



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - PLEASE DO NOT REMOVE FROM DRAFTING FILE

Date Transfer Requested: 12/27/2004 (Per: PG)



☞ The 2003 drafting file for LRB 03-0106
has been transferred to the drafting file for
2005 LRB 05-1397

☞ This cover sheet, the final request sheet, and the final version of the 2003 draft were copied on yellow paper, and returned to the original 2003 drafting file.

☞ The attached 2003 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2003 DRAFTING REQUEST

Bill

Received: **09/17/2002**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Mary Lazich (608) 266-5400**

By/Representing: **Cathy Connolly**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - school boards**

Extra Copies: **MJL**

Submit via email: **YES**

Requester's email: **Sen.Lazich@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Human sexuality instruction

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>
/?	pgrant 10/03/2002	kgilfoy 10/14/2002		_____			
/1			pgreensl 10/16/2002	_____	lemery 10/16/2002		

FE Sent For:

<END>

2003 DRAFTING REQUEST

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Received By: pgrant

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FE Sent For:		11-10/14 King	10/16 R	10/14 <END> PGR/B			

0106

Bill Request Form

Legislative Reference Bureau
100 N. Hamilton Street
Legal Section 266-3561

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.
Use this form only for bill draft requests. Attach more pages if necessary.

Date 9-12-02

Legislator, agency, or other person requesting this draft Senator Lazick

Person submitting request (name and phone number) Cathy Connolly 266-5400

Persons to contact for questions about this draft (names and phone numbers) same

Describe the problem, including any helpful examples. How do you want to solve the problem?

Problem: focus human sexuality instruction within K12 grades on abstinence instruction. Target as adolescent health issue.
Solution: Local control - parental involvement. Curriculum ~~of~~ emphasis on abstinence. Curriculum must include accurate health data on alternative forms of birth control.
Leave the provision on condoms in although it maybe unnecessary.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.
TEXAS Senate Bill 1 - E-mails w/ Jim Ehrke

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 1999 LRB-2345/1 or 1997 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes: Anyone who asks? YES NO
Any legislator? YES NO

Only the following persons _____

Do you wish to receive a copy of this draft via e-mail? YES NO

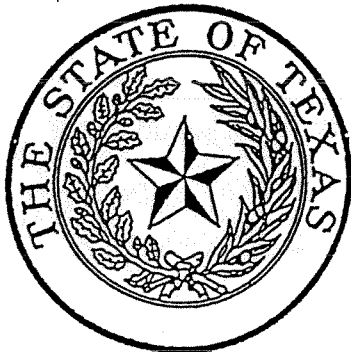
Do you consider this request urgent? YES NO If yes, please indicate why _____

Should we give this request priority over any pending request of this legislator, agency, or person? YES NO

Senate Bill 1

(Enrolled Version)

Texas Education Code



As passed by the
74th Texas Legislature

Sec. 28.004. HUMAN SEXUALITY INSTRUCTION. (a) Any course materials and instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus or acquired immune deficiency syndrome shall be selected by the board of trustees of a school district with the advice of the local health education advisory council established under Subsection (e) and must:

(1) present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried persons of school age;

(2) devote more attention to abstinence from sexual activity than to any other behavior;

(3) emphasize that abstinence from sexual activity, if used consistently and correctly, is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with human immunodeficiency virus or acquired immune deficiency syndrome, and the emotional trauma associated with adolescent sexual activity;

(4) direct adolescents to a standard of behavior in which abstinence from sexual activity

37 pages

before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with human immunodeficiency virus or acquired immune deficiency syndrome; and

(5) teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in curriculum content.

(b) A school district may not distribute condoms in connection with instruction relating to human sexuality.

(c) A school district that provides human sexuality instruction may separate students according to sex for instructional purposes.

(d) The board of trustees of a school district shall determine the specific content of the district's instruction in human sexuality, in accordance with Subsections (a)-(c). A change in health curriculum content or instruction may not be made before considering the recommendations of the local health education advisory council.

