

2009 DRAFTING REQUEST

Bill

Received: **08/27/2009**

Received By: **tkuczens**

Wanted: **As time permits**

Identical to LRB:

For: **Tamara Grigsby (608) 266-0645**

By/Representing: **Cindy McGinnis**

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

Drafter: **tkuczens**

May Contact:

Addl. Drafters:

Subject: **Education - school boards**

Extra Copies: **PG**

Submit via email: **YES**

Requester's email: **Rep.Grigsby@legis.wisconsin.gov**

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

providing instruction in human growth and development

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>
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09/18/2009 _____

cduerst
09/18/2009

cduerst
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2009 DRAFTING REQUEST

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Addl. Drafters:

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Extra Copies: **PG**

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FE Sent For:

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Kuczenski, Tracy

From: Mcginnis, Cindy
Sent: Thursday, August 27, 2009 3:48 PM
To: Kuczenski, Tracy
Subject: bill draft
Attachments: draft comprehensive bill 08 27 09.doc

Tracy-

Last year you drafted a bill similar to this for us (AB 750). This is this year's version of the bill. If you have any questions, you can contact me or Chris Taylor at Planned Parenthood at 256-7549 ext 2135.

Thanks

Cindy McGinnis
Office of State Representative Tamara Grigsby
324 East State Capitol
PO Box 8952
Madison, WI 53708
1-888-534-0018 - toll free
(608) 266-0645
(608) 282-3618 - fax

✓ Section 1. 118.019 (1) of the statutes is repealed and recreated to read: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 students in their districts are equipped with age-appropriate instruction in human growth and development, including information that provides students with the knowledge, assistance, skills and support to make healthy decisions now and throughout their lifespan. The instruction should provide students with the skills necessary to make responsible decisions about sexual behavior and to support and enhance the communication between students and parents.

✓ Section 2. 118.019 (2) of the statutes is repealed and recreated to read:

118.019 (2) Subjects. (a) in this subsection, “medically accurate information” means information that satisfies all of the following:

1. is supported by the weight of research conducted in compliance with accepted scientific methods;
2. is published in peer-reviewed journals, where appropriate; and
3. is recognized as accurate by leading professional organizations and agencies with relevant experience, like the American Medical Association, the American Public Health Association or the American Academy of Pediatrics.

✓ (b) in this subsection, “age-appropriate” means topics, messages, and teaching methods suitable to a particular age group of children and adolescents, based on developing cognitive, emotional and behavioral capacity typical for the age group.

✓ (c) Comprehensive sexuality education. A school board may provide an instructional program in human growth and development in grades K-12. If provided, the program shall offer medically

accurate information for each grade level. ^{and} ~~If offered, the program~~ shall address the following ^{under sub. (2m)} topics in an age appropriate manner:

- ✓ 1. The importance of student communication with parents, guardians and other family members about sexuality and decision-making.
- ✓ 2. Provides information about reproductive and sexual anatomy and physiology, as well as the biological, psychosocial and emotional changes that accompany human development and maturation.
- ✓ 3. Provides information about puberty, pregnancy, parenting, body image and gender stereotypes..
- ✓ 4. Provides information about the benefits and reasons for not engaging in sexual activity. Stresses the value of abstinence as the most reliable way to prevent pregnancy and sexually transmitted infections.
- ✓ 5. Provides information about the health benefits, side effects and proper use of FDA approved contraceptives and barriers methods used to prevent pregnancies and sexually transmitted infections including human immunodeficiency virus and acquired immunodeficiency syndrome.
- ✓ 6. Teaches skills to make responsible decisions about sexuality throughout a student's lifespan, 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.
7. Promotes self-esteem and positive interpersonal skills focusing on healthy relationships, including, but not limited to, friendship, dating, marriage, romantic involvement, and family interactions.

- ✓ 8. Teaches how to develop healthy life skills, including goal setting; responsible decision-making; communication and stress management.
- ✓ 9. Teaches how alcohol and drug use affect responsible decision-making.
- 10. Addresses the impact of media and peer messages on thoughts, feelings, and behaviors related to sexuality.
- 11. Identifies counseling, medical and legal resources for survivors of sexual abuse and assault, including resources for escaping violent relationships.
- 12. Uses instruction and materials that do not promote bias against students of any race, gender, sexual orientation, ethnic and cultural background, sexually-active students and students with disabilities.

