

State of Wisconsin



2009 Assembly Bill 458

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2009 WISCONSIN ACT 134

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

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

SECTION 1m. 115.29 (7) of the statutes is created to read:

115.29 (7) **TEEN PREGNANCY PREVENTION.** Apply for federal funds allocated to evidence-based teen pregnancy prevention programs that have been proven through rigorous evaluation to delay sexual activity, increase contraceptive use, and reduce teen pregnancy in order to implement such a program.

SECTION 2. 118.019 (1) of the statutes is repealed and recreated to read:

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

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

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

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

(b) "Medically accurate information" means information that satisfies all of the following:

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

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

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

SECTION 4. 118.019 (2) of the statutes is repealed and recreated to read:

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

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

* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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

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

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

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

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

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

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

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

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

(b) 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.

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

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

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

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

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

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

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

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

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

(b) The sex offender registration requirements under s. 301.45. Instruction under this paragraph shall include who is required to report under s. 301.45, what information must be reported, who has access to the information reported, and the implications of being registered under s. 301.45.

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

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

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

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

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

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

SECTION 9. 118.019 (3) (c) of the statutes is created to read:

118.019 (3) (c) A statement that the school board is not providing any human growth and development instruction to pupils enrolled in the school district.

SECTION 9m. 118.019 (4) of the statutes is amended to read:

118.019 (4) EXEMPTION FOR INDIVIDUAL PUPILS. No pupil may be required to take instruction in human

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growth and development or in the specific subjects under ~~sub. subs. (2) and (2r)~~ if the pupil's parent or guardian files with the teacher or school principal a written request that the pupil be exempted.

SECTION 10. 146.89 (3r) (e) of the statutes is amended to read:

146.89 (3r) (e) Under this subsection, a volunteer health care provider may provide instruction in human growth and development if the instructional program is in compliance with requirements of s. 118.019, ~~except that the volunteer health care provider may not provide instruction on a topic specified under s. 118.019 (2) (e).~~
