

2011 DRAFTING REQUEST

Bill

Received: **05/13/2011**

Received By: **tkuczens**

Wanted: **As time permits**

Companion to LRB:

For: **Mary Lazich (608) 266-5400**

By/Representing: **Andrew Hanus**

May Contact:

Drafter: **tkuczens**

Subject: **Education - school boards**

Addl. Drafters:

Extra Copies: **pg**

Submit via email: **YES**

Requester's email: **Sen.Lazich@legis.wisconsin.gov**

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

Pre Topic:

No specific pre topic given

Topic:

Changes to human growth and development instruction

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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| /? | | | | _____ | | | S&L |
| /P1 | tkuczens 05/18/2011 | nmatzke 05/19/2011 | jfrantze 05/19/2011 | _____ | ggodwin 05/19/2011 | | S&L |
| | tkuczens 06/21/2011 | nmatzke 06/21/2011 | | _____ | | | |
| /P2 | tkuczens 07/08/2011 | nmatzke 07/14/2011 | mduchek 06/21/2011 | _____ | sbasford 06/21/2011 | | S&L |

| <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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| /P3 | tkuczens 09/16/2011 | kfollett 09/20/2011 | jfrantze 07/14/2011 | _____ | sbasford 07/14/2011 | | S&L |
| /1 | | | rschluet 09/20/2011 | _____ | mbarman 09/20/2011 | mbarman 10/07/2011 | |

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↳ A+ Intro.

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| /P2 | tkuczens 07/08/2011 | nmatzke 07/14/2011 | mdushek 06/21/2011 | | sbasford 06/21/2011 | | S&L |

Handwritten notes: 1/5/9/20, [Signature], Lm 9/20, [Signature]

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6/21

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FE Sent For:

<END>

Grant, Peter

From: Hanus, Andrew
Sent: Thursday, May 12, 2011 4:17 PM
To: Grant, Peter
Subject: HG&D Bill

• Mary Lazick 266-5400
• 28th Senate

Hi Peter,

The Senator is looking to draft the following language:

The following alters Wis. Stat. ss. 115.29, 118.019, and 146.89, regarding Human Growth and Development Instruction.

✓ **Section 1. 115.29 (7) of the statutes is amended to read:**

115.29(7) TEEN PREGNANCY PREVENTION. Apply for all federal funds allocated for the instruction of any topic listed in section 118.019.

✓ **Section 2. 118.019 (1) of the statutes is amended to read:**

(1) PURPOSE. The purpose of this section is to foster a partnership between parents and schools to promote the optimal health and well-being of children. Nothing in this statute shall supplant the mandatory instruction of topics required by 118.01(2)(d)2c, 118.01(2)(d)8, and 118.13(1), which are critical to maintaining the physical and psychological health of the human body.

✓ **Section 3. 118.019 (1m) of the statutes is amended to read:**

(1m) DEFINITIONS. In this section:

- (a) "Age-appropriate" means suitable to a particular age group of pupils based on their developing cognitive and emotional capacity and consistent with adolescent development and community standards.
- (b) "Medically accurate information" means information that is scientifically-based and published, where appropriate, in peer-reviewed journals and textbooks.

✓ **Section 4. 118.019 (2) of the statutes is amended to read:**

(2) SUBJECTS. A school board may provide an instructional program in human growth and development in grades kindergarten to 12. If provided, the following is recommended:

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

1. The importance of communication about sexuality between the pupil and the pupil's parents or guardians.

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

5. [under current law] → changes here
(3) The benefits of and reasons for abstaining from sexual activity. Instruction under this subdivision shall stress the value of abstinence as the only reliable way to prevent pregnancy and sexually transmitted infections, and shall identify the skills necessary to remain abstinent. (cr. 3., cr. 3m.)

4. Adoption resources, prenatal care, and postnatal support. r. 4, ~~cr. 4m.~~

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

7. ~~under current law~~ [no changes]
(6) The nature and treatment of sexually transmitted infections. cr. 6, cr. 6m.

(7) How alcohol and drug use affect responsible decision making.

8. ~~under current law~~ [no changes]
(8) The impact of media and one's peers on thoughts, feelings, and behaviors related to sexuality.

