or guardians of each pupil enrolled in the district. This bill modifies the exemption to clarify that an exempted pupil will still receive instruction on how to recognize, avoid, prevent, and halt physically or psychologically intrusive or abusive situations. The bill also modifies the exemption to clarify that an exempted high school pupil will receive instruction in physiology and hygiene and the effects of alcohol and controlled substances on the body unless the pupil has also been exempted from this instruction. The bill provides that the school district must provide an explanation of these exemptions along with the outline of the curriculum.

Current law requires each school board that elects not to offer an instructional program to notify each pupil's parent or guardian of this fact. This bill eliminates that requirement. Current law also requires the state superintendent to apply for federal funds to implement an evidence–based teen pregnancy prevention program. This bill requires the state superintendent to apply for all federal funds allocated for providing instruction in any of the recommended or required topics.

Current law requires each school district that offers an instructional program to appoint an advisory committee composed of parents, teachers, school administrators, pupils, health care professionals, members of the clergy, and other residents of the school district. The committee is required under current law to review the curriculum at least every three years. This bill specifies that the purpose of the committee is to advise the school board on the design and implementation of the curriculum and to review the curriculum every three years. The bill also provides

that no one category of member may constitute more than one fifth of the membership of the committee and no more than one quarter of the committee may be made up of employees of the school district or their spouses or members of the school board or their spouses.

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 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. This bill prevents a provider from providing instruction in human growth and development.

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:***

✓

1 **SECTION 1.** 115.29 (7) of the statutes is amended to read:

2 115.29 **(7)** TEEN PREGNANCY PREVENTION. Apply for <u>all</u> federal funds allocated
3 ~~to evidence–based teen pregnancy prevention programs that have been proven~~
4 ~~through rigorous evaluation to delay sexual activity, increase contraceptive use, and~~
5 ~~reduce teen pregnancy in order to implement such a program~~ <u>for providing</u>
6 <u>instruction in any of the subjects identified in s. 118.019</u>.

✓

7 **SECTION 2.** 118.019 (1) of the statutes is amended to read:

8 118.019 **(1)** PURPOSE. The purpose of this section is to ~~encourage all school~~
9 ~~boards to ensure that pupils in their districts are provided age–appropriate~~
10 ~~instruction in human growth and development. The instruction should support and~~
11 ~~enhance communication between pupils and their parents and provide pupils with~~
12 ~~the knowledge, skills, and support necessary to make healthy decisions now and~~

~~throughout their lifetimes and to make responsible decisions about sexual behavior~~ foster a partnership between parents of pupils attending schools in the school district and the schools in the school district to promote the optimal health and well–being of the pupils. The provisions of this section are in addition to, and do not supplant, the requirements under ss. 118.01 (2) (d) 2. c. and 8. and 118.13 (1), which are critical to maintaining the physical and psychological health of each pupil.

**SECTION 3.** 118.019 (1m) (a) of the statutes is amended to read:

118.019 **(1m)** (a) "Age–appropriate" means suitable to a particular age group of pupils based on ~~the~~ their developing cognitive and emotional capacity ~~of~~ and ~~behaviors typical for the age group~~ consistent with adolescent development and community standards.

**SECTION 4.** 118.019 (1m) (b) (intro.) of the statutes is renumbered 118.019 (1m) (b) and amended to read:

118.019 **(1m)** (b) "Medically accurate information" means information that ~~satisfies all of the following:~~ is scientifically–based and published, where appropriate, in peer–reviewed journals and textbooks.

**SECTION 5.** 118.019 (1m) (b) 1., 2. and 3. of the statutes are repealed.

**SECTION 6.** 118.019 (2) (intro.) of the statutes is amended to read:

118.019 **(2)** SUBJECTS. (intro.) A school board may provide an instructional program in human growth and development in grades kindergarten to 12. If provided, the following instructional program ~~shall do all of the following~~ is recommended:

**SECTION 7.** 118.019 (2) (a) (intro.) of the statutes is amended to read:

118.019 **(2)** (a) (intro.) Present medically accurate information to pupils and, when age–appropriate, ~~shall~~ address the following topics:

1 **SECTION 8.** 118.019 (2) (a) 1. of the statutes is amended to read:

2 118.019 **(2)** (a) 1. The importance of communication about sexuality ~~and~~
3 ~~decision making about sexual behavior~~ between the pupil and the pupil's parents~~,~~ or
4 guardians~~, or other family members~~.

