

State of Wisconsin



2011 Senate Bill 237

Date of enactment: April 5, 2012
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2011 WISCONSIN ACT 216

AN ACT *to repeal* 118.019 (1m) (b) 1., 2. and 3., 118.019 (2) (a) 3., 118.019 (2) (a) 4., 118.019 (2) (a) 6., 118.019 (2m) (b) (intro.), 118.019 (2r) (intro.) and 118.019 (3) (a), (b) and (c); *to renumber and amend* 118.019 (1m) (b) (intro.), 118.019 (2) (b), 118.019 (2m) (a), 118.019 (2m) (b) 1., 118.019 (2m) (b) 2., 118.019 (2r) (a), 118.019 (2r) (b) and 118.019 (3) (intro.); *to amend* 115.29 (7), 118.019 (1), 118.019 (1m) (a), 118.019 (2) (intro.), 118.019 (2) (a) (intro.), 118.019 (2) (a) 1., 118.019 (2) (a) 2., 118.019 (2) (a) 5., 118.019 (2) (c), 118.019 (4), 118.019 (5) and 146.89 (3r) (e); and *to create* 118.019 (2) (a) 10., 118.019 (2) (a) 11., 118.019 (2) (e), 118.019 (2) (f), 118.019 (2m) (e), 118.019 (2m) (f), 118.019 (2m) (i) and 118.019 (2s) 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 1. 115.29 (7) of the statutes is amended to read:

115.29 (7) TEEN PREGNANCY PREVENTION. Apply for all 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 for providing instruction in any of the subjects identified in s. 118.019.

SECTION 2. 118.019 (1) of the statutes is amended 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 foster a partnership between parents of pupils attending schools in the school district and the schools in the school district to promote the optimal health and well-being of the pupils. The provisions of this section are in addition to, and do not supplant, the requirements under ss. 118.01 (2) (d) 2. c. and 8. and 118.13 (1), which are critical to maintaining the physical and psychological health of each pupil.

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

118.019 (1m) (a) "Age-appropriate" means suitable to a particular age group of pupils based on the their developing cognitive and emotional capacity of and behaviors typical for the age group consistent with adolescent development and community standards.

SECTION 4. 118.019 (1m) (b) (intro.) of the statutes is renumbered 118.019 (1m) (b) and amended to read:

118.019 (1m) (b) "Medically accurate information" means information that satisfies all of the following: is scientifically-based and published, where appropriate, in peer-reviewed journals and textbooks.

* Section 991.11, WISCONSIN STATUTES 2009-10: 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].

SECTION 5. 118.019 (1m) (b) 1., 2. and 3. of the statutes are repealed.

SECTION 6. 118.019 (2) (intro.) of the statutes is amended to read:

118.019 (2) **SUBJECTS.** (intro.) A school board may provide an instructional program in human growth and development in grades kindergarten to 12. If the school board elects to provide an instructional program under this section, when the school board establishes the curriculum for the instructional program, the school board shall make determinations as to whether and, if so, for what subjects covered in the curriculum the pupils shall be separated by gender. If an instructional program is provided, the following instructional program shall do all of the following is recommended:

SECTION 7. 118.019 (2) (a) (intro.) of the statutes is amended to read:

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

SECTION 8. 118.019 (2) (a) 1. of the statutes is amended to read:

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

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

118.019 (2) (a) 2. Reproductive and sexual anatomy and physiology, including biological, psychosocial, ~~and~~ emotional, and intellectual changes that accompany maturation.

SECTION 10. 118.019 (2) (a) 3. of the statutes is repealed.

SECTION 11. 118.019 (2) (a) 4. of the statutes is repealed.

SECTION 12. 118.019 (2) (a) 5. of the statutes is amended to read:

118.019 (2) (a) 5. The benefits of and reasons for abstaining from sexual activity. Instruction under this subdivision shall stress the value of abstinence as the ~~most~~ only reliable way to prevent pregnancy and sexually transmitted infections, and shall identify the skills necessary to remain abstinent.

SECTION 13. 118.019 (2) (a) 6. of the statutes is repealed.

SECTION 14. 118.019 (2) (a) 10. of the statutes is created to read:

118.019 (2) (a) 10. Adoption resources, prenatal care, and postnatal supports.

SECTION 15. 118.019 (2) (a) 11. of the statutes is created to read:

118.019 (2) (a) 11. The nature and treatment of sexually transmitted infections.

SECTION 16m. 118.019 (2) (b) of the statutes is renumbered 118.019 (2d) and amended to read:

118.019 (2d) **NONDISCRIMINATION.** Use An instructional program under this section shall use instructional methods and materials that, consistent with s. 118.13 (1), do not promote bias discriminate against pupils of any a pupil based upon the pupil's race, gender, religion, sexual orientation, or ethnic or cultural background or against sexually active pupils or children with disabilities. Nothing in this subsection shall be construed to prohibit a school board from approving an instructional program under this section that includes instruction on abstinence from sexual activity or that is abstinence-centered.

