



# NEW LAWS

## 2009 WISCONSIN ACT 134

Assembly Bill 458

Effective Date: March 11, 2010

### HUMAN GROWTH AND DEVELOPMENT INSTRUCