



State of Wisconsin  
2009 - 2010 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,  
TO 2009 SENATE BILL 324**

January 22, 2010 – Offered by Senator TAYLOR.

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

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

6           **SECTION 1.** 115.29 (7) of the statutes is created to read:  
7           115.29 (7) TEEN PREGNANCY PREVENTION. Apply for federal funds allocated to  
8           evidence-based teen pregnancy prevention programs that have been proven through  
9           rigorous evaluation to delay sexual activity, increase contraceptive use, and reduce  
10          teen pregnancy in order to implement such a program.

11          **SECTION 2.** 118.019 (1) of the statutes is repealed and recreated to read: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           **SECTION 3.** 118.019 (1m) of the statutes is created to read:

8           118.019 (1m) DEFINITIONS. In this section:

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

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

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

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

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

20           **SECTION 4.** 118.019 (2) of the statutes is repealed and recreated to read:

21           118.019 (2) SUBJECTS. A school board may provide an instructional program in  
22 human growth and development in grades kindergarten to 12. If provided, the  
23 instructional program shall do all of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 118.019 **(2m)** (b) (intro.) The school board shall ensure that instruction related  
13 to the areas under sub. (2) ~~(e)~~ (a) does all of the following:

14 **SECTION 7.** 118.019 (3) of the statutes is renumbered 118.019 (3) (intro.) and  
15 amended to read:

16 118.019 **(3)** ~~DISTRIBUTION OF CURRICULUM TO PARENTS; NOTICE.~~ (intro.) Each  
17 school board that provides an instructional program in human growth and  
18 development shall annually provide the parents or guardians of each pupil enrolled  
19 in the school district with an outline of the human growth and development  
20 curriculum used in the pupil's grade level and information regarding how the parent  
21 or guardian may inspect the complete curriculum and instructional materials. The  
22 school board shall make the complete human growth and development curriculum  
23 and all instructional materials available for inspection by a parent or guardian upon  
24 his or her request ~~for inspection~~ at any time, including prior to their use in the  
25 classroom. A school board that elects not to provide an instructional program in

1 human growth and development under this section shall, by September 30 of each  
2 school year, send home to the parent or guardian of each pupil enrolled in the school  
3 district a notice that includes all of the following:

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

5 118.019 (3) (a) A statement that the school board is encouraged by state statute  
6 to provide instruction in human growth and development in grades kindergarten to  
7 12.

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

9 118.019 (3) (b) The subjects of instruction required under subs. (2) and (2m) if  
10 the school board were to provide instruction in human growth and development.

11 **SECTION 10.** 118.019 (3) (c) of the statutes is created to read:

12 118.019 (3) (c) A statement that the school board is not providing any human  
13 growth and development instruction to pupils enrolled in the school district.

14 **SECTION 11.** 118.019 (4) of the statutes is amended to read:

15 118.019 (4) EXEMPTION FOR INDIVIDUAL PUPILS. No pupil may be required to take  
16 instruction in human growth and development or in the specific subjects under sub.  
17 (2) if the pupil's parent or guardian files with the teacher or school principal a written  
18 request that the pupil be exempted.

19 **SECTION 12.** 146.89 (3r) (e) of the statutes is amended to read:

20 146.89 (3r) (e) Under this subsection, a volunteer health care provider may  
21 provide instruction in human growth and development if the instructional program  
22 is in compliance with requirements of s. 118.019, ~~except that the volunteer health~~  
23 ~~care provider may not provide instruction on a topic specified under s. 118.019 (2) (e).~~

24 (END)