

2009 DRAFTING REQUEST

Bill

Received: **01/22/2010**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Senate Chief Clerk**

By/Representing:

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

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - school boards**

Extra Copies: **PG**

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

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>
/?	pgrant 01/22/2010	csicilia 01/25/2010		_____			
/1			phemy 01/26/2010 rschlue 01/26/2010 rschlue 01/26/2010	_____	mbarman 01/26/2010	mbarman 01/26/2010	

FE Sent For:

<END>

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/?	pgrant	1 cjs 1/25 10					

FE Sent For:

<END>

ENGROSSED ²⁰⁰⁹~~2008~~ ASSEMBLY BILL 458

(Date) January 26, 2010 - Printed by direction of SENATE CHIEF CLERK

JOINT RULE 63. **Reproduction of engrossed measures.** Upon the finding by the chief clerk of either house that a bill, joint resolution, resolution or major amendment thereto has been amended in the house of origin to a considerable degree, the chief clerk may instruct the legislative reference bureau to prepare and have reproduced an engrossed copy of the measure. In preparing engrossed copy for a bill, joint resolution or resolution the legislative reference bureau shall, if time permits, provide it with a revised analysis. Upon receipt from the legislative reference bureau of the engrossed copy, the chief clerk shall enter that fact in the history file for the measure. Any subsequent amendments to a measure ordered reproduced with all adopted amendments engrossed therein shall be drafted to the reproduced engrossed text.

ADOPTED DOCUMENTS:

Orig SubAmdt

3380/2

Amendments to above (if none, write "NONE"): _____

AA1 (a0809/1), AA2 (a0948/1), AA3 (a1041/1),
AA11 (a1071/1)

Corrections - show date (if none, write "NONE"): NONE

<u>1/26/2010</u>	<u>TKK</u>	<u>CJS</u>
Date	Drafter	Editor

ELECTRONIC PROCEDURE: Follow automatic or manual engrossing procedures in *TEXT2000 Reference Guide*, Document Specific Procedures, Ch. 20, Engrossing and Enrolling.

LEGISLATIVE PROCESSING SPECIALIST: Give paper copy of engrossed bill to drafter for final check before forwarding.

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DISTRIBUTION:

DIRECTING CHIEF CLERK:

- Cover sheet and 9 copies

LRB:

- Drafting file original

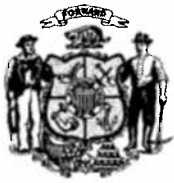
- Drafting attorney 1 copy
- Legislative editors 1 copy each
- Bill index librarian 1 copy

ASSEMBLY BILL 458 (LRB -3380)

An Act to repeal 118.019 (2m); to renumber and amend 118.019 (3); to amend 146.89 (3r) (e); to repeal and recreate 118.019 (1) and 118.019 (2); and to create 115.28 (9m), 118.019 (1m), 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. (FE)

