



State of Wisconsin
2011 - 2012 LEGISLATURE



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**ASSEMBLY AMENDMENT 14,
TO 2011 SENATE BILL 306**

March 15, 2012 – Offered by Representatives ZAMARRIPA, PASCH, C. TAYLOR and BILLINGS.

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

2 **1.** Page 3, line 1: before that line insert:

3 “**SECTION 1ag.** 115.29 (7) of the statutes, as affected by 2011 Wisconsin Act
4 (Senate Bill 237), is amended to read:

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

10 **SECTION 1am.** 118.019 (1) of the statutes, as affected by 2011 Wisconsin Act
11 (Senate Bill 237), is amended to read:

12 118.019 (1) PURPOSE. The purpose of this section is to ~~foster a partnership~~
13 ~~between parents of pupils attending schools in the school district and the schools in~~

1 ~~the school district to promote the optimal health and well-being of the pupils. The~~
2 ~~provisions of this section are in addition to, and do not supplant, the requirements~~
3 ~~under ss. 118.01 (2) (d) 2. c. and 8. and 118.13 (1), which are critical to maintaining~~
4 ~~the physical and psychological health of each pupil~~ encourage all school boards to
5 ensure that pupils in their districts are provided age-appropriate instruction in
6 human growth and development. The instruction should support and enhance
7 communication between pupils and their parents and provide pupils with the
8 knowledge, skills, and support necessary to make healthy decisions now and
9 throughout their lifetimes and to make responsible decisions about sexual behavior.

10 **SECTION 1ar.** 118.019 (1m) (a) of the statutes, as affected by 2011 Wisconsin Act
11 (Senate Bill 237), is amended to read:

12 118.019 (1m) (a) “Age-appropriate” means suitable to a particular age group
13 of pupils based on ~~their~~ the developing cognitive and emotional capacity of and
14 ~~consistent with adolescent development and community standards~~ behaviors typical
15 for the age group.

16 **SECTION 1bg.** 118.019 (1m) (b) of the statutes, as affected by 2011 Wisconsin
17 Act (Senate Bill 237), is renumbered 118.019 (1m) (bg) (intro.) and amended to
18 read:

19 118.019 (1m) (bg) (intro.) “Medically accurate information” means information
20 that is ~~scientifically-based and published, where appropriate, in peer-reviewed~~
21 ~~journals and textbooks~~ satisfies all of the following:

22 **SECTION 1bm.** 118.019 (1m) (bg) 1m., 2m. and 3m. of the statutes are created
23 to read:

24 118.019 (1m) (bg) 1m. The information is supported by the weight of research
25 conducted in compliance with accepted scientific methods.

1 2m. Where appropriate, the information is published in peer-reviewed
2 journals.

3 3m. The information is recognized as accurate by relevant leading professional
4 organizations or agencies, such as the American Medical Association, the American
5 Public Health Association, or the American Academy of Pediatrics.

6 **SECTION 1br.** 118.019 (2) (intro.) of the statutes, as affected by 2011 Wisconsin
7 Act (Senate Bill 237), is amended to read:

8 118.019 (2) SUBJECTS. (intro.) A school board may provide an instructional
9 program in human growth and development in grades kindergarten to 12. If the
10 school board elects to provide an instructional program under this section, when the
11 school board establishes the curriculum for the instructional program, the school
12 board shall make determinations as to whether and, if so, for what subjects covered
13 in the curriculum the pupils shall be separated by gender. If an instructional
14 program is provided, the following instructional program is recommended shall do
15 all of the following:

16 **SECTION 1cg.** 118.019 (2) (a) (intro.) of the statutes, as affected by 2011
17 Wisconsin Act (Senate Bill 237), is amended to read:

18 118.019 (2) (a) (intro.) Present medically accurate information to pupils and,
19 when age-appropriate, shall address the following topics:

20 **SECTION 1cm.** 118.019 (2) (a) 1. of the statutes, as affected by 2011 Wisconsin
21 Act (Senate Bill 237), is amended to read:

22 118.019 (2) (a) 1. The importance of communication about sexuality and
23 decision making about sexual behavior between the pupil and the pupil's parents or,
24 guardians, or other family members.

1 **SECTION 1cr.** 118.019 (2) (a) 2. of the statutes, as affected by 2011 Wisconsin
2 Act (Senate Bill 237), is amended to read:

3 118.019 (2) (a) 2. Reproductive and sexual anatomy and physiology, including
4 biological, psychosocial, and emotional, ~~and intellectual~~ changes that accompany
5 maturation.

6 **SECTION 1dg.** 118.019 (2) (a) 3m. and 4m. of the statutes are created to read:

7 118.019 (2) (a) 3m. Puberty, pregnancy, parenting, body image, and gender
8 stereotypes.