9. ~~under current law~~ [no changes]
(b) Self-esteem and personal responsibility, positive interpersonal skills and healthy relationships. cr. currently (c) - minor change

(c) The positive connection between marriage and parenting. cr. (b) + cr. (d)

(d) Avoiding stereotyping and bullying, including how to refrain from making inappropriate verbal, physical or sexual remarks and how to recognize, rebuff, and report any unwanted or inappropriate verbal, physical or sexual behaviors. cr. (f)

(e) Counseling, medical, and legal resources for survivors of sexual abuse and assault, including resources for escaping violent relationships. cr. currently (d) - ~~no~~ change No

Section 5. 118.019 (2m) of the statutes is amended to read:

(2m)(a) cr. (2m)(intro.) & am.

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

(a) Presents abstinence from sexual activity as the preferred choice of behavior for unmarried pupils. cr. (2m)(b) 1. cr. (2m)(c) & am

(b) Provides instruction in parental responsibility and the socio-economic benefits of marriage for adults and their children. cr. (2m)(c)

(c) Emphasizes that abstinence from sexual activity before marriage is the only reliable way to prevent pregnancy and sexually transmitted diseases, including human immune deficiency virus and acquired immunodeficiency syndrome. (2m)(b) 2. cr. (2m)(d)

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

✓ (2r)(a) n. (2m)(g) & am
e. Explains the criminal penalties for engaging in sexual activities involving a child under ch. 948.

(2r)(b) n. (2m)(h) am
f. 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.

→ R. 118.019(2r) (intro) (2s) created
Section 6. 118.019 (2r) of the statutes is amended to read:

(2r) PROVISION OF INSTRUCTION. This section does not prohibit the provision of instruction, in full or in part, to pupils separated by gender.

Section 7. 118.019 (3) of the statutes is amended to read:

(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, information regarding how the parent or guardian may inspect the complete curriculum and instructional materials, an explanation of the exemption under s. 118.019(4), and a statement that pupils exempted from human growth and development instruction will still receive instruction in the subjects required under s. 118.01(2)(d)2c, unless exempted, and 118.01(2)(d)8. 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 at any time, including prior to their use in the classroom.

Section 8. 118.019 (5) of the statutes is amended to read:

(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 whose role is to advise the school board on the design and implementation of the human growth and development curriculum, as well as review the curriculum. This committee shall be composed of parents, teachers, school administrators, pupils, health care professionals, members of the clergy and other residents of the school district, with no one of these groups comprising more than one fifth of the committee's membership. No more than one fourth of the committee's members shall be employees of the school district or members of the school board or their spouses. An advisory committee shall review the curriculum every 3 years.

Section 9. 146.89 (3r) (e) of the statutes is amended to read:

(e) Under this subsection, a volunteer health care provider may not provide instruction in human growth and development.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

5/18/11

SA ✓
x-ref ✓

1 ^{Gen.} AN ACT ...; relating to: providing instruction in human growth and development. ✓

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft. ✓

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:

2 SECTION 1. 115.29 (7) of the statutes is amended to read:

3 115.29 (7) TEEN PREGNANCY PREVENTION. Apply for any federal funds allocated
4 ~~to evidence-based teen pregnancy prevention programs that have been proven~~
5 ~~through rigorous evaluation to delay sexual activity, increase contraceptive use, and~~
6 ~~reduce teen pregnancy in order to implement such a program for providing~~
7 instruction in any of the subjects identified in s. 118.019. ✓

History: 1971 c. 100 s. 23; 1971 c. 125, 211; 1977 c. 29; 1979 c. 32, 301; 1981 c. 96; 1983 a. 27; 1993 a. 492; 1995 a. 27, 111; 1997 a. 27, 35, 164; 2003 a. 33; 2005 a. 25; 2009 a. 134.