2009

09-30.	A.	Introduced by Representatives Grigsby, Roys, Shilling, Berceau, Black, Kessler, Pasch, Fields, Vruwink, Turner, Soletski, Benedict, Pope-Roberts, Richards, Seidel, Danou, Pocan, Sinicki, Hintz, Smith, Bernard Schaber, Dexter, Hraychuck, Molepske Jr., Zepnick and Toles; cosponsored by Senators Taylor, Lehman, Sullivan, Plale, Miller, Risser, Robson and Erpenbach.	
09-30.	A.	Read first time and referred to committee on Education	416
10-05.	A.	Fiscal estimate received.	
10-06.	A.	Public hearing held.	
10-08.	A.	Fiscal estimate received.	
10-12.	A.	Assembly amendment 1 offered by Representative Grigsby (LRB a0809)	429 ✓
10-26.	A.	Assembly amendment 2 offered by Representative Grigsby (LRB a0948)	454 ✓
10-27.	A.	Executive action taken.	
10-29.	A.	Fiscal estimate received.	
10-29.	A.	Report Assembly Amendment 1 adoption recommended by committee on Education, Ayes 13, Noes 0	470
10-29.	A.	Report Assembly Amendment 2 adoption recommended by committee on Education, Ayes 13, Noes 0	470
10-29.	A.	Report passage as amended recommended by committee on Education, Ayes 8, Noes 5	470
10-29.	A.	Referred to committee on Rules	470
10-29.	A.	Placed on calendar 11-3-2009 by committee on Rules.	
11-03.	A.	Read a second time	488
11-03.	A.	Assembly amendment 1 adopted	488
11-03.	A.	Assembly amendment 2 adopted	489
11-03.	A.	Assembly amendment 3 offered by Representatives Gottlieb and Ballweg (LRB a1041)	489 ✓
11-03.	A.	Assembly amendment 3 adopted	489
11-03.	A.	Assembly amendment 4 offered by Representative Ballweg (LRB a1044)	489
11-03.	A.	Assembly amendment 4 laid on table, Ayes 52, Noes 41	489
11-03.	A.	Assembly amendment 5 offered by Representative Ballweg (LRB a1039)	489
11-03.	A.	Assembly amendment 5 laid on table, Ayes 50, Noes 43	489
11-03.	A.	Assembly amendment 6 offered by Representative LeMahieu (LRB a1045)	489
11-03.	A.	Point of order that Assembly amendment 6 not germane under Assembly Rule 54 well taken	489
11-03.	A.	Decision of the Chair appealed	489
11-03.	A.	Decision of the Chair upheld, Ayes 51, Noes 40	489
11-03.	A.	Assembly amendment 7 offered by Representatives Vukmir, Davis and Ballweg (LRB a0810)	490
11-03.	A.	Assembly amendment 7 laid on table, Ayes 50, Noes 43	490
11-03.	A.	Assembly amendment 8 offered by Representative LeMahieu (LRB a1064)	490
11-03.	A.	Point of order that Assembly amendment 8 not germane under Assembly Rule 54 well taken	490
11-03.	A.	Decision of the Chair appealed	490
11-03.	A.	Decision of the Chair upheld, Ayes 51, Noes 42	490
11-03.	A.	Placed at the foot of the calendar of 11-3-2009	490
11-03.	A.	Assembly amendment 9 offered by Representative Strachota (LRB a1042)	492
11-03.	A.	Assembly amendment 9 laid on table, Ayes 50, Noes 43	492
11-03.	A.	Assembly amendment 10 offered by Representative LeMahieu (LRB f522)	492
11-03.	A.	Assembly amendment 10 laid on table, Ayes 49, Noes 44	492
11-03.	A.	Assembly amendment 11 offered by Representative Ballweg (LRB a1071)	493 ✓
11-03.	A.	Assembly amendment 11 adopted	493
11-03.	A.	Ordered to a third reading	493
11-05.	A.	Read a third time and passed, Ayes 48, Noes 43, Paired 4	499
2010			
01-19.	A.	Messaged pursuant to Assembly Rule 50 (1).	
01-19.	S.	Received from Assembly	491
01-22.	S.	Read first time and referred to committee on Education	501



ASSEMBLY AMENDMENT 1,
TO 2009 ASSEMBLY BILL 458

October 12, 2009 - Offered by Representative GRIGSBY.

1 At the locations indicated, amend the bill as follows:

2 1. Page 3, line 1: delete that line and substitute:

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

4 2. Page 3, line 2: delete "115.28 (9m)" and substitute "115.29 (7)". ✓

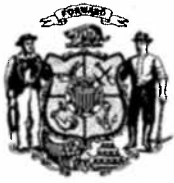
5 3. Page 5, line 10: delete "contraceptives and". ✓

6 4. Page 5, line 11: delete "pregnancy and". ✓

7 5. Page 6, line 10: delete "all" and substitute "all". ✓

8 6. Page 6, line 11: delete "at any time, including" and substitute "at any time, ✓
9 including".

10 (END)



State of Wisconsin
2009 – 2010 LEGISLATURE

LRBa0948/1
TKK:nwn:rs

ASSEMBLY AMENDMENT 2,
TO 2009 ASSEMBLY BILL 458

October 26, 2009 – Offered by Representative GRIGSBY.

1 At the locations indicated, amend the bill as follows:

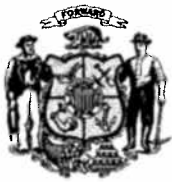
2 **1.** Page 6, line 25: after that line insert:

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

4 118.019 (4) EXEMPTION FOR INDIVIDUAL PUPILS. No pupil may be required to take
5 instruction in human growth and development or in the specific subjects under sub.

6 (2) if the pupil’s parent or guardian files with the teacher or school principal a written
7 request that the pupil be exempted.”. ✓

8 (END)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1041/1
TKK:nwn:md

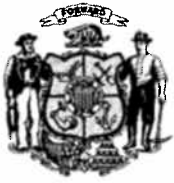
ASSEMBLY AMENDMENT 3,
TO 2009 ASSEMBLY BILL 458

November 3, 2009 – Offered by Representatives GOTTLIEB and BALLWEG.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 5, line 18: after “gender,” insert “religion,”.

3 (END)



State of Wisconsin
2009 – 2010 LEGISLATURE

LRBa1071/1
TKK:nwn:jf

ASSEMBLY AMENDMENT 11,
TO 2009 ASSEMBLY BILL 458

November 3, 2009 – Offered by Representative BALLWEG.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 5, line 25: delete that line and substitute:

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

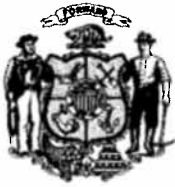
4 118.019 (2m) (a) If a school board provides instruction in any of the areas under
5 sub. (2) (e) (a), the school board shall ensure that instruction in marriage and
6 parental responsibility is provided ~~in the same course, during the same school year,~~
7 ~~as the area under sub. (2) (e).~~

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

9 118.019 (2m) (b) (intro.) The school board shall ensure that instruction related
10 to the areas under sub. (2) (e) (a) does all of the following:”.

11 **2.** Page 6, line 21: delete “sub. (2)” and substitute “subs. (2) and (2m)”.

12 (END)



Tues
a.m.

LRB-4173 / 1
TKK: cjs

LRB-3380/2
TKK: [unclear]

ENGROSSED

2009 ASSEMBLY BILL 458

January 26, 2010

Printed by direction of Senate Chief Clerk

September 30, 2009 - Introduced by Representatives GRIGSBY, ROYS, SHILLING, BERCEAU, BLACK, KESSLER, PASCH, FIELDS, VRUWINK, TURNER, SOLETSKI, BENEDICT, POPE-ROBERTS, RICHARDS, SEIDEL, DANOU, POCAN, SINICKI, HINTZ, SMITH, BERNARD SCHABER, DEXTER, HRAYCHUCK, MOLEPSKE JR., ZEPNICK and TOLES, cosponsored by Senators TAYLOR, LEHMAN, SULLIVAN, PLALE, MILLER, RISSER, ROBSON and ERPENBACH. Referred to Committee on Education.

FREEZE SECTIONS
regen

- 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.

INS. A

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.

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,

ASSEMBLY BILL 458

review, and implementation of the human growth and development curriculum. The advisory committee must also review the school district's curriculum at least every 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.

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 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, 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.

instructional

B

religion,

✓
barrier methods approved by the FDA to prevent

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

ASSEMBLY BILL 458

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.

The bill permits a school district to eliminate from the human sexuality and development curriculum information that is not age appropriate. 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. The bill also requires the state superintendent to apply for federal funds to implement an evidence-based teen pregnancy prevention program.

