



WISCONSIN LEGISLATIVE COUNCIL
AMENDMENT MEMO

<p>2009 Assembly Bill 458</p>	<p>Assembly Amendments 1, 2, 3, and 11 and Senate Amendment 1</p>
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Assembly Bill 458 makes changes to current law relating to human growth and development instruction that may be offered in grades kindergarten to 12.

Assembly Amendment 1

Under the bill, if a school board opts to provide instruction on human growth and development, the instruction must address 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 sexually transmitted infections. Assembly Amendment 1 clarifies that instruction must address 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.

Under current law, if a school board opts to provide instruction on human growth and development, the school board must make the complete human growth and development curriculum and all instructional materials available upon request for inspection at any time, including prior to their use in the classroom. The bill permits inspection of the complete curriculum and instructional materials by a parent or guardian upon request prior to their use in the classroom. Under Assembly Amendment 1, a school board must 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.

Assembly Amendment 2

Under current law, no pupil may be required to take instruction in human growth or development or in specific subjects covered by that instruction if the pupil's parent files with the teacher or the school

principal a written request that the pupil be exempted. Assembly Amendment 2 also permits a guardian to request that a pupil be exempted from such instruction.

Assembly Amendment 3

Under the bill, if a school board opts to provide instruction on human growth and development, the school board must 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.

Amendment 3 adds “religion” to the enumerated list.

Assembly Amendment 11

Assembly Amendment 11 provides that if a school board opts to provide instruction on human growth and development, the school board shall insure that instruction in marriage and parental responsibility is provided. Current law contains this provision but, in addition, requires that the instruction be provided “...in the same course, during the same school year as instruction in human sexuality, reproduction and other related subjects is presented.” Assembly Bill 458 would have repealed this statutory provision in its entirety.

Assembly Amendment 11 also expressly requires the inclusion of the instruction on marriage and personal responsibility, if a school board opts to provide instruction on human growth and development.

Senate Amendment 1

Senate Amendment 1 requires that a school board that provides an instructional program in human growth and development shall, when age appropriate, instruct pupils about all of the following:

1. The criminal penalties for engaging in sexual activities involving a child under ch. 948.
2. The sex offender registration requirements under the statutes in s. 301.45, Stats. Instruction must also include who is required to report under this statute, what information must be reported, who has access to the information reported, and the implications of being registered under the statutory section.

The amendment also makes numbering changes to accommodate the additional requirement.

Legislative History

Representative Grigsby offered Assembly Amendments 1 and 2. On October 27, 2009, the Assembly Committee on Education unanimously recommended adoption on Assembly Amendments 1 and 2 and recommended passage of the bill, as amended, on a vote of Ayes, 8; Noes, 5.

The Assembly adopted Assembly Amendments 1 and 2 on voice votes on November 3, 2009. Assembly Amendment 3 was offered by Representatives Gottlieb and Ballweg and adopted on a voice

vote on November 3, 2009. Assembly Amendment 11 was offered by Representative Ballweg and adopted on a voice vote on November 3, 2009.

The Assembly passed the bill on a vote of Ayes, 48; Noes, 43; Paired, 4, on November 5, 2009.

In the Senate, the Senate Committee on Education, following a public hearing, recommended concurrence on a vote of Ayes, 4; Noes, 3, on January 27, 2010. The Senate, on January 28, 2010, adopted Senate Amendment 1, offered by Senators Grothman and Taylor, on a vote of Ayes, 33; Noes, 0. The Senate, following the rejection of five other amendments, voted to concur in the bill, as amended, on a vote of Ayes, 18; Noes, 15.

On January 28, 2010, the Assembly received Senate Amendment 1 and concurred in the bill, as amended, on a vote of Ayes, 95; Noes, 0.

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