(e) A school district shall establish a local health education advisory council to assist the district in ensuring that local community values and health issues are reflected in the district's human sexuality instruction.

(f) The council's duties include:

(1) recommending appropriate grade levels for human sexuality instruction;

(2) recommending the methods of instruction to be used by a teacher in human sexuality instruction education; and

(3) recommending the number of hours of instruction to be provided in health education.

(g) The council:

(1) must include persons who represent diverse views in the community about human sexuality instruction;

(2) must include parents of students enrolled in the district as a majority of the council; and

(3) may include teachers, school administrators, students, health care professionals, members of the business community, law enforcement representatives, senior citizens, clergy, or other interested persons.

(h) A school district shall notify a parent of each student enrolled in the district of:

(1) the basic content of the district's human sexuality instruction to be provided to the student; and

(2) the parent's right to remove the student

from any part of the district's human sexuality instruction.

(i) A school district shall make all curriculum materials used in the district's human sexuality instruction available for reasonable public inspection.

Gehrke, Jim

From: Grant, Peter
Sent: Tuesday, May 07, 2002 11:13 AM
To: Gehrke, Jim
Subject: RE: Abstinence

Jim -

The Texas law you cited requires each school district to establish a local health education advisory council, which must include persons with diverse views about human sexuality instruction. A majority of the council members must be parents of students enrolled in the school district.

All course materials and instruction related to human sexuality, STD's, or AIDS must be selected by the school board with the advice of the local health education advisory council and must present abstinence from sexual activity as the preferred choice of behavior for unmarried persons of school age. The law requires that the materials and instruction devote more attention to abstinence than to any other behavior and emphasize that abstinence is the only method that is 100% effective in preventing pregnancy, STD's, and infection with AIDS.

The Texas law requires a school district to notify the parent of each student enrolled in the district of the basic content of its human sexuality instruction and the parent's right to remove his or her child from any part of the human sexuality instruction. The law also directs a school district to make all materials used in the human sexuality instruction available for public inspection. Finally, the Texas law prohibits a school district from distributing condoms.

If you have questions or need more information, please let me know.

-----Original Message-----

From: Gehrke, Jim
Sent: Monday, May 06, 2002 9:53 AM
To: Grant, Peter
Subject: Abstinence

Senator Lazich was provided with a copy of a 1999 LRB-0069/4 that you put together. Senator Lazich is looking to introduce similar pro-abstinence legislation and would like to begin the research process on this issue. As a preliminary step, she would like to know the differences between 1999 LRB-0069/4 and 1999 AB 493. She was also directed to Texas Code Section 28.004 as a good model for pro-abstinence legislation. Could you please look at this and let me know how it compares to the two Wisconsin proposals? Thanks.

Jim Gehrke
Office of Senator Lazich
(608) 266-5400
Fax: (608) 267-6790

Gehrke, Jim

From: Grant, Peter
Sent: Tuesday, May 07, 2002 10:27 AM
To: Gehrke, Jim
Subject: RE: Abstinence

Jim -

1999 LRB-0069/4 appropriates \$850,000 per year from federal TANF (temporary assistance to needy persons) funds to DPI and directs DPI to award grants to school districts and cooperative educational service agencies for the purpose of improving human growth and development programs that are designed to prevent pregnancy.

1999 AB 493 is broader in purpose as well as more detailed. The bill creates a prevention coordinating council in DHFS and appropriates \$800,000 GPR per year to DHFS for prevention planning grants. "Prevention planning" is defined to mean programs whose primary purpose is to provide children and families with the skills and resources necessary to address stressful conditions and avoid harmful behaviors. Counties, cities, villages, and towns are eligible for the grants.

I have not yet had a chance to look at the Texas law. As soon as I do, I'll let you know.