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

1 118.019 (1) PURPOSE. The purpose of this section is to ~~encourage all school~~
2 ~~boards to ensure that pupils in their districts are provided age-appropriate~~
3 ~~instruction in human growth and development. The instruction should support and~~
4 ~~enhance communication between pupils and their parents and provide pupils with~~
5 ~~the knowledge, skills, and support necessary to make healthy decisions now and~~
6 ~~throughout their lifetimes and to make responsible decisions about sexual behavior~~
7 foster a partnership between parents of pupils attending schools in the school district
8 and the schools in the school district to promote the optimal health and well-being
9 of the pupils. The provisions of this section are in addition to, and do not supplant,
10 the requirements under ss. 118.01 (2) (d) 2. c. and 8. and 118.13 (1), which are critical
11 to maintaining the physical and psychological health of each pupil.

12 **History:** 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134.

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

13 118.019 (1m) (a) "Age-appropriate" means suitable to a particular age group
14 of pupils based on the their developing cognitive and emotional capacity of and
15 behaviors typical for the age group consistent with adolescent development and
16 community standards.

17 **History:** 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134.

17 **SECTION 4.** 118.019 (1m) (b) (intro.) of the statutes is renumbered 118.019 (1m)

18 (b) and amended to read:

19 118.019 (1m) (b) (intro.) "Medically accurate information" means information
20 that ~~satisfies all of the following:~~ that is scientifically-based and published, where
21 appropriate, in peer-reviewed journals and textbooks.

22 **History:** 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134.

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

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

1 118.019 (2) (intro.) A school board may provide an instructional program in
2 human growth and development in grades kindergarten to 12. If provided, the
3 following instructional program shall do all of the following is recommended: ✓

4 ~~History:~~ 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134.

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

5 118.019 (2) (a) (intro.) Present medically accurate information to pupils and,
6 when age-appropriate, ~~shall~~ address the following topics: ✓

7 ~~History:~~ 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134.

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

8 118.019 (2) (a) 1. The importance of communication about sexuality ~~and~~
9 ~~decision-making about sexual behavior~~ between the pupil and the pupil's parents, or
10 ~~guardians, or other family members.~~ ✓

11 ~~History:~~ 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134.

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

12 118.019 (2) (a) 2. Reproductive and sexual anatomy and physiology, including
13 biological, psychosocial, ~~and emotional,~~ and intellectual changes that accompany
14 maturation. ✓

15 ~~History:~~ 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134.

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

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

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

18 118.019 (2) (a) 5. The benefits of and reasons for abstaining from sexual
19 activity. Instruction under this subdivision shall stress the value of abstinence as
20 the ~~most~~ only reliable way to prevent pregnancy and sexually transmitted infections,
21 and shall identify the skills necessary to remain abstinent. ✓

22 ~~History:~~ 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134.

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

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

1 118.019 (2) (a) 10. Adoption resources, prenatal care, and postnatal supports. ✓

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

3 118.019 (2) (a) 11. The nature and treatment of sexually transmitted infections. ✓

4 SECTION 16. 118.019 (2) (b) of the statutes is repealed. ✓

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

6 118.019 (2) (c) ~~Promote~~ Address self-esteem and personal responsibility,

7 positive interpersonal skills, ~~with an emphasis on~~ and healthy relationships,

8 ~~including friendships, marriage, and romantic and familial relationships.~~ ✓

9 History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134.

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

10 118.019 (2) (e) Address the positive connection between marriage and

11 parenting. ✓

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

13 118.019 (2) (f) Present information about avoiding stereotyping and bullying,

14 (14) including how to refrain from making inappropriate remarks, ^{avoiding} ~~engaging in~~

15 inappropriate physical or sexual behaviors, and how to recognize, rebuff, and report

16 any unwanted or inappropriate remarks or physical or sexual behaviors. ✓

17 SECTION 20. 118.019 (2m) (a) of the statutes is renumbered 118.019 (2m)

18 (intro.) and amended to read:

19 118.019 (2m) REQUIRED SUBJECTS. (intro.) ✓ If a school board provides instruction

20 in any of the areas under sub. (2) (a), the school board shall ensure that instruction

21 ~~in marriage and parental responsibility is provided. conforms to s. 118.13 (1)~~ ✓ and that

22 the following is provided, when age appropriate, in the same course and during the

23 same year:

24 History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134.

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

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

3 118.019 (2m) (c) Presents abstinence from sexual activity as the preferred
4 choice of behavior ~~in relationship to all sexual activity~~ for unmarried pupils.✓

