



2007 SENATE BILL 405

January 22, 2008 - Introduced by Senators TAYLOR, ERPENBACH, PLALE, RISSER and MILLER, cosponsored by Representatives GRIGSBY, BENEDICT, BERCEAU, BLACK, BOYLE, FIELDS, KESSLER, PARISI, POCAN, POPE-ROBERTS, SEIDEL, SHERIDAN, SINICKI, SOLETSKI, TOLES, TURNER, YOUNG and ZEPNICK. Referred to Committee on Education.

1 **AN ACT to renumber and amend** 118.019 (3); **to amend** 118.019 (1), 118.019
2 (2m) (a), 118.019 (2m) (b) and 146.89 (3r) (e); **to repeal and recreate** 118.019
3 (2); and **to create** 118.019 (3) (a), 118.019 (3) (b) and 118.019 (3) (c) of the
4 statutes; **relating to:** providing instruction in human growth and
5 development.

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 that may include instruction in the following areas: 1) self-esteem, responsible decision making, and personal responsibility; 2) interpersonal relationships; 3) discouragement of adolescent sexual activity; and 4) family life and skills required of a parent. The school board may also provide instruction in human sexuality, reproduction, family planning, human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS), prenatal development, childbirth, adoption, available prenatal and postnatal support, and male and female responsibility. If a school board offers instruction in any of these areas, it must also provide instruction in marriage and parental responsibility.

Under current law, a volunteer health care provider (provider) may apply to the Department of Administration to be permitted to provide health care services without charge in a school or nonprofit agency. If the provider wishes to provide services at a school, the provider must file the application jointly with the school

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board or, if the school is a charter school, the governing body of the school. "Volunteer health care provider" is defined under current law as a physician, dentist or dental hygienist, registered nurse, practical nurse, nurse-midwife, nurse practitioner, optometrist, physician assistant, or dietitian who receives no income from the practice of that health care profession or who receives no income from the practice of that health care profession when providing services at the school. Under current law, the provider may provide instruction in human growth and development if the instructional program complies with the requirements above, but may not provide instruction in human sexuality; reproduction; family planning, including natural family planning; HIV and AIDS; prenatal development; childbirth; adoption; available prenatal and postnatal support; and male and female responsibility.

This bill provides that a school board may offer an instructional program in human growth and development. If the school board offers an instructional program in human growth and development, the bill requires that the program provide medically accurate information and address all of the following: 1) communication between the pupil and parents or guardians about human sexuality; 2) reproductive anatomy and physiology; 3) self-esteem, responsible decision making, and personal responsibility related to relationships and sexual behavior; 4) how to avoid making or receiving unwanted physical and verbal sexual advances; 5) gender stereotypes and protective behavior; 6) resources available to survivors of sexual assault, including counseling and sources of medical and legal assistance; 7) the effect of alcohol and drug use on responsible decision making; and 8) by grade eight, marriage, parental responsibility, prenatal development, childbirth, adoption, the benefits of abstinence, pregnancy, the prevention of sexually transmitted infections, and the health benefits and side effects of contraceptives approved by the Food And Drug Administration (FDA) to prevent pregnancy and reduce the risk of contracting sexually transmitted infections.

The bill defines "medically accurate information" as empirical or statistical information related to medicine, reproductive health, or mental health that satisfies all of the following: 1) the information is verified or supported by research conducted in compliance with accepted scientific methods and published in peer-reviewed journals, where appropriate; and 2) the information is recognized as accurate and objective by leading medical, psychological, and public health organizations and agencies with expertise in the relevant fields.

The bill requires each school board that elects not to offer human growth and development instruction to notify each pupil's parent or guardian of this fact.

Finally, the bill permits providers to provide instruction in marriage, parental responsibility, prenatal development, childbirth, adoption, the benefits of abstinence, pregnancy, the prevention of sexually transmitted infections, and the health benefits and side effects of contraceptives approved by the FDA to prevent pregnancy and reduce the risk of contracting sexually transmitted infections.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 118.019 (1) of the statutes is amended to read:

2 118.019 (1) PURPOSE. The purpose of this section is to encourage all school
3 boards to make available to pupils instruction in topics related to human growth and
4 development in order to promote accurate and comprehensive knowledge in this area
5 and, to promote responsible decision making, to teach students the skills necessary
6 to make responsible decisions about sexual behavior, and to support and enhance the
7 efforts of parents to provide moral guidance to their children.