5 **SECTION 9.** 118.019 (2) (a) 2. of the statutes is amended to read:

6 118.019 **(2)** (a) 2. Reproductive and sexual anatomy and physiology, including
7 biological, psychosocial, ~~and~~ emotional, and intellectual changes that accompany
8 maturation.

9 **SECTION 10.** 118.019 (2) (a) 3. of the statutes is repealed.

10 **SECTION 11.** 118.019 (2) (a) 4. of the statutes is repealed.

11 **SECTION 12.** 118.019 (2) (a) 5. of the statutes is amended to read:

12 118.019 **(2)** (a) 5. The benefits of and reasons for abstaining from sexual
13 activity. Instruction under this subdivision shall stress the value of abstinence as
14 the ~~most~~ only reliable way to prevent pregnancy and sexually transmitted infections,
15 and shall identify the skills necessary to remain abstinent.

16 **SECTION 13.** 118.019 (2) (a) 6. of the statutes is repealed.

17 **SECTION 14.** 118.019 (2) (a) 10. of the statutes is created to read:

18 118.019 **(2)** (a) 10. Adoption resources, prenatal care, and postnatal supports.

19 **SECTION 15.** 118.019 (2) (a) 11. of the statutes is created to read:

20 118.019 **(2)** (a) 11. The nature and treatment of sexually transmitted infections.

21 **SECTION 16.** 118.019 (2) (b) of the statutes is repealed.

22 **SECTION 17.** 118.019 (2) (c) of the statutes is amended to read:

23 118.019 **(2)** (c) ~~Promote~~ Address self–esteem and personal responsibility,
24 positive interpersonal skills, ~~with an emphasis on~~ and healthy relationships~~,~~
25 ~~including friendships, marriage, and romantic and familial relationships~~.

1 **SECTION 18.** 118.019 (2) (e) of the statutes is created to read:

2 118.019 **(2)** (e) Address the positive connection between marriage and
3 parenting.

4 **SECTION 19.** 118.019 (2) (f) of the statutes is created to read:

5 118.019 **(2)** (f) Present information about avoiding stereotyping and bullying,
6 including how to refrain from making inappropriate remarks, avoiding engaging in
7 inappropriate physical or sexual behaviors, and how to recognize, rebuff, and report
8 any unwanted or inappropriate remarks or physical or sexual behaviors.

9 **SECTION 20.** 118.019 (2m) (a) of the statutes is renumbered 118.019 (2m)
10 (intro.) and amended to read:

11 118.019 **(2m)** REQUIRED SUBJECTS. (intro.) If a school board provides instruction
12 in any of the areas under sub. (2) (a), the school board shall ensure that instruction
13 ~~in marriage and parental responsibility is provided.~~ conforms to s. 118.13 (1) and that
14 the following is provided, when age appropriate, in the same course and during the
15 same year:

16 **SECTION 21.** 118.019 (2m) (b) (intro.) of the statutes is repealed.

17 **SECTION 22.** 118.019 (2m) (b) 1. of the statutes is renumbered 118.019 (2m) (c)
18 and amended to read:

19 118.019 **(2m)** (c) Presents abstinence from sexual activity as the preferred
20 choice of behavior ~~in relationship to all sexual activity~~ for unmarried pupils.

21 **SECTION 23.** 118.019 (2m) (b) 2. of the statutes is renumbered 118.019 (2m) (d)
22 and amended to read:

23 118.019 **(2m)** (d) Emphasizes that abstinence from sexual activity before
24 marriage is the ~~most effective~~ only reliable way to prevent pregnancy and sexually

transmitted diseases, including human immunodeficiency virus and acquired immunodeficiency syndrome.

**SECTION 24.** 118.019 (2m) (e) of the statutes is created to read:

118.019 **(2m)** (e) Provides instruction in parental responsibility and the socioeconomic benefits of marriage for adults and their children.