SECTION 17. 118.019 (2) (c) of the statutes is amended to read:

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

SECTION 18. 118.019 (2) (e) of the statutes is created to read:

118.019 (2) (e) Address the positive connection between marriage and parenting.

SECTION 19. 118.019 (2) (f) of the statutes is created to read:

118.019 (2) (f) Present information about avoiding stereotyping and bullying, including how to refrain from making inappropriate remarks, avoiding engaging in inappropriate physical or sexual behaviors, and how to recognize, rebuff, and report any unwanted or inappropriate remarks or physical or sexual behaviors.

SECTION 20. 118.019 (2m) (a) of the statutes is renumbered 118.019 (2m) (intro.) and amended to read:

118.019 (2m) **REQUIRED SUBJECTS.** (intro.) If a school board provides instruction in any of the areas under sub. (2) (a), the school board shall ensure that ~~instruction in marriage and parental responsibility is provided, conforms to s. 118.13 (1) and that the following is provided, when age appropriate, in the same course and during the same year:~~

SECTION 21. 118.019 (2m) (b) (intro.) of the statutes is repealed.

SECTION 22. 118.019 (2m) (b) 1. of the statutes is renumbered 118.019 (2m) (c) and amended to read:

118.019 (2m) (c) Presents abstinence from sexual activity as the preferred choice of behavior ~~in relationship to all sexual activity~~ for unmarried pupils.

SECTION 23. 118.019 (2m) (b) 2. of the statutes is renumbered 118.019 (2m) (d) and amended to read:

118.019 (2m) (d) Emphasizes that abstinence from sexual activity before marriage is the ~~most effective~~ only reliable way to prevent pregnancy and sexually transmitted diseases, including human immunodeficiency virus and acquired immunodeficiency syndrome.

SECTION 24. 118.019 (2m) (e) of the statutes is created to read:

118.019 (2m) (e) Provides instruction in parental responsibility and the socioeconomic benefits of marriage for adults and their children.

SECTION 25. 118.019 (2m) (f) of the statutes is created to read:

118.019 (2m) (f) Explains pregnancy, prenatal development, and childbirth.

SECTION 25m. 118.019 (2m) (i) of the statutes is created to read:

118.019 (2m) (i) Provides medically accurate information about the human papilloma virus and the human immunodeficiency virus and acquired immunodeficiency syndrome.

SECTION 26. 118.019 (2r) (intro.) of the statutes is repealed.

SECTION 27. 118.019 (2r) (a) of the statutes is renumbered 118.019 (2m) (g) and amended to read:

118.019 (2m) (g) ~~The~~ Explains the criminal penalties under ch. 948 for engaging in sexual activities involving a child under ch. 948.

SECTION 28. 118.019 (2r) (b) of the statutes is renumbered 118.019 (2m) (h) and amended to read:

118.019 (2m) (h) ~~The~~ Explains 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 29. 118.019 (2s) of the statutes is created to read:

118.019 (2s) PROVISION OF INSTRUCTION. Subject to s. 120.13 (37m), nothing in this section prohibits a school district from providing instruction under this section, in whole or in part, to pupils while the pupils are separated from members of the opposite sex.

SECTION 30. 118.019 (3) (intro.) of the statutes is renumbered 118.019 (3) and amended to read:

118.019 (3) DISTRIBUTION OF CURRICULUM TO PARENTS; NOTICE. 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, an explanation of the exemption under sub. (4), and a statement that pupils exempted from instruction under this section will still receive instruction in the subjects under s. 118.01 (2) (d) 2. c., unless exempted, and s. 118.01 (2) (d) 8. The school board shall make the complete human growth and devel-

opment curriculum and all instructional materials available for inspection by a parent or guardian upon his or her request 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 31. 118.019 (3) (a), (b) and (c) of the statutes are repealed.

SECTION 32. 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 growth and development or in the specific subjects under subs. (2) and ~~(2r)~~ (2m) if the pupil's parent or guardian files with the teacher or school principal a written request that the pupil be exempted.

SECTION 33. 118.019 (5) of the statutes is amended to read:

118.019 (5) ADVISORY COMMITTEE. In any school district that offers a human growth and development curriculum, the school board shall appoint an ad hoc advisory committee ~~composed of parents, whose role is to advise the school board on the design and implementation of the human growth and development curriculum and to review the curriculum.~~ Parents, teachers, school administrators, pupils, health care professionals, members of the clergy, and other residents of the school district shall comprise the committee. No one category of member shall constitute more than one-fifth of the membership of the committee, except that parents may comprise more than one-fifth of the membership of the committee. No more than one quarter of the members of the committee may be made up of employees of the school district or their spouses or members of the school board or their spouses. ~~The advisory committee shall develop the human growth and development curriculum and advise the school board on the design, review and implementation of the advisory committee's human growth and development curriculum. The advisory committee shall review the curriculum at least every 3 years.~~

SECTION 34. 146.89 (3r) (e) of the statutes is amended to read:

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