8 **SECTION 2.** 118.019 (2) of the statutes is repealed and recreated to read:

9 118.019 (2) SUBJECTS. (a) In this subsection, “medically accurate information”
10 means empirical or statistical information related to medicine, reproductive health,
11 or mental health that satisfies all of the following:

12 1. The information is verified or supported by research conducted in compliance
13 with accepted scientific methods and published in peer-reviewed journals, where
14 appropriate.

15 2. The information is recognized as accurate and objective by leading medical,
16 psychological, and public health organizations and agencies with expertise in the
17 relevant fields.

18 (b) A school board may provide an instructional program in human growth and
19 development in grades kindergarten to 12. If provided, the program shall offer
20 medically accurate information and instruction appropriate to each grade level and

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1 the age of the pupils. If offered, the instructional program in human growth and
2 development shall address all of the following topics:

3 1. Self-esteem, responsible decision making, and personal responsibility
4 related to relationships and sexual behavior.

5 2. Communication with parents or guardians about human sexuality.

6 3. Reproductive anatomy and physiology, and the stages, patterns, and
7 responsibilities associated with growth and development.

8 4. How to avoid making and receiving unwanted verbal or physical sexual
9 advances.

10 5. Gender stereotypes and protective behavior.

11 6. Resources available to survivors of sexual assault, including counseling and
12 sources of medical and legal assistance.

13 7. The effect of the use of alcohol and drugs on responsible decision making.

14 8. By grade 8, human sexuality; reproduction; family planning, as defined in
15 s. 253.07 (1) (a), including natural family planning; prenatal development;
16 childbirth; adoption; the social, psychological, and health benefits of abstaining from
17 or delaying sexual activity; how sexually transmitted infections, including human
18 immunodeficiency virus and acquired immunodeficiency syndrome, are
19 transmitted; and the health benefits and side effects of all contraceptives approved
20 by the federal food and drug administration to be used to prevent pregnancy and
21 reduce the risk of contracting sexually transmitted infections.

22 **SECTION 3.** 118.019 (2m) (a) of the statutes is amended to read:

23 118.019 (2m) (a) If a school board provides instruction in any of the areas under
24 sub. (2) (e) (b) 8., the school board shall ensure that instruction in marriage and

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1 parental responsibility is provided in the same course, during the same school year,
2 as the area under sub. (2) ~~(e)~~ (b) 8.

3 **SECTION 4.** 118.019 (2m) (b) of the statutes is amended to read:

4 118.019 **(2m)** (b) The school board shall ensure that instruction related to the
5 areas under sub. (2) ~~(e)~~ (b) 8. does all of the following:

6 1. Presents abstinence from sexual activity as the preferred choice of behavior
7 in relationship to all sexual activity for ~~unmarried pupils~~ minors.

8 2. Emphasizes that abstinence from sexual activity ~~before marriage~~ is the most
9 effective way to prevent pregnancy and sexually transmitted diseases, including
10 human immunodeficiency virus and acquired immunodeficiency syndrome.

11 **SECTION 5.** 118.019 (3) of the statutes is renumbered 118.019 (3) (intro.) and
12 amended to read:

13 118.019 **(3)** (intro.) DISTRIBUTION OF CURRICULUM TO PARENTS; NOTICE. Each
14 school board that provides an instructional program in human growth and
15 development shall annually provide the parents of each pupil enrolled in the school
16 district with an outline of the human growth and development curriculum used in
17 the pupil's grade level and information regarding how the parent may inspect the
18 complete curriculum and instructional materials. The school board shall make the
19 complete human growth and development curriculum and all instructional
20 materials available upon request for inspection at any time, including prior to their
21 use in the classroom. A school board that elects not to provide an instructional
22 program in human growth and development shall, by September 30 of each school
23 year, send a notice to the parent or guardian of each pupil that includes all of the
24 following:

25 **SECTION 6.** 118.019 (3) (a) of the statutes is created to read:

