

2013 DRAFTING REQUEST

Senate Amendment (SA-SB206)

Received: 6/10/2013 Received By: tdodge
Wanted: Soon Same as LRB:
For: Jon Erpenbach (608) 266-6670 By/Representing: Kelly Becker
May Contact: Drafter: tkuczens
Subject: Education - school boards Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Erpenbach@legis.wisconsin.gov
Carbon copy (CC) to: tamara.dodge@legis.wisconsin.gov
tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Restore human growth and development instruction (2009 Act 134)

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 6/10/2013	jdyer 6/10/2013	jfrantze 6/10/2013	_____			
/1				_____	mbarman 6/10/2013	mbarman 6/10/2013	

FE Sent For:

<END>

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/?	tkuczens	1 6/10 jld	Jb	JM 6/10			

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<END>

Hi Tamara:

Sen. Erpenbach would like to have some amendments drafted on SB 206 and they need to be done ASAP as it is scheduled for the floor tomorrow morning.

Thanks!

5. Require that ^{pupils}~~patients~~ receive full medical accurate comprehensive sexual health information including information about pregnancy and what is in the uterus. (Use language in 2009 SB 324)

Kelly Becker
Office of State Senator
JON ERPENBACH
27th District
Ph: 608-266-6670
Fax: 608-266-2508

2009 AB 458 (2009 Act 134)



jld

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~
SENATE AMENDMENT,
TO SENATE BILL 206

today

Insert 1-1 ✓

1 → At the locations indicated, amend the bill as follows: ✓

2 1. Page 4, line 1: before that line insert: ✓

3 SECTION ^{1ab ← ③} 115.29 (7) of the statutes is amended to read: ✓

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

History: 1971 c. 100 s. 23; 1971 c. 125, 211; 1977 c. 29; 1979 s. 22, 301; 1981 c. 96; 1983 a. 27; 1993 a. 492; 1995 a. 27, 111; 1997 a. 27, 35, 164; 2003 a. 33; 2005 a. 25; 2009 a. 134; 2011 a. 216.

9 SECTION ^{1ae ← ③} 118.019 (1) of the statutes is repealed and recreated to read: ✓

10 118.019 (1) PURPOSE. ✓ The purpose of this section is to encourage all school
11 boards to ensure that pupils in their districts are provided ✓ age-appropriate
12 instruction in human growth and development. The instruction should support and

1 enhance communication between pupils and their parents and provide pupils with
2 the knowledge, skills, and support necessary to make healthy decisions now and
3 throughout their lifetimes and to make responsible decisions about sexual behavior. ✓

4 SECTION ^{e 1 ah ← (B)} 118.019 (1m) (a) of the statutes is amended to read:

5 118.019 (1m) (a) "Age-appropriate" means suitable to a particular age group
6 of pupils based on ~~their~~ the developing cognitive and emotional capacity of and
7 ~~consistent with adolescent development and community standards~~ behaviors typical
8 for the age group. ✓

History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134; 2011 a. 216.

9 SECTION ^{e 1 ah ← (B)} 118.019 (1m) (b) of the statutes is renumbered 118.019 (1m) (intro.)

10 and amended to read: ^{e 1 ah ← (b) (intro.)}

11 118.019 (1m) "Medically accurate information" means information that is
12 ~~scientifically-based and published, where~~ satisfies all of the following: ✓

13 2. Where appropriate, the information is published in peer-reviewed journals
14 and textbooks. ✓

History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134; 2011 a. 216.

15 SECTION ^{e 1 ah ← (B)} 118.019 (1m) (b) 1. and 3. of the statutes are created to read:

16 118.019 (1m) (b) 1. The information is supported by the weight of research
17 conducted in compliance with accepted scientific methods. ✓

18 3. The information is recognized as accurate by relevant leading professional
19 organizations or agencies, such as the American Medical Association, the American
20 Public Health Association, or the American Academy of Pediatrics. ✓

21 SECTION ^{e 1 ah ← (B)} 118.019 (2) (intro.) of the statutes is repealed and recreated to read:

22 118.019 (2) SUBJECTS. (intro.) A school board may provide an instructional
23 program in human growth and development in grades kindergarten to 12. If
24 provided, the instructional program shall do all of the following: ✓

1

SECTION 118.019 (2) (a) 1. and 2. of the statutes are amended to read:

2
3
4

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

History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134; 2011 a. 216.

5
6

2. Reproductive and sexual anatomy and physiology, including biological, psychosocial, and emotional, ~~and intellectual~~ changes that accompany maturation.