9 4m. The skills needed to make responsible decisions about sexuality and sexual
10 behavior throughout the pupil's life, including how to refrain from making
11 inappropriate verbal, physical, and sexual advances and how to recognize, rebuff,
12 and report any unwanted or inappropriate verbal, physical, and sexual behaviors.

13 **SECTION 1dm.** 118.019 (2) (a) 5. of the statutes, as affected by 2011 Wisconsin
14 Act (Senate Bill 237), is amended to read:

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

19 **SECTION 1dr.** 118.019 (2) (a) 6m. of the statutes is created to read:

20 118.019 (2) (a) 6m. The health benefits, side effects, and proper use of
21 contraceptives and barrier methods approved by the federal food and drug
22 administration to prevent pregnancy and barrier methods approved by the federal
23 food and drug administration to prevent sexually transmitted infections.

24 **SECTION 1eg.** 118.019 (2) (a) 10. and 11. of the statutes, as created by 2011
25 Wisconsin Act (Senate Bill 237), are repealed.

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

2 118.019 (2) (bm) Use instructional methods and materials that do not promote
3 bias against pupils of any race, gender, religion, sexual orientation, or ethnic or
4 cultural background or against sexually active pupils or children with disabilities.

5 **SECTION 1f.** 118.019 (2) (c) of the statutes, as affected by 2011 Wisconsin Act
6 (Senate Bill 237), 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 **SECTION 1g.** 118.019 (2) (e) and (f) of the statutes, as created in 2011 Wisconsin
11 Act (Senate Bill 237), are repealed.

12 **SECTION 1er.** 118.019 (2d) of the statutes, as affected by 2011 Wisconsin Act
13 (Senate Bill 237), is renumbered 118.019 (2) (b) and amended to read:

14 118.019 (2) (b) ~~An instructional program under this section shall use~~ Use
15 instructional methods and materials that, ~~consistent with s. 118.13 (1),~~ do not
16 ~~discriminate~~ promote bias against a pupil based upon the pupil's pupils of any race,
17 gender, religion, sexual orientation, or ethnic or cultural background or against
18 sexually active pupils or children with disabilities. ~~Nothing in this subsection shall~~
19 ~~be construed to prohibit a school board from approving an instructional program~~
20 ~~under this section that includes instruction on abstinence from sexual activity or~~
21 ~~that is abstinence-centered.~~

22 **SECTION 1hg.** 118.019 (2m) (intro.) of the statutes, as affected in 2011
23 Wisconsin Act (Senate Bill 237), is renumbered 118.019 (2m) (a) and amended to
24 read:

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

6 **SECTION 1hm.** 118.019 (2m) (c) of the statutes, as affected by 2011 Wisconsin
7 Act (Senate Bill 237), is renumbered 118.019 (2m) (cm) and amended to read:

8 118.019 **(2m)** (cm) 1. Presents abstinence from sexual activity as the preferred
9 choice of behavior in relationship to all sexual activity for unmarried pupils.

10 **SECTION 1ho.** 118.019 (2m) (cm) (intro.) of the statutes is created to read:

11 118.019 **(2m)** (cm) The school board shall ensure that instruction related to the
12 areas under sub. (2) (a) does all of the following:

13 **SECTION 1hr.** 118.019 (2m) (d) of the statutes, as affected by 2011 Wisconsin
14 Act (Senate Bill 237), is renumbered 118.019 (2m) (cm) 2. and amended to read:

15 118.019 **(2m)** (cm) 2. Emphasizes that abstinence from sexual activity before
16 marriage is the ~~only reliable~~ most effective way to prevent pregnancy and sexually
17 transmitted diseases, including human immunodeficiency virus and acquired
18 immunodeficiency syndrome.

19 **SECTION 1j.** 118.019 (2m) (e) and (f) of the statutes, as created by 2011
20 Wisconsin Act (Senate Bill 237), are repealed.

21 **SECTION 1k.** 118.019 (2m) (g) of the statutes, as created by 2011 Wisconsin Act
22 (Senate Bill 237), is repealed.

23 **SECTION 1m.** 118.019 (2m) (g) of the statutes, as affected by 2011 Wisconsin Act
24 (Senate Bill 237), is renumbered 118.019 (2t) (a) and amended to read:

1 118.019 (2t) (a) ~~Explains the~~ The criminal penalties under ch. 948 for engaging
2 in sexual activities involving a child under ch. 948.