Peter

-----Original Message-----

From: Gehrke, Jim
Sent: Monday, May 06, 2002 9:53 AM
To: Grant, Peter
Subject: Abstinence

Senator Lazich was provided with a copy of a 1999 LRB-0069/4 that you put together. Senator Lazich is looking to introduce similar pro-abstinence legislation and would like to begin the research process on this issue. As a preliminary step, she would like to know the differences between 1999 LRB-0069/4 and 1999 AB 493. She was also directed to Texas Code Section 28.004 as a good model for pro-abstinence legislation. Could you please look at this and let me know how it compares to the two Wisconsin proposals? Thanks.

Jim Gehrke
Office of Senator Lazich
(608) 266-5400
Fax: (608) 267-6790

2003

Date (time) needed

5:05 PM

LRB - 010611

BILL

PG: King

Use the appropriate components and routines developed for bills.

AN ACT ... [generate catalog] to repeal ... ; to renumber ... ; to consolidate and renumber ... ; to renumber and amend ... ; to consolidate, renumber and amend ... ; to amend ... ; to repeal and recreate ... ; and to create ... of the statutes; relating to: ... school district human growth ... and development programs MS

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

Analysis by the Legislative Reference Bureau

If titles are needed in the analysis, in the component bar:

For the main heading, execute: ... create -> anal: -> title: -> head

For the subheading, execute: ... create -> anal: -> title: -> sub

For the sub-subheading, execute: ... create -> anal: -> title: -> sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: ... create -> anal: -> text

(attached)

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION #.

renumbered 118.019(2m) (a) (b) (c) (d) (e)

Section #. 118.019 (2m) of the statutes is amended to read:

~~118.019 (2m) MARRIAGE AND PARENTAL RESPONSIBILITY~~ (title) REQUIRED SUBJECTS
 If a school board provides instruction in any of the areas under sub. (2) (e), the school board shall also provide instruction in marriage and parental responsibility.

History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16.

~~If the school board provides instruction in any of the areas under sub (2)(e), the instruction shall devote more attention to abstinence from sexual activity than to any other behavior~~

SEC.#. AM. 118.019 (2m) (title)

§ SEC. CR. 118.019 (2m)(b)

§ 118.019 (2m)(b) The school board shall ^{ensure} ensure that all ~~any~~ course materials ^{and} instruction related to the areas under sub. (2) (e) ^(e) (do) ^(do) shall of the following:

§ 2. Devote more attention to abstinence from sexual activity than to any other behavior.

§ 1. Present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried pupils.

~~3. Direct pupils to a standard of~~

~~behavior~~

§ 3. Emphasize that abstinence from sexual activity before marriage is the most

effective way to prevent pregnancy and sexually transmitted diseases, including human immunodeficiency virus and acquired immunodeficiency syndrome.

~~Teach~~ ~~contraception, and~~ ~~condoms,~~ ^{including the use of}
~~use in terms of~~

^{curriculum}
¶ 4. If the ~~materials or instruction~~ ^{curriculum} includes the effectiveness of instruction on ~~contraception, including~~ ^{or} condoms, ~~the effective~~
~~teach~~ ~~contraception and~~ ~~condom use in~~ ^{effective}
~~terms of~~ use actual rates instead of theoretical laboratory rates.

EFFECTIVE DATE

1. In the component bar: For the action phrase, execute: ... **create** → **action:** → *NS: → **effdate**
For the text, execute: **create** → **text:** → *NS: → **effdateA**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # _____ . Effective date.

(#1) *UNCL* This act takes effect
 on *the July 1 following its publication.*
(End)

1. In the component bar: For the action phrase, execute: .. **create** → **action:** → *NS: → **effdateE**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed.

SECTION # _____ . Effective dates;

..... This act takes effect on the day after publication, except as follows:

(#1) () The treatment of
 sections
 of the statutes takes effect on

1. In the component bar: For the budget action phrase, execute:.. **create** → **action:** → *NS: → **94XX**
For the text, execute: **create** → **text:** → *NS: → **effdate**
2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9400 department code.

