



ENGROSSED 2009 ASSEMBLY BILL 458

1 **AN ACT** *to renumber and amend* 118.019 (3); *to amend* 118.019 (2m) (a),
2 118.019 (2m) (b) (intro.), 118.019 (4) and 146.89 (3r) (e); *to repeal and recreate*
3 118.019 (1) and 118.019 (2); and *to create* 115.29 (7), 118.019 (1m), 118.019 (2r),
4 118.019 (3) (a), 118.019 (3) (b) and 118.019 (3) (c) of the statutes; **relating to:**
5 providing instruction in human growth and development.

Analysis by the Legislative Reference Bureau

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

6 **SECTION 1m.** 115.29 (7) of the statutes is created to read:
7 115.29 (7) TEEN PREGNANCY PREVENTION. Apply for federal funds allocated to
8 evidence-based teen pregnancy prevention programs that have been proven through
9 rigorous evaluation to delay sexual activity, increase contraceptive use, and reduce
10 teen pregnancy in order to implement such a program.

ENGROSSED ASSEMBLY BILL 458**SECTION 2**

1 **SECTION 2.** 118.019 (1) of the statutes is repealed and recreated to read:

2 118.019 **(1)** PURPOSE. The purpose of this section is to encourage all school
3 boards to ensure that pupils in their districts are provided age-appropriate
4 instruction in human growth and development. The instruction should support and
5 enhance communication between pupils and their parents and provide pupils with
6 the knowledge, skills, and support necessary to make healthy decisions now and
7 throughout their lifetimes and to make responsible decisions about sexual behavior.

8 **SECTION 3.** 118.019 (1m) of the statutes is created to read:

9 118.019 **(1m)** DEFINITIONS. In this section:

10 (a) “Age-appropriate” means suitable to a particular age group of pupils based
11 on the developing cognitive and emotional capacity of and behaviors typical for the
12 age group.

13 (b) “Medically accurate information” means information that satisfies all of the
14 following:

15 1. The information is supported by the weight of research conducted in
16 compliance with accepted scientific methods.

17 2. Where appropriate, the information is published in peer-reviewed journals.

18 3. The information is recognized as accurate by relevant leading professional
19 organizations or agencies, such as the American Medical Association, the American
20 Public Health Association, or the American Academy of Pediatrics.

21 **SECTION 4.** 118.019 (2) of the statutes is repealed and recreated to read:

22 118.019 **(2)** SUBJECTS. A school board may provide an instructional program in
23 human growth and development in grades kindergarten to 12. If provided, the
24 instructional program shall do all of the following:

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1 (a) Present medically accurate information to pupils and, when
2 age-appropriate, shall address the following topics:

3 1. The importance of communication about sexuality and decision making
4 about sexual behavior between the pupil and the pupil's parents, guardians, or other
5 family members.

6 2. Reproductive and sexual anatomy and physiology, including biological,
7 psychosocial, and emotional changes that accompany maturation.

8 3. Puberty, pregnancy, parenting, body image, and gender stereotypes.

9 4. The skills needed to make responsible decisions about sexuality and sexual
10 behavior throughout the pupil's life, including how to refrain from making
11 inappropriate verbal, physical, and sexual advances and how to recognize, rebuff,
12 and report any unwanted or inappropriate verbal, physical, and sexual behaviors.

13 5. The benefits of and reasons for abstaining from sexual activity. Instruction
14 under this subdivision shall stress the value of abstinence as the most reliable way
15 to prevent pregnancy and sexually transmitted infections.

16 6. The health benefits, side effects, and proper use of contraceptives and barrier
17 methods approved by the federal food and drug administration to prevent pregnancy
18 and barrier methods approved by the federal food and drug administration to
19 prevent sexually transmitted infections.

20 7. Methods for developing healthy life skills, including setting goals, making
21 responsible decisions, communicating, and managing stress.

22 8. How alcohol and drug use affect responsible decision making.

23 9. The impact of media and one's peers on thoughts, feelings, and behaviors
24 related to sexuality.

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1 (b) Use instructional methods and materials that do not promote bias against
2 pupils of any race, gender, religion, sexual orientation, or ethnic or cultural
3 background or against sexually active pupils or children with disabilities.

4 (c) Promote self-esteem and positive interpersonal skills, with an emphasis on
5 healthy relationships, including friendships, marriage, and romantic and familial
6 relationships.

7 (d) Identify counseling, medical, and legal resources for survivors of sexual
8 abuse and assault, including resources for escaping violent relationships.

9 **SECTION 5g.** 118.019 (2m) (a) of the statutes is amended to read:

10 118.019 (2m) (a) If a school board provides instruction in any of the areas under
11 sub. (2) ~~(e)~~ (a), the school board shall ensure that instruction in marriage and
12 parental responsibility is provided ~~in the same course, during the same school year,~~
13 ~~as the area under sub. (2) (e).~~

14 **SECTION 5r.** 118.019 (2m) (b) (intro.) of the statutes is amended to read:

15 118.019 (2m) (b) (intro.) The school board shall ensure that instruction related
16 to the areas under sub. (2) ~~(e)~~ (a) does all of the following:

17 **SECTION 5t.** 118.019 (2r) of the statutes is created to read:

18 118.019 (2r) **REQUIRED SUBJECTS.** A school board that provides an instructional
19 program in human growth and development under this section shall, when
20 age-appropriate, instruct pupils about all of the following:

21 (a) The criminal penalties for engaging in sexual activities involving a child
22 under ch. 948.

23 (b) The sex offender registration requirements under s. 301.45. Instruction
24 under this paragraph shall include who is required to report under s. 301.45, what

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1 information must be reported, who has access to the information reported, and the
2 implications of being registered under s. 301.45.

3 **SECTION 6.** 118.019 (3) of the statutes is renumbered 118.019 (3) (intro.) and
4 amended to read:

5 118.019 (3) DISTRIBUTION OF CURRICULUM TO PARENTS; NOTICE. (intro.) Each
6 school board that provides an instructional program in human growth and
7 development shall annually provide the parents or guardians of each pupil enrolled
8 in the school district with an outline of the human growth and development
9 curriculum used in the pupil's grade level and information regarding how the parent
10 or guardian may inspect the complete curriculum and instructional materials. The
11 school board shall make the complete human growth and development curriculum
12 and all instructional materials available for inspection by a parent or guardian upon
13 his or her request ~~for inspection~~ at any time, including prior to their use in the
14 classroom. A school board that elects not to provide an instructional program in
15 human growth and development under this section shall, by September 30 of each
16 school year, send home to the parent or guardian of each pupil enrolled in the school
17 district a notice that includes all of the following:

18 **SECTION 7.** 118.019 (3) (a) of the statutes is created to read:

19 118.019 (3) (a) A statement that the school board is encouraged by state statute
20 to provide instruction in human growth and development in grades kindergarten to
21 12.

22 **SECTION 8.** 118.019 (3) (b) of the statutes is created to read:

23 118.019 (3) (b) The subjects of instruction required under subs. (2), (2m), and
24 (2r) if the school board were to provide instruction in human growth and
25 development.