(d) A school board may modify or eliminate certain components of instructions listed above in grades K-6 for reasons of age-appropriateness.

Section 3. 118.019 (2m) of the statutes is repealed.

Section 4. 118.019 (3) is ^{in s. (3) (intro) and} amended to read:

118.019 (3) Distribution of curriculum to parents; ^{provides} Notice. Each school board that ~~offers~~ ^{provides} an instructional program in human growth and development shall annually provide the parents of each student enrolled in the school district with an outline of the human growth and development curriculum used in the student's grade level and information regarding how the parent may inspect complete curriculum and materials. The school board shall make available for parents the complete curriculum and ^{instructional} ~~materials~~ ^{available} upon request ^{for inspection at any time, including} of a parent prior to ^{their} use in the classroom. A school board that elects not to offer an instructional program in human growth and development as outlined by s. 118.019 (2) shall, by September 30 of each school year, send a notice home to the parent of each student that includes all of the following:

Section 5. 118.019 (3) (a) is created to read:

by state statute

118.019 (3) (a) A statement that the school board is encouraged to offer instruction in human growth and development in grades K-12.

Section 6. 118.019 (3) (b) of the statutes is created to read:

118.019 (3) (b) The required subjects of instruction under sub. 2 (c)

2(c)

Section 7. 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 its students.

Section 8. 118.019^{e 3m}(4) of the statutes is created to read:

118.019 (4) The state shall apply for available federal monies allocated for evidence-based teen pregnancy prevention programs that have been proven through rigorous evaluation to delay sexual activity; increase contraceptive use and reduce teen pregnancy.

Section 9. 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 the requirements of s. 118.019.



State of Wisconsin
2009 - 2010 LEGISLATURE

due 9/14 or sooner

PI
LRB-3380A
TKK...
RANK
insert

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

9/09/09

Gen

1 AN ACT ...; relating to: providing instruction in human growth and development.

INSERT ANALYSIS
A

Analysis by the Legislative Reference Bureau

(FDA)

X 3) puberty, pregnancy, parenting, body image, and gender stereotypes; 4) skills to make responsible decisions about sexuality and sexual behavior throughout the pupil's life span; 5) the benefits of and reasons for abstaining from sexual activity; 6) the health benefits, side effects, and proper use of contraceptives approved by the federal food and drug administration to prevent pregnancy and sexually transmitted infections; 7) methods for developing healthy life skills, including setting goals, responsible decision-making, communication, and stress management; 8) how alcohol or drug use affect responsible decision-making; and 9) the impact of media and peer messages on thoughts, feelings, and behaviors related to sexuality. In addition, the program must do all of the following: 1) use instructional methods and materials that do not promote bias against pupils of any race, gender, sexual orientation, or ethnic or cultural background; 2) promote self-esteem and positive interpersonal skills, with an emphasis on healthy relationships; and 3) identify counseling, medical, and legal resources for survivors of sexual abuse and assault, including resources for escaping violent relationships.

X The bill defines medically accurate information as 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; and 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,

against

or the American Academy of Pediatrics. The bill defines "age appropriate" as suitable to a particular age group of pupils based on the developing cognitive and emotional capacity of and behaviors typical for the age group.

The bill permits a school district to eliminate from the human sexuality and development curriculum provided to kindergarten through sixth grade information that is not age appropriate.

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

INVERT
ANALYSIS
B

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

SECTION 1. 115.28 (9m) of the statutes is created to read:

115.28 (9m) 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.

****NOTE: Am I understanding correctly that this subsection is describing a federal program that awards money to states to implement a successful, evidence-based teen pregnancy prevention program? Do you have a cite to the United States Code that identifies the source of these federal funds? See, for example, s. 115.28 (19), stats.

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:

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

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

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

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

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

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

13 118.019 (2) SUBJECTS. A school board may provide an instructional program in
14 human growth and development in grades kindergarten to 12. If provided, the
15 instructional program shall do all of the following:

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

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

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

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

24 4. The skills needed to make responsible decisions about sexuality and sexual
25 behavior throughout the pupil's life, including how to refrain from making

1 inappropriate verbal, physical, and sexual advances and how to recognize, rebuff,
2 and report any unwanted or inappropriate verbal, physical, and sexual behaviors.