5 History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134.

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

8 118.019 (2m) (d) Emphasizes that abstinence from sexual activity before
9 marriage is the ~~most effective~~ only reliable way to prevent pregnancy and sexually
10 transmitted diseases, including human immunodeficiency virus and acquired
immunodeficiency syndrome.✓

11 History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134.

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

13 118.019 (2m) (e) Provides instruction in parental responsibility and the
14 socio-economic benefits of marriage for adults and their children.✓

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

16 118.019 (2m) (f) Explains pregnancy, prenatal development, and childbirth.✓

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

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

20 118.019 (2m) (g) The Explains the criminal penalties under ch. 948 for
engaging in sexual activities involving a child ~~under ch. 948.~~ plain

21 History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134.

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

24 118.019 (2m) (h) The Explains the sex offender registration requirements
under s. 301.45.✓ Instruction under this paragraph shall include who is required to

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

3 History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134.

3 SECTION 29. 118.019 (2s) of the statutes is created to read:

4 118.019 (2s) PROVISION OF INSTRUCTION. ✓ Subject to s. 120.13 (37m), ✓ nothing in
5 this section ✓ prohibits a school district from providing instruction under this section,
6 in whole or in part, to pupils while the pupils are separated from members of the
7 opposite sex. ✓

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

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

an explanation of the exemption under sub. (4) and a statement that pupils are exempted from instruction under this section will still receive instruction in the subjects under s. 118.01(2)(d) to 2005 unless exempted and s. 118.01(2)(d) 8 ✓

23 History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134.

23 SECTION 31. 118.019 (3) (a), (b) and (c) of the statutes are repealed.

24 SECTION 32. 118.019 (4) of the statutes is amended to read:

1 118.019 (4) EXEMPTION FOR INDIVIDUAL PUPILS. No pupil may be required to take
2 instruction in human growth and development or in the specific subjects under subs.
3 (2) and ~~(2r)~~ (2m) (g) or (h) if the pupil's parent or guardian files with the teacher or
4 school principal a written request that the pupil be exempted.

History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134.

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

6 118.019 (5) ADVISORY COMMITTEE. In any school district that offers a human
7 growth and development curriculum, the school board shall appoint an ad hoc
8 advisory committee ~~composed of parents,~~ whose role is to advise the school board on
9 the design and implementation of the human growth and development curriculum
10 and to review the curriculum. Parents, teachers, school administrators, pupils,
11 health care professionals, members of the clergy, and other residents of the school
12 district shall comprise the committee, and no one category of member shall
13 constitute more than one fifth of the membership of the committee. No more than
14 one quarter of the members of the committee may be made up of employees of the
15 school district or their spouses or members of the school board or their spouses. The
16 advisory committee ~~shall develop the human growth and development curriculum~~
17 ~~and advise the school board on the design, review and implementation of the advisory~~
18 ~~committee's human growth and development curriculum.~~ The advisory committee
19 shall review the curriculum at least every 3 years. plain

History: 1985 a. 56; 1987 a. 399; 1989 a. 203; 1995 a. 27; 1997 a. 27; 2001 a. 16; 2005 a. 341, 445; 2009 a. 134.

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

1 146.89 (3r) (e) Under this subsection, a volunteer health care provider may not
2 provide instruction in human growth and development if the instructional program
3 ~~is in compliance with requirements of~~ under s. 118.019. ✓

History: 1989 a. 206; 1991 a. 269; 1993 a. 28, 490; 1995 a. 27 ss. 4378 to 4380, 9126 (19); 1997 a. 27, 57, 67; 1999 a. 23; 2003 a. 92; 2005 a. 188; 2007 a. 20 s. 9121 (6)
(a); 2007 a. 201; 2009 a. 93, 134.

