



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Senate Bill 237

**Senate Amendments
7, 8, 10, and 12**

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2011 Senate Bill 237 makes various changes to current law relating to instruction on human growth and development in grades Kindergarten through 12.

Current Law

Under current law, a school board may provide an instructional program in human growth and development in grades Kindergarten to 12. If provided, the instructional program must cover specified topics and must meet other requirements for such instruction as set forth in the statutes. One of these requirements is that the program must 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.

Current law provides that, in any school district that offers a human growth and development curriculum, the school board must 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 advisory committee must 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 must review the curriculum at least every three years.

Senate Bill 237

Senate Bill 237 makes various changes to the requirements for instruction on human growth and development. Among those changes, the bill recommends that specified topics be covered and also requires such instruction to meet specified conditions if a school board provides instruction on human growth and development. Also among the changes, the bill repeals the requirement that the instructional methods and materials that do not promote bias against pupils based on various factors. The bill instead

provides that instruction on human growth and development must conform to the current pupil nondiscrimination statute which broadly prohibits pupil discrimination.

Under the bill, the advisory committee for human growth and development instruction is an *ad hoc* committee. The bill provides that, instead of developing the human growth and development curriculum and advising the school board on the design, review, and implementation of the advisory committee's human growth and development curriculum, the role of the advisory committee is to advise the school board on the design and implementation of the curriculum and to review the curriculum. The bill provides that no one category or member may constitute more than one-fifth of the membership of the committee. In addition, no more than one-quarter of the members may consist of employees of the school district or their spouses or members of the school board or their spouses. The bill requires the committee to meet every three years.

Senate Amendment 7

Senate Amendment 7 provides that an instructional program on human growth and development must use instructional methods and materials that, consistent with current pupil nondiscrimination law, do not discriminate against a pupil based upon the pupil's race, gender, religion, sexual orientation, or ethnic or cultural background, or against sexually active pupils or children with disabilities. The amendment also specifies that nothing in this provision may be construed to prohibit a school board from approving an instructional program on human growth and development that includes instruction on abstinence from sexual activity or that is abstinence-centered.

Senate Amendment 8

Senate Amendment 8 provides that, 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.

Senate Amendment 10

Senate Amendment 10 changes the bill's provision relating to the advisory committee. The amendment provides that parents may comprise more than one-fifth of the membership of the committee. The amendment also deletes the requirement that the committee review the curriculum every three years.

Senate Amendment 12

Senate Amendment 12 requires a school board to ensure that instruction that provides medically accurate information about HPV, HIV, and AIDS is provided, when age appropriate, in the same course and during the same year as instruction that presents abstinence as the preferred choice of behavior for unmarried pupils; emphasizes that abstinence is the only reliable way to prevent pregnancy and sexually transmitted infections; provides instruction in parental responsibility and the socioeconomic benefits of marriage; explains pregnancy, prenatal development, and childbirth; and explains the criminal consequences for engaging in sexual activities.

Legislative History

On November 2, 2011, the Senate adopted Senate Amendment 7 on a vote of Ayes, 25; Noes, 7, and adopted Senate Amendments 8, 10, and 12 on voice votes. On that date, the Senate passed Senate Bill 237 on a vote of Ayes, 17; Noes, 15.

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