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

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

****NOTE: The drafting instruction directed me to include "and barrier methods"
after contraceptives. Aren't barrier methods a type of contraceptive? If not, are barrier
methods approved by the FDA?

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

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

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

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

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

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

23 SECTION 5. 118.019 (2m) of the statutes is repealed.

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

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

History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 344, 445.

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

16 118.019 (3) (a) A statement that the school board is encouraged by state statute
17 to provide instruction in human growth and development in grades kindergarten to
18 12.

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

20 118.019 (3) (b) The subjects of instruction required under sub. (2) if the school
21 board were to provide instruction in human growth and development.

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

23 118.019 (3) (c) A statement that the school board is not providing any human
24 growth and development instruction to pupils enrolled in the school district.

2007 ASSEMBLY BILL 750

February 4, 2008 - Introduced by Representatives GRIGSBY, BENEDICT, BERCEAU, BLACK, BOYLE, FIELDS, KESSLER, PARISI, POCAN, POPE-ROBERTS, SEIDEL, SHERIDAN, SINICKI, SOLETSKI, TOLES, TURNER, YOUNG and ZEPNICK, cosponsored by Senators TAYLOR, ERPENBACH, MILLER, PLALE and RISSER. Referred to Committee on Education Reform.

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

Begin →
INERT ANALYSIS
A

ASSEMBLY BILL 750

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.

when age appropriate

END INSERT ANALYSIS A

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 ^{the pupils} parents or guardians about human ^{and sexual} 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.

Begin INSERT ANALYSIS B

no change

Food and

The bill also requires the state superintendent to apply for federal base funds to implement an evidence-based teen pregnancy prevention program

Kuczenski, Tracy

From: McGinnis, Cindy
Sent: Monday, September 14, 2009 4:39 PM
To: Kuczenski, Tracy
Subject: answers to your questions on LRB 3380/P1

Tracy-

See Nicole's answers below to the 2 questions you raised in LRB 3380/P1.

Please let me know if you have any further questions.

Cindy McGinnis
Office of State Representative Tamara Grigsby
324 East State Capitol
PO Box 8952
Madison, WI 53708
1-888-534-0018 - toll free
(608) 266-0645
(608) 282-3618 - fax

From: Safar, Nicole [mailto:Nicole.Safar@ppwi.org]
Sent: Monday, September 14, 2009 3:36 PM
To: McGinnis, Cindy
Cc: Taylor, Chris
Subject:

Hi Cindy,

RE: the first question, the federal funds earmarked for teen pregnancy prevention are in the 2011 appropriations bill. Everyone expects the provision to pass, but there currently isn't a US code cite for the source of the funds.

The second note questions "barrier methods" and whether the FDA regulates them. It does, condoms and diaphragms are considered medical devices regulated by the FDA. I just got a call from our educator who looked over the draft too- she felt that barrier methods, while regulated by the FDA, should be included because they are not necessarily "contraceptives." Thinking about that, she's probably right. Condoms, diaphragms, dental dams are all used to prevent STIs not prevent pregnancies. So we should keep that language in.

Nicole

Nicole Safar, JD
Legal & Policy Analyst
Planned Parenthood Advocates of Wisconsin
608.256.7549
nicole.safar@ppwi.org

9/15/2009

Kuczenski, Tracy

From: McGinnis, Cindy
Sent: Tuesday, September 15, 2009 9:39 AM
To: Kuczenski, Tracy
Subject: RE: answers to your questions on LRB 3380/P1

Tracy-

The federal funds language is fine. And once "Barrier methods" is included the draft will be good to go.

Thanks

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PO Box 8952
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1-888-534-0018 - toll free
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(608) 282-3618 - fax

From: Kuczenski, Tracy
Sent: Tuesday, September 15, 2009 8:35 AM
To: McGinnis, Cindy
Subject: RE: answers to your questions on LRB 3380/P1

Hi Cindy --

Thanks for forwarding this feedback.

As to the requirement that DPI apply for federal funds, was the language included on page 3, lines 1--5, of the bill acceptable and sufficient to accomplish Rep. Grigsby's intent?

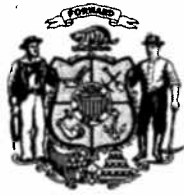
And, aside from including "barrier methods" on lines 6 and 8 of page 5, are there any other changes that you would like me to make to the bill? Should I run it as an introducible draft this time?