Finally, the bill permits a provider to provide instruction in human growth and development if the instructional program complies with the instructional program established in this bill.

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 (1m)~~ ^{115.29 (7)} (of the statutes is created to read: AA 1
- 2 ~~115.28 (1m)~~ ^{115.29 (7)} TEEN PREGNANCY PREVENTION. Apply for federal funds allocated to AA 1
- 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 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.
- 13 SECTION 3. 118.019 (1m) of the statutes is created to read:

ASSEMBLY BILL 458**SECTION 3**

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 458

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

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

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

AA 1

AA 1

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

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

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

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

AA 3

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

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

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

AA 11

5-25 →
AA 11

ASSEMBLY BILL 458

SECTION 6

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
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 ^{plain} ~~all~~ instructional materials available for inspection by a parent or guardian upon
11 his or her request for inspection ~~at any time, including~~ ^{plain} prior to their use in the
12 classroom. A school board that elects not to provide an instructional program in
13 human growth and development under this section shall, by September 30 of each
14 school year, send home to the parent or guardian of each pupil enrolled in the school
15 district a notice that includes all of the following:

AA1

AA1

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

17 118.019 (3) (a) A statement that the school board is encouraged by state statute
18 to provide instruction in human growth and development in grades kindergarten to
19 12.

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

21 118.019 (3) (b) The subjects of instruction required under ^{subs.} ~~(sub.)~~ (2) ^{and (2m)} if the school
22 board were to provide instruction in human growth and development.

AA11

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

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

6-25 →
AA2

A

subsub → Engrossment information:

The text of Engrossed Assembly Bill 458 consists of the following documents adopted in the assembly on November 3, 2009: the bill as affected by Assembly Amendments 1, 2, 3, and 11.

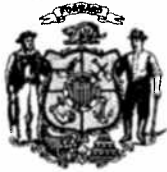
subsub → Content of Engrossed 2009 Assembly Bill 458

(B)

(A) Current law provides that if a school board provides instruction in human sexuality, reproduction, family planning, HIV and AIDS, prenatal development, childbirth, adoption, prenatal and postnatal support, or male and female responsibility, the school board must ensure that instruction in marriage and parental responsibility is provided in the same course during the same school year. This bill provides that if

(no 9)

IF a school board provides instruction in any subject areas of the areas enumerated ~~above~~ ~~below~~ in items 1 to 9, it must ensure that marriage and family responsibility is provided, but not necessarily in the same course or during the same school year.



**ASSEMBLY AMENDMENT 11,
TO 2009 ASSEMBLY BILL 458**

November 3, 2009 – Offered by Representative BALLWEG.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 5, line 25: delete that line and substitute:

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

4 118.019 (2m) (a) If a school board provides instruction in any of the areas under
5 sub. (2) (e) (a), the school board shall ensure that instruction in marriage and
6 parental responsibility is provided ~~in the same course, during the same school year,~~
7 ~~as the area under sub. (2) (e).~~

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

9 118.019 (2m) (b) (intro.) The school board shall ensure that instruction related
10 to the areas under sub. (2) (e) (a) does all of the following:

11 **2.** Page 6, line 21: delete “sub. (2)” and substitute “subs. (2) and (2m)”.

12 (END)



6-25

State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa0948/1
TKK:nwn:rs

ASSEMBLY AMENDMENT 2,
TO 2009 ASSEMBLY BILL 458

October 26, 2009 - Offered by Representative GRIGSBY.

1 At the locations indicated, amend the bill as follows:

2 1. Page 6, line 25: after that line insert:

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

4 118.019 (4) EXEMPTION FOR INDIVIDUAL PUPILS. No pupil may be required to take
5 instruction in human growth and development or in the specific subjects under sub.
6 (2) if the pupil's parent or guardian files with the teacher or school principal a written
7 request that the pupil be exempted".

8 (END)