**SECTION 25.** 118.019 (2m) (f) of the statutes is created to read:

118.019 **(2m)** (f) Explains pregnancy, prenatal development, and childbirth.

**SECTION 26.** 118.019 (2r) (intro.) of the statutes is repealed.

**SECTION 27.** 118.019 (2r) (a) of the statutes is renumbered 118.019 (2m) (g) and amended to read:

118.019 **(2m)** (g) ~~The~~ Explains the criminal penalties under ch. 948 for engaging in sexual activities involving a child ~~under ch. 948~~.

**SECTION 28.** 118.019 (2r) (b) of the statutes is renumbered 118.019 (2m) (h) and amended to read:

118.019 **(2m)** (h) ~~The~~ Explains the sex offender registration requirements under s. 301.45. Instruction under this paragraph shall include who is required to report under s. 301.45, what information must be reported, who has access to the information reported, and the implications of being registered under s. 301.45.

**SECTION 29.** 118.019 (2s) of the statutes is created to read:

118.019 **(2s)** PROVISION OF INSTRUCTION. Subject to s. 120.13 (37m), nothing in this section prohibits a school district from providing instruction under this section, in whole or in part, to pupils while the pupils are separated from members of the opposite sex.

**SECTION 30.** 118.019 (3) (intro.) of the statutes is renumbered 118.019 (3) and amended to read:

118.019 **(3)** DISTRIBUTION OF CURRICULUM TO PARENTS; NOTICE. Each school board that provides an instructional program in human growth and development shall annually provide the parents or guardians of each pupil enrolled in the school district with an outline of the human growth and development curriculum used in the pupil's grade level ~~and~~, information regarding how the parent or guardian may inspect the complete curriculum and instructional materials, an explanation of the exemption under sub. (4), and a statement that pupils exempted from instruction under this section will still receive instruction in the subjects under s. 118.01 (2) (d) 2. c., unless exempted, and s. 118.01 (2) (d) 8. The school board shall make the complete human growth and development curriculum and all 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. ~~A school board that elects not to provide an instructional program in human growth and development under this section shall, 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:~~

**SECTION 31.** 118.019 (3) (a), (b) and (c) of the statutes are repealed.

**SECTION 32.** 118.019 (4) of the statutes is amended to read:

118.019 **(4)** EXEMPTION FOR INDIVIDUAL PUPILS. No pupil may be required to take instruction in human growth and development or in the specific subjects under subs. (2) and ~~(2r)~~ (2m) if the pupil's parent or guardian files with the teacher or school principal a written request that the pupil be exempted.

**SECTION 33.** 118.019 (5) of the statutes is amended to read:

118.019 **(5)** ADVISORY COMMITTEE. In any school district that offers a human growth and development curriculum, the school board shall appoint an ad hoc advisory committee ~~composed of parents,~~ whose role is to advise the school board on

the design and implementation of the human growth and development curriculum and to review the curriculum. Parents, teachers, school administrators, pupils, health care professionals, members of the clergy, and other residents of the school district shall comprise the committee, and no one category of member shall constitute more than one fifth of the membership of the committee. No more than one quarter of the members of the committee may be made up of employees of the school district or their spouses or members of the school board or their spouses ~~The advisory committee shall develop the human growth and development curriculum and advise the school board on the design, review and implementation of the advisory committee's human growth and development curriculum~~. The advisory committee shall review the curriculum ~~at least~~ every 3 years.

**SECTION 34.** 146.89 (3r) (e) of the statutes is amended to read:

146.89 **(3r)** (e) Under this subsection, a volunteer health care provider may not provide instruction in human growth and development ~~if the instructional program is in compliance with requirements of~~ under s. 118.019.

**(END)**

## Barman, Mike

**From:** Hutkowski, Hariah
**Sent:** Monday, October 10, 2011 3:27 PM
**To:** LRB.Legal
**Subject:** Draft Review: LRB 11-3160/1 Topic: Changes to human growth and development instruction

Please Jacket LRB 11-3160/1 for the ASSEMBLY.