4

(END)

D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2088 ^{e P1} dn
TKK: j:....
nwn

Date

✓
Senator Lazich:

amended sections

This bill makes a number of modifications to current law governing instruction in human growth and development. Please note that I did modify the phrasing of some of the proposed substantive changes, primarily to improve clarity, including s. 118.091 ^{or maintain consistent use of terminology} (1), which is a statement of purpose, and s. 118.091 ^{sections include} (2s), which authorizes school districts to offer instruction in human growth and development in single-sex classes. Please carefully review the draft to ensure that I have accomplished your intent. ✓

Please be aware that LRB drafting conventions prohibit drafting attorneys from re-using a statutory number that has been repealed in the same draft. For that reason, I modified the numbering scheme included in the drafting instructions. ✓

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2088/P1dn
TKK:nwn:jf

May 19, 2011

Senator Lazich:

This bill makes a number of modifications to current law governing instruction in human growth and development. Please note that I did modify the phrasing of some of the amended sections, primarily to improve clarity or maintain consistent use of terminology; these sections include s. 118.019 (1), which is a statement of purpose, and s. 118.019 (2s), which authorizes school districts to offer instruction in human growth and development in single-sex classes. Please carefully review the draft to ensure that I have accomplished your intent.

Please be aware that LRB drafting conventions prohibit drafting attorneys from re-using a statutory number that has been repealed in the same draft. For that reason, I modified the numbering scheme included in the drafting instructions.

Tracy K. Kuczenski
Legislative Attorney
Phone: (608) 266-9867
E-mail: tracy.kuczenski@legis.wisconsin.gov

Kuczenski, Tracy

From: Hanus, Andrew
Sent: Thursday, June 02, 2011 4:36 PM
To: Kuczenski, Tracy
Cc: Sieg, Tricia
Subject: Draft: LRB-2088/P1

Follow Up Flag: Follow up
Flag Status: Red

Hi Tracy,

I am working on our draft of LRB-2088/P1 and have a couple of minor questions for you:

In Section 1, 115.29 (7), our original draft included the word "all" instead of "any" for the provision on applying for federal funds. We are wondering if there was a reason for using the word "any."

In Section 6, 118.019 (2), our original draft had the word "Subjects" after (2) which is not in the LRB draft. We're wondering if it was omitted on purpose and if so, what the reasoning was.

Thank you Tracy,

Andrew
Sen. Lazich's Office
6-5400



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

6/21/11

Two minor changes p. 2, 3

wanted by 6/22/11

SAV

Regen.

1 **AN ACT to repeal** 118.019 (1m) (b) 1., 2. and 3., 118.019 (2) (a) 3., 118.019 (2) (a)
2 4., 118.019 (2) (a) 6., 118.019 (2) (b), 118.019 (2m) (b) (intro.), 118.019 (2r) (intro.)
3 and 118.019 (3) (a), (b) and (c); **to renumber and amend** 118.019 (1m) (b)
4 (intro.), 118.019 (2m) (a), 118.019 (2m) (b) 1., 118.019 (2m) (b) 2., 118.019 (2r)
5 (a), 118.019 (2r) (b) and 118.019 (3) (intro.); **to amend** 115.29 (7), 118.019 (1),
6 118.019 (1m) (a), 118.019 (2) (intro.), 118.019 (2) (a) (intro.), 118.019 (2) (a) 1.,
7 118.019 (2) (a) 2., 118.019 (2) (a) 5., 118.019 (2) (c), 118.019 (4), 118.019 (5) and
8 146.89 (3r) (e); and **to create** 118.019 (2) (a) 10., 118.019 (2) (a) 11., 118.019 (2)
9 (e), 118.019 (2) (f), 118.019 (2m) (e), 118.019 (2m) (f) and 118.019 (2s) of the
10 statutes; **relating to:** providing instruction in human growth and
11 development.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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.** 115.29 (7) of the statutes is amended to read: ✓

② 115.29 (7) TEEN PREGNANCY PREVENTION. Apply for ^{all} ~~any~~ federal funds allocated
3 ~~to evidence-based teen pregnancy prevention programs that have been proven~~
4 ~~through rigorous evaluation to delay sexual activity, increase contraceptive use, and~~
5 ~~reduce teen pregnancy in order to implement such a program for providing~~
6 instruction in any of the subjects identified in s. 118.019.