Tracy

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 266-9867
Tracy.Kuczenski@legis.wisconsin.gov

From: McGinnis, Cindy
Sent: Monday, September 14, 2009 4:39 PM
To: Kuczenski, Tracy
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9/15/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3380/P1

TKK:kjf:ph

EMN12

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

9/15/09

Today

Reger

1 **AN ACT to repeal** 118.019 (2m); **to renumber and amend** 118.019 (3); **to amend**
2 146.89 (3r) (e); **to repeal and recreate** 118.019 (1) and 118.019 (2); and **to**
3 **create** 115.28 (9m), 118.019 (1m), 118.019 (3) (a), 118.019 (3) (b) and 118.019
4 (3) (c) of the statutes; **relating to:** providing instruction in human growth and
5 development.

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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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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, when age appropriate, address all of the following: 1) communication between the pupil and the pupil's parents or guardians about sexuality; 2) reproductive and sexual anatomy and physiology; 3) puberty, pregnancy, parenting, body image, and gender stereotypes; 4) skills to make responsible decisions about sexuality and sexual behavior throughout the pupil's life span; 5) the benefits of and reasons for abstaining from sexual activity; 6) the health × benefits, side effects, and proper use of contraceptives *and barrier methods* approved by the federal Food and Drug Administration (FDA) to prevent pregnancy and sexually transmitted infections; 7) methods for developing healthy life skills, including setting goals, responsible decision making, communication, and stress management; 8) how alcohol or drug use affects responsible decision making; and 9) the impact of media and peer messages on thoughts, feelings, and behaviors related to sexuality. In addition, the program must do all of the following: 1) use instructional methods and materials that do not promote bias against pupils of any race, gender, sexual orientation, or ethnic or cultural background or against sexually active pupils or children with disabilities; 2) promote self-esteem and positive interpersonal skills, with an emphasis on healthy relationships; and 3) identify counseling, medical, and legal resources for survivors of sexual abuse and assault, including resources for escaping violent relationships.

The bill defines medically accurate information as 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; and 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. The bill defines "age appropriate" as suitable to a particular age group of pupils based on the developing cognitive and emotional capacity of and behaviors typical for the age group.

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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.** 115.28 (9m) of the statutes is created to read:

2 115.28 (9m) TEEN PREGNANCY PREVENTION. Apply for federal funds allocated to
3 evidence-based teen pregnancy prevention programs that have been proven through
4 rigorous evaluation to delay sexual activity, increase contraceptive use, and reduce
5 teen pregnancy in order to implement such a program.

6/ ******NOTE:** Am I understanding correctly that this subsection is describing a federal program that awards money to states to implement a successful, evidence-based teen pregnancy prevention program? Do you have a cite to the United States Code that identifies the source of these federal funds? See, for example, s. 115.28 (19), stats.

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

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

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2 on the developing cognitive and emotional capacity of and behaviors typical for the
3 age group.

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5 following:

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

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

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10 organizations or agencies, such as the American Medical Association, the American
11 Public Health Association, or the American Academy of Pediatrics.

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

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14 human growth and development in grades kindergarten to 12. If provided, the
15 instructional program shall do all of the following:

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19 about sexual behavior between the pupil and the pupil's parents, guardians, or other
20 family members.

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

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25 behavior throughout the pupil's life, including how to refrain from making

1 inappropriate verbal, physical, and sexual advances and how to recognize, rebuff,
2 and report any unwanted or inappropriate verbal, physical, and sexual behaviors.

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4 under this subdivision shall stress the value of abstinence as the most reliable way
5 to prevent pregnancy and sexually transmitted infections.

and barrier methods

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

***NOTE: The drafting instruction directed me to include "and barrier methods" after contraceptives. Aren't barrier methods a type of contraceptive? If not, are barrier methods approved by the FDA?

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

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

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

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

18 (c) Promote self-esteem and positive interpersonal skills, with an emphasis on
19 healthy relationships, including friendships, marriage, and romantic and familial
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21 (d) Identify counseling, medical, and legal resources for survivors of sexual
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23 SECTION 5. 118.019 (2m) of the statutes is repealed.