SECTION 94 _____ . Effective dates;

(#1) () The treatment of
 sections
 of the statutes takes effect on

2001 BILL

1 **AN ACT to amend** 118.019 (1), 118.019 (2) (a), 118.019 (2) (b), 118.019 (2) (c),
2 118.019 (2) (e), 118.019 (2) (f), 118.019 (2m) and 118.019 (3); and **to create**
3 118.019 (2) (g) of the statutes; **relating to:** school district human growth and
4 development programs.

Analysis by the Legislative Reference Bureau

Under current law, a school board may provide an instructional program in human growth and development in grades kindergarten to 12. The program may include instruction in a number of areas, including self-esteem, interpersonal relationships, human sexuality, family life, and sex stereotypes. This bill makes several changes in these areas, including the following.

1. Currently, a school board may include instruction in the discouragement of adolescent sexual activity. This bill provides instead that a school board may include medically accurate instruction in the social, psychological, and health benefits of abstaining from sexual activity.

2. Current law authorizes a school board to include instruction in human immunodeficiency virus and acquired immunodeficiency syndrome. This bill authorizes a school board to include instruction in all sexually transmitted diseases. In addition, all instruction relating to human sexuality, reproduction, sexually transmitted diseases, and childbirth must be medically accurate.

3. The bill authorizes instruction relating to sexual exploitation, acquaintance rape, and the legal consequences of sexual contact with a minor.

analysis (continued)

~~Use actual ^{clinical} human rates, instead of theoretical laboratory rates~~ ~~to human people~~

(1) provides that if a school board provides human instruction in (sexuality), reproduction, or family planning, it must ^{ensure} ensure that all course materials and instruction do all of the following:

SEC. CR. 118.019 (2m)(b)

118.019 (2m)(b) The school board shall ensure that all ~~the~~ course materials ^{and} instruction related to the areas under sub. (2) (c) do all of the following:

2. Devote more attention to abstinence from sexual activity than to any other behavior.

1. Present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried pupils.

~~3. Direct pupils to a standard of behavior~~

3. Emphasize that abstinence from sexual activity before marriage is the most

effective way to prevent pregnancy and sexually transmitted diseases, including human immunodeficiency virus and acquired immunodeficiency syndrome.

~~Teach~~ ~~contraception, and~~ ~~condoms,~~ ~~use~~ ~~in terms of~~ ~~curriculum~~

4. If the ~~materials or instruction~~ ^{curriculum} includes the effectiveness of instruction on ~~contraception, including~~ ^{or} condoms, ~~the effective~~ ~~teach~~ ~~contraception and~~ ~~condom use in~~ ~~terms of~~ ^{effective} use actual rates instead of theoretical laboratory rates.

~~Teach~~

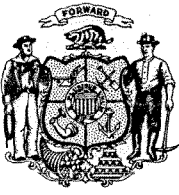
Emery, Lynn

From: Emery, Lynn
Sent: Monday, February 16, 2004 12:26 PM
To: Sen.Lazich
Subject: LRB-0106/1 (attached as requested)



03-0106/1

Lynn Emery
Program Assistant
Legislative Reference Bureau
608-266-3561
lynn.emery@legis.state.wi.us



2003 BILL

1 AN ACT *to renumber* 118.019 (2m); *to amend* 118.019 (2m) (title); and *to create*
2 118.019 (2m) (b) of the statutes; **relating to:** school district human growth and
3 development programs.

Analysis by the Legislative Reference Bureau

Under current law, a school board may provide an instructional program in human growth and development in grades kindergarten to 12. The program may include instruction in a number of areas, including self-esteem, interpersonal relationships, human sexuality, family life, and sex stereotypes. This bill provides that, if a school board provides instruction in human sexuality, reproduction, or family planning, it must ensure that all course materials and instruction do all of the following:

1. Present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried pupils.

2. Devote more attention to abstinence from sexual activity than to any other behavior.

3. Emphasize that abstinence from sexual activity before marriage is the most effective way to prevent pregnancy and sexually transmitted diseases, including human immunodeficiency virus and acquired immunodeficiency syndrome.

4. If the curriculum includes instruction on the effectiveness of contraception or condoms, use actual effective rates instead of theoretical laboratory rates.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