7 **SECTION 2.** 118.019 (1) of the statutes is amended to read:

8 118.019 (1) PURPOSE. The purpose of this section is to ~~encourage all school~~
9 ~~boards to ensure that pupils in their districts are provided age-appropriate~~
10 ~~instruction in human growth and development. The instruction should support and~~
11 ~~enhance communication between pupils and their parents and provide pupils with~~
12 ~~the knowledge, skills, and support necessary to make healthy decisions now and~~
13 ~~throughout their lifetimes and to make responsible decisions about sexual behavior~~
14 foster a partnership between parents of pupils attending schools in the school district
15 and the schools in the school district to promote the optimal health and well-being
16 of the pupils. The provisions of this section are in addition to, and do not supplant,
17 the requirements under ss. 118.01 (2) (d) 2. c. and 8. and 118.13 (1), which are critical
18 to maintaining the physical and psychological health of each pupil.

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

20 118.019 (1m) (a) "Age-appropriate" means suitable to a particular age group
21 of pupils based on ~~the~~ their developing cognitive and emotional capacity ~~of~~ and

1 behaviors typical for the age group consistent with adolescent development and
2 community standards.

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

5 118.019 (1m) (b) "Medically accurate information" means information that
6 ~~satisfies all of the following:~~ is scientifically-based and published, where
7 appropriate, in peer-reviewed journals and textbooks.

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

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

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

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

14 118.019 (2) (a) (intro.) Present medically accurate information to pupils and,
15 when age-appropriate, ~~shall~~ address the following topics:

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

17 118.019 (2) (a) 1. The importance of communication about sexuality ~~and~~
18 ~~decision-making about sexual behavior~~ between the pupil and the pupil's parents, or
19 ~~guardians, or other family members.~~

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

21 118.019 (2) (a) 2. Reproductive and sexual anatomy and physiology, including
22 biological, psychosocial, ~~and emotional,~~ and intellectual changes that accompany
23 maturation.

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

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

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

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

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

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

8 118.019 (2) (a) 10. Adoption resources, prenatal care, and postnatal supports.

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

10 118.019 (2) (a) 11. The nature and treatment of sexually transmitted infections.

11 **SECTION 16.** 118.019 (2) (b) of the statutes is repealed.

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

13 118.019 (2) (c) ~~Promote~~ Address self-esteem and personal responsibility,
14 positive interpersonal skills, ~~with an emphasis on~~ and healthy relationships,
15 ~~including friendships, marriage, and romantic and familial relationships.~~

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

17 118.019 (2) (e) Address the positive connection between marriage and
18 parenting.

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

20 118.019 (2) (f) Present information about avoiding stereotyping and bullying,
21 including how to refrain from making inappropriate remarks, avoiding engaging in
22 inappropriate physical or sexual behaviors, and how to recognize, rebuff, and report
23 any unwanted or inappropriate remarks or physical or sexual behaviors.

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

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

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

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

9 118.019 (2m) (c) Presents abstinence from sexual activity as the preferred
10 choice of behavior ~~in relationship to all sexual activity~~ for unmarried pupils.

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

13 118.019 (2m) (d) Emphasizes that abstinence from sexual activity before
14 marriage is the ~~most effective~~ only reliable way to prevent pregnancy and sexually
15 transmitted diseases, including human immunodeficiency virus and acquired
16 immunodeficiency syndrome.

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

18 118.019 (2m) (e) Provides instruction in parental responsibility and the
19 socioeconomic benefits of marriage for adults and their children.

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

21 118.019 (2m) (f) Explains pregnancy, prenatal development, and childbirth.

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

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

1 118.019 (2m) (g) The Explains the criminal penalties under ch. 948 for
2 engaging in sexual activities involving a child ~~under ch. 948.~~

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

5 118.019 (2m) (h) The Explains the sex offender registration requirements
6 under s. 301.45. Instruction under this paragraph shall include who is required to
7 report under s. 301.45, what information must be reported, who has access to the
8 information reported, and the implications of being registered under s. 301.45.

9 **SECTION 29.** 118.019 (2s) of the statutes is created to read:

10 118.019 (2s) PROVISION OF INSTRUCTION. Subject to s. 120.13 (37m), nothing in
11 this section prohibits a school district from providing instruction under this section,
12 in whole or in part, to pupils while the pupils are separated from members of the
13 opposite sex.