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2 amended to read:

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4 school board that provides an instructional program in human growth and
5 development shall annually provide the parents or guardians of each pupil enrolled
6 in the school district with an outline of the human growth and development
7 curriculum used in the pupil's grade level and information regarding how the parent
8 or guardian may inspect the complete curriculum and instructional materials. The
9 school board shall make the complete human growth and development curriculum
10 and all instructional materials available for inspection by a parent or guardian upon
11 his or her request ~~for inspection at any time, including~~ prior to their use in the
12 classroom. A school board that elects not to provide an instructional program in
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22 board were to provide instruction in human growth and development.

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No changes

Regen

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23 146.89 (3r) (e) Under this subsection, a volunteer health care provider may
24 provide instruction in human growth and development if the instructional program

1 is in compliance with requirements of s. 118.019, ~~except that the volunteer health~~
2 ~~care provider may not provide instruction on a topic specified under s. 118.019 (2) (e).~~

3 (END)

Basford, Sarah

From: McGinnis, Cindy

Sent: Tuesday, September 15, 2009 1:19 PM

To: LRB.Legal

Subject: Draft Review: LRB 09-3380/1 Topic: providing instruction in human growth and development

Please Jacket LRB 09-3380/1 for the ASSEMBLY.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

9/19/09 Re LRB-3380/1

Nicde @ Parenthood

256-7549 x 2101

changes to analysis:

→ last ¶ of analysis is incorrect re: instructions that may be provided by volunteer health care provider

→ add requirements "under current law" s. 118.019(4) and (5) to analysis, to be clear that these provisions don't change.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-3380/1 ²
TKK:kjf:ph
RMNR
insert

2009 BILL

9/17/09

by 9/18/09

Regen

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INSERT ANALYSIS (yes 9/18)

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BILL

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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:

SECTION 1. 115.28 (9m) of the statutes is created to read:

115.28 (9m) 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.

human growth and development if the instructional program complies with the instructional program established in this bill

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

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

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

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

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

10 118.019 (2) SUBJECTS. A school board may provide an instructional program in
11 human growth and development in grades kindergarten to 12. If provided, the
12 instructional program shall do all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

21 **SECTION 5.** 118.019 (2m) of the statutes is repealed.

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

24 118.019 (3) DISTRIBUTION OF CURRICULUM TO PARENTS; NOTICE. (intro.) Each
25 school board that provides an instructional program in human growth and

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1 development shall annually provide the parents or guardians of each pupil enrolled
2 in the school district with an outline of the human growth and development
3 curriculum used in the pupil's grade level and information regarding how the parent
4 or guardian may inspect the complete curriculum and instructional materials. The
5 school board shall make the complete human growth and development curriculum
6 and ~~all~~ instructional materials available for inspection by a parent or guardian upon
7 his or her request ~~for inspection at any time, including~~ prior to their use in the
8 classroom. A school board that elects not to provide an instructional program in
9 human growth and development under this section shall, by September 30 of each
10 school year, send home to the parent or guardian of each pupil enrolled in the school
11 district a notice that includes all of the following:

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

13 118.019 (3) (a) A statement that the school board is encouraged by state statute
14 to provide instruction in human growth and development in grades kindergarten to
15 12.

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

17 118.019 (3) (b) The subjects of instruction required under sub. (2) if the school
18 board were to provide instruction in human growth and development.

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

20 118.019 (3) (c) A statement that the school board is not providing any human
21 growth and development instruction to pupils enrolled in the school district.

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

23 146.89 (3r) (e) Under this subsection, a volunteer health care provider may
24 provide instruction in human growth and development if the instructional program

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1 is in compliance with requirements of s. 118.019, ~~except that the volunteer health~~
2 ~~care provider may not provide instruction on a topic specified under s. 118.019 (2) (e).~~

3 (END)

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INSERT ANALYSIS

~~4~~ If a school district 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 to assist the school board with the development, review, and implementation of the human growth and development curriculum. The advisory committee must also review the school district's curriculum at least every ~~two~~ ^{three} years. Upon the written request of the pupil's parent ^{or guardian}, a pupil shall be exempted from the requirement to complete instruction in human growth and development.

Barman, Mike

From: McGinnis, Cindy

Sent: Friday, September 18, 2009 12:06 PM

To: LRB.Legal

Subject: Draft Review: LRB 09-3380/2 Topic: providing instruction in human growth and development

Please Jacket LRB 09-3380/2 for the ASSEMBLY.