



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 216
[2011 Senate Bill 237]

**Human Growth and
Development Instruction**

2011 Wisconsin Act 216 makes modifications to the statute governing human growth and development instruction in grades kindergarten to 12 and prohibits participants in the volunteer health care provider program from providing instruction in human growth and development.

HUMAN GROWTH AND DEVELOPMENT INSTRUCTION

Under the Act, as under prior law, school districts may offer instruction on human growth and development in grades kindergarten to 12.

Subjects of Instruction

The Act specifies that, if instruction on human growth and development is provided, certain subjects are recommended for inclusion in the curriculum. Prior to Act 216, certain subjects were required to be included if such instruction was provided. Specifically, under the Act, the following instructional program is recommended (changes to the law prior to Act 216 are noted in bold or described):

- Present medically accurate information and, when age-appropriate, address the following topics:
 - The importance of communication about sexuality between the pupil and the pupil's parents or guardians. This provision removes the subject of the importance of communication about decision making about sexual behavior and would no longer include communication between the pupil and other family members.
 - Reproductive and sexual anatomy and physiology, including biological, psychosocial, emotional, **and intellectual** changes that accompany maturation.

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/>.

- The benefits of and reasons for abstaining from sexual activity. Instruction under this provision must stress the value of abstinence as the only reliable way to prevent pregnancy and sexually transmitted infections. This provision recommends instruction that abstinence is the only reliable, instead of the most reliable, way to prevent pregnancy and sexually transmitted infections.
- As provided under prior law, methods for developing healthy life skills, including setting goals, making responsible decisions, communicating, and managing stress.
- As provided under prior law, how alcohol and drug use affect responsible decision making.
- As provided under prior law, the impact of the media and one's peers on thoughts, feelings, and behaviors relating to sexuality.
- Adoption resources, prenatal care, and postnatal supports. This provision is new.
- The nature and treatment of sexually transmitted infections. This provision is new.
- Address self-esteem and *personal responsibility*, interpersonal skills, and healthy relationships. This provision removes the list of relationships included. Under prior law, the provision requires instruction that promotes healthy relationships, *including friendships, marriage, and romantic and familial relationships*.
- As provided under prior law, identify counseling, medical, and legal resources for survivors of sexual abuse and assault, including resources for escaping violent relationships.
- Address the positive connection between marriage and parenting. This provision is new.
- Present information about avoiding stereotyping and bullying, including how to refrain from making inappropriate remarks, avoiding engaging in inappropriate physical or sexual behaviors, and how to recognize, rebuff, and report any unwanted or inappropriate remarks or physical or sexual behaviors. This provision is new, although portions of this language are included in prior law.

The Act repeals the following required topics for instruction on human growth and development that were included in the law prior to Act 216:

- 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 health benefits, side effects, and proper use of contraceptives and barrier methods approved by the FDA to prevent pregnancy and barrier methods approved by the FDA to prevent sexually transmitted infections.

The Act defines "age-appropriate" as suitable to a particular age group of pupils based on their developing cognitive and emotional capacity and consistent with adolescent development and

community standards. Under the Act, “medically accurate information” is defined as information that is scientifically-based and published, where appropriate, in peer-reviewed journals and textbooks.

If a school board provides instruction in any of the above areas, the Act provides that the school board must ensure that the instruction does the following, when age appropriate, in the same course and during the same year:

- Presents abstinence from sexual activity as the preferred choice of behavior for unmarried pupils.
- Provides medically accurate information about HPV, HIV, and AIDS.
- Emphasizes that abstinence from sexual activity is the only reliable way to prevent pregnancy and sexually transmitted diseases, including HIV and AIDS.
- Provides instruction in parental responsibility and the socioeconomic benefits of marriage for adults and their children.
- Explains pregnancy, prenatal development, and childbirth.
- Explains the criminal penalties for engaging in sexual activities with a child.
- Explains 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.

Separating Pupils by Sex for Instruction

The Act provides that nothing in the human growth and development instruction section prohibits a school district from providing instruction on human growth and development, in whole or in part, to pupils while the pupils are separated from members of the opposite sex. If a school board elects to provide an instructional program on human growth and development, when the school board establishes the curriculum for the program, the board must make a determination as to whether and, if so, for what subjects covered in the curriculum the pupils must be separated by gender.

Distribution of Curriculum to Parents

Current law requires each school board that provides an instruction program in human growth and development to annually provide to 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.

The Act additionally requires the school board to give parents or guardians an explanation of the provision of current law under which no pupil may be required to take instruction in human growth and development or in the specific subjects, as described above, if the pupil’s parent or guardian files with the teacher or school principal a written request that the pupil be exempted. Also, the school board must include a statement that pupils exempted from instruction will still receive: (a) instruction on physiology and hygiene, sanitation, the effects of controlled substances and alcohol upon the human

system, symptoms of disease and the proper care of the body, unless exempted; and (b) instruction on effective means by which pupils may recognize, avoid, prevent, and halt physically or psychologically intrusive or abusive situations which may be harmful to pupils, including child abuse, sexual abuse, and child enticement, as required under current law.

Notice of Election to Not Provide Instruction

The Act repeals a provision of the law under which 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; the subjects of instruction required if the school board were to provide instruction in human growth and development; and 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.

The Act provides that a volunteer health care provider may not provide instruction in human growth and development.

Effective date: Act 216 takes effect on April 20, 2012.

Prepared by: Anne Sappenfield, Senior Staff Attorney

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