3 **SECTION 1n.** 118.019 (2m) (h) of the statutes, as affected by 2011 Wisconsin Act
4 (Senate Bill 237), is renumbered 118.019 (2t) (b) and amended to read:

5 118.019 (2t) (b) ~~Explains the~~ The sex offender registration requirements under
6 s. 301.45. Instruction under this paragraph shall include who is required to report
7 under s. 301.45, what information must be reported, who has access to the
8 information reported, and the implications of being registered under s. 301.45.

9 **SECTION 1nm.** 118.019 (2s) of the statutes, as created by 2011 Wisconsin Act
10 (Senate Bill 237), is repealed.

11 **SECTION 1Lg.** 118.019 (2t) (intro.) of the statutes is created to read:

12 118.019 (2t) **REQUIRED SUBJECTS.** (intro.) A school board that provides an
13 instructional program in human growth and development under this section shall,
14 when age-appropriate, instruct pupils about all of the following:

15 **SECTION 1o.** 118.019 (3) of the statutes, as affected by 2011 Wisconsin Act
16 (Senate Bill 237), is renumbered 118.019 (3m) (intro.) and amended to read:

17 118.019 (3m) (intro.) **DISTRIBUTION OF CURRICULUM TO PARENTS; NOTICE.** Each
18 school board that provides an instructional program in human growth and
19 development shall annually provide the parents or guardians of each pupil enrolled
20 in the school district with an outline of the human growth and development
21 curriculum used in the pupil's grade level, and information regarding how the parent
22 or guardian may inspect the complete curriculum and instructional materials, ~~an~~
23 ~~explanation of the exemption under sub. (4), and a statement that pupils exempted~~
24 ~~from instruction under this section will still receive instruction in the subjects under~~
25 ~~s. 118.01 (2) (d) 2. c., unless exempted, and s. 118.01 (2) (d) 8.~~ The school board shall

1 make the complete human growth and development curriculum and all instructional
2 materials available for inspection by a parent or guardian upon his or her request
3 at any time, including prior to their use in the classroom. A school board that elects
4 not to provide an instructional program in human growth and development under
5 this section shall, by September 30 of each school year, send home to the parent or
6 guardian of each pupil enrolled in the school district a notice that includes all of the
7 following:

8 **SECTION 1p.** 118.019 (3m) (a), (b) and (c) of the statutes are created to read:

9 118.019 (3m) (a) A statement that the school board is encouraged by state
10 statute to provide instruction in human growth and development in grades
11 kindergarten to 12.

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

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

16 **SECTION 1q.** 118.019 (4) of the statutes, as affected by 2011 Wisconsin Act ...
17 (Senate Bill 237), is amended to read:

18 118.019 (4) EXEMPTION FOR INDIVIDUAL PUPILS. No pupil may be required to take
19 instruction in human growth and development or in the specific subjects under subs.
20 (2) and ~~(2m)~~ (2r) if the pupil's parent or guardian files with the teacher or school
21 principal a written request that the pupil be exempted.

22 **SECTION 1r.** 118.019 (5) of the statutes, as affected by 2011 Wisconsin Act ...
23 (Senate Bill 237), is amended to read:

24 118.019 (5) ADVISORY COMMITTEE. In any school district that offers a human
25 growth and development curriculum, the school board shall appoint an ad hoc

1 advisory committee whose role is to advise the school board on the design and
2 implementation of the human growth and development curriculum and to review the
3 curriculum. Parents, composed of parents, teachers, school administrators, pupils,
4 health care professionals, members of the clergy, and other residents of the school
5 district shall comprise the committee. ~~No one category of member shall constitute~~
6 ~~more than one-fifth of the membership of the~~ The advisory committee shall develop
7 ~~the human growth and development curriculum and advise the school board on the~~
8 ~~design, review and implementation of the advisory committee's human growth and~~
9 ~~development curriculum committee, except that parents may comprise more than~~
10 ~~one-fifth of the membership of the committee. No more than one quarter of the~~
11 ~~members of the committee may be made up of employees of the school district or their~~
12 ~~spouses or members of the school board or their spouses. The advisory committee~~
13 shall develop the human growth and development curriculum and advise the school
14 board on the design, review and implementation of the advisory committee's human
15 growth and development curriculum. The advisory committee shall review the
16 curriculum at least every 3 years.

17 **SECTION 1s.** 146.89 (3r) (e) of the statutes, as affected by 2011 Wisconsin Act
18 (Senate Bill 237), is amended to read:

19 146.89 **(3r)** (e) Under this subsection, a volunteer health care provider may not
20 provide instruction in human growth and development under if the instructional
21 program is in compliance with requirements of s. 118.019."

22 **2.** Page 3, line 1: delete "SECTION 1" and substitute "SECTION 1z".

23 (END)