7

SECTION 118.019 (2) 3. and 4. of the statutes are created to read:

8
9

118.019 (2) 3. Puberty, pregnancy, parenting, body image, and gender stereotypes.

10
11
12
13

4. 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.

14

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

15
16
17
18

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

19

SECTION 118.019 (2) 6. of the statutes is created to read:

20
21

118.019 (2) 6. The health benefits, side effects, and proper use of contraceptives and barrier methods approved by the federal food and drug administration to

22

prevent pregnancy and contraceptives and barrier methods approved by the federal

23

food and drug administration to prevent pregnancy and sexually transmitted

24

infections.

1

^{1 be ← (B)}
SECTION ~~118.019~~ 118.019 (2) (a) 10. and 11. of the statutes are repealed.

2

^{1 bg ← (B)}
SECTION ~~118.019~~ 118.019 (2) (b) of the statutes is created to read:

3

118.019 (2) (b) Use instructional methods and materials that do not promote

4

bias against pupils of any race, gender, sexual orientation, or ethnic or cultural

5

background or against sexually active pupils or children with disabilities.

6

^{1 bi ← (B)}
SECTION ~~118.019~~ 118.019 (2) (c) of the statutes is amended to read:

7

118.019 (2) (c) ~~Address Promote self-esteem and personal responsibility,~~

8

positive interpersonal skills, and with an emphasis on healthy relationships,

9

including friendships, marriage, and romantic and familial relationships.

10

History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134; 2011 a. 216.

^{1 bk ← (B)}
SECTION ~~118.019~~ 118.019 (2) (e) and (f) of the statutes are repealed.

11

^{1 bm ← (B)}
SECTION ~~118.019~~ 118.019 (2d) of the statutes is repealed.

12

^{1 bp ← (B)}
SECTION ~~118.019~~ 118.019 (2m) (intro.) of the statutes is renumbered 118.019 (2m)

13

(a) and amended to read:

14

118.019 (2m) (a) If a school board provides instruction in any of the areas under

15

sub. (2) (a), the school board shall ensure that instruction conforms to s. 118.13 (1)

16

~~and that the following is provided, when age appropriate, in the same course and~~

17

~~during the same year:~~ in marriage and parental responsibility is provided.

18

History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134; 2011 a. 216.

^{1 br ← (B)}
SECTION ~~118.019~~ 118.019 (2m) (b) (intro.) of the statutes is created to read:

19

118.019 (2m) (b) (intro.) The school board shall ensure that instruction related

20

to the areas under sub. (2) (a) [✓] does all of the following:

21

^{1 bt ← (B)}
SECTION ~~118.019~~ 118.019 (2m) (c) of the statutes is renumbered 118.019 (2m) (b) 1.

22

and amended to read:

1 118.019 (2m) (b) 1. Presents abstinence from sexual activity as the preferred
2 choice of behavior in relationship to all sexual activity for unmarried pupils.

History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134; 2011 a. 216.

3 SECTION ~~17~~. 118.019 (2m) (d) of the statutes is renumbered 118.019 (2m) (b) 2.
4 and amended to read: 1bv ← (B)

5 118.019 (2m) (b) 2. Emphasizes that abstinence from sexual activity before
6 marriage is the ~~only reliable~~ most reliable way to prevent pregnancy and sexually
7 transmitted diseases, including human immunodeficiency virus and acquired
8 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; 2009 a. 134; 2011 a. 216.

9 SECTION ~~17~~. 118.019 (2m) (e) of the statutes is repealed.

10 SECTION ~~17~~. 118.019 (2m) (f) of the statutes is repealed.

11 SECTION ~~17~~. 118.019 (2m) (g) of the statutes is renumbered 118.019 (2r) (a) and
12 amended to read:

13 118.019 (2r) (a) ~~Explains the~~ The criminal penalties under ch. 948 for engaging
14 in sexual activities involving a child.

History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134; 2011 a. 216.

15 SECTION ~~17~~. 118.019 (2m) (h) of the statutes is renumbered 118.019 (2r) (b) and
16 amended to read:

17 118.019 (2r) (b) ~~Explains the~~ The sex offender registration requirements under
18 s. 301.45. Instruction under this paragraph shall include who is required to report
19 under s. 301.45, what information must be reported, who has access to the
20 information reported, and the implications of being registered under s. 301.45.

History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134; 2011 a. 216.