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

16 118.019 (3) DISTRIBUTION OF CURRICULUM TO PARENTS; NOTICE. Each school board
17 that provides an instructional program in human growth and development shall
18 annually provide the parents or guardians of each pupil enrolled in the school district
19 with an outline of the human growth and development curriculum used in the pupil's
20 grade level and, information regarding how the parent or guardian may inspect the
21 complete curriculum and instructional materials, an explanation of the exemption
22 under sub. (4), and a statement that pupils exempted from instruction under this
23 section will still receive instruction in the subjects under s. 118.01 (2) (d) 2. c., unless
24 exempted, and s. 118.01 (2) (d) 8. The school board shall make the complete human
25 growth and development curriculum and all instructional materials available for

1 inspection by a parent or guardian upon his or her request at any time, including
2 prior to their use in the classroom. ~~A school board that elects not to provide an~~
3 ~~instructional program in human growth and development under this section shall,~~
4 ~~by September 30 of each school year, send home to the parent or guardian of each~~
5 ~~pupil enrolled in the school district a notice that includes all of the following:~~

6 SECTION 31. 118.019 (3) (a), (b) and (c) of the statutes are repealed.

7 SECTION 32. 118.019 (4) of the statutes is amended to read:

8 118.019 (4) EXEMPTION FOR INDIVIDUAL PUPILS. No pupil may be required to take
9 instruction in human growth and development or in the specific subjects under subs.
10 (2) and ~~(2r)~~ (2m) (g) or (h) if the pupil's parent or guardian files with the teacher or
11 school principal a written request that the pupil be exempted.

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

13 118.019 (5) ADVISORY COMMITTEE. In any school district that offers a human
14 growth and development curriculum, the school board shall appoint an ad hoc
15 advisory committee composed of parents, whose role is to advise the school board on
16 the design and implementation of the human growth and development curriculum
17 and to review the curriculum. Parents, teachers, school administrators, pupils,
18 health care professionals, members of the clergy, and other residents of the school
19 district shall comprise the committee, and no one category of member shall
20 constitute more than one fifth of the membership of the committee. No more than
21 one quarter of the members of the committee may be made up of employees of the
22 school district or their spouses or members of the school board or their spouses The
23 ~~advisory committee shall develop the human growth and development curriculum~~
24 ~~and advise the school board on the design, review and implementation of the advisory~~

1 ~~committee's human growth and development curriculum.~~ The advisory committee
2 shall review the curriculum ~~at least~~ every 3 years.

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

4 146.89 **(3r)** (e) Under this subsection, a volunteer health care provider may not
5 provide instruction in human growth and development ~~if the instructional program~~
6 ~~is in compliance with requirements of~~ under s. 118.019.

7 (END)

Kuczenski, Tracy

From: Hanus, Andrew
Sent: Wednesday, July 06, 2011 11:01 AM
To: Kuczenski, Tracy
Subject: RE: LRB-2088 - Small Change

Yes, please go ahead and prepare an analysis.

Thanks,
Andrew

From: Kuczenski, Tracy
Sent: Wednesday, July 06, 2011 10:51 AM
To: Hanus, Andrew
Subject: RE: LRB-2088 - Small Change

Hi Andrew –

This instruction makes sense; I don't think you are missing something. I will make the change.

Also, unless you anticipate making drastic changes to the /P3, I will also prepare an analysis for this next preliminary draft. Please let me know if that's okay.

Thanks,
Tracy

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

From: Hanus, Andrew
Sent: Wednesday, July 06, 2011 10:45 AM
To: Kuczenski, Tracy
Subject: LRB-2088 - Small Change

Hi Tracy,

After reading through the P2, we have one last issue to sort out. On p. 7, beginning of line 12, it looks like "(g) or (h)" should not be there. In other words, we want the exemption to be available for any specific subjects under sub (2) and (2m), not just (2m)(g) or (h).

It's possible that we are missing something, so please let us know your thoughts. We will take this as a P3. Thanks Tracy!

Best,

Andrew Hanus
Sen. Lazich's Office
6-5400