21 SECTION ~~17~~. 118.019 (2r) (intro.) of the statutes is created to read:

1ch ← (B)

SECTION ~~17~~ 1cg. 118.019(2m) (i) of the statutes is repealed

1 118.019 (2r) [✓]REQUIRED SUBJECTS. ^(intro.) A school board that provides an instructional
 2 program in human growth and development under this section [✓]shall, when
 3 age-appropriate, instruct pupils about all of the following: [✓]

4 SECTION ~~W~~. ^{1 cl ← (B)} 118.019 (2s) of the statutes is repealed. [✓]

5 SECTION ~~W~~. 118.019 (3) of the statutes is renumbered 118.019 (3) (intro.) and
 6 amended to read: ^{1 cl ← (B)}

7 118.019 (3) DISTRIBUTION OF CURRICULUM TO PARENTS; NOTICE. ^(intro.) (Each school board
 8 that provides an instructional program in human growth and development shall
 9 annually provide the parents or guardians of each pupil enrolled in the school district
 10 with an outline of the human growth and development curriculum used in the pupil's
 11 grade level, and information regarding how the parent or guardian may inspect the
 12 complete curriculum and instructional materials, [✓]~~an explanation of the exemption~~
 13 ~~under sub. (4), and a statement that pupils exempted from instruction under this~~
 14 ~~section will still receive instruction in the subjects under s. 118.01 (2) (d) 2. e., unless~~
 15 ~~exempted, and s. 118.01 (2) (d) 8.~~ The school board shall make the complete human
 16 growth and development curriculum and all instructional materials available for
 17 inspection by a parent or guardian upon his or her request at any time, including
 18 prior to their use in the classroom. A school board that elects not to provide an
 19 instructional program in human growth and development under this section shall,
 20 by September 30 of each school year, send home to the parent or guardian of each
 21 pupil enrolled in the school district a notice that includes all of the following: [✓]

22 History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134; 2011 a. 216.
 SECTION ~~W~~. 118.019 (3) (a), (b) and (c) of the statutes are created to read:

^{1 cl ← (B)}

1 118.019 (3) (a) A statement that the school board is encouraged by state statute
2 to provide instruction in human growth and development in grades kindergarten to
3 12. ✓

4 (b) The subjects of instruction required under subs. (2), (2m), and (2r) if the
5 school board were to provide instruction in human growth and development.

6 (c) A statement that the school board is not providing any human growth and
7 development instruction to pupils enrolled in the school district. ✓

8 **SECTION 11. 118.019 (4) of the statutes is amended to read:**

9 118.019 (4) EXEMPTION FOR INDIVIDUAL PUPILS. No pupil may be required to take
10 instruction in human growth and development or in the specific subjects under subs.
11 (2) and (2m) (2r) if the pupil's parent or guardian files with the teacher or school
12 principal a written request that the pupil be exempted.

13 History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134; 2011 a. 216.

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

14 118.019 (5) ADVISORY COMMITTEE. In any school district that offers a human
15 growth and development curriculum, the school board shall appoint an ad-hoc
16 advisory committee whose role is to advise the school board on the design and
17 implementation of the human growth and development curriculum and to review the
18 curriculum. Parents composed of parents, teachers, school administrators, pupils,
19 health care professionals, members of the clergy, and other residents of the school
20 district shall comprise the committee. No one category of member shall constitute
21 more than one-fifth of the membership of the committee, except that parents may
22 comprise more than one-fifth of the membership of the committee. No more than one
23 quarter of the members of the committee may be made up of employees of the school
24 district or their spouses or members of the school board or their spouses. The

1 advisory committee shall develop the human growth and development curriculum ✓
 2 and advise the school board on the design, review, and implementation of the
 3 advisory committee's human growth and development curriculum. The advisory
 4 committee shall review the curriculum at least every 3 years. ✓ plain

History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134; 2011 a. 216.

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

6 146.89 (3r) (e) Under this subsection, a volunteer health care provider may not
 7 provide instruction in human growth and development under ✓ if the instructional
 8 program is in compliance with requirements of s. 118.019. ✓

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; 2007 a. 20 s. 9121 (6) (a); 2007 a. 201; 2009 a. 93, 134; 2011 a. 32, 216.

9 **2.** Page 4, line 1: delete "SECTION 1" ✓ and substitute "SECTION 1".

10

(END)

g → B

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0589?ins
TKK:.....

INS 1-1

1

1. Page 1, line 5: after ^{an}“abortion,” insert [✓]“providing instruction in human
2 growth and development.”

(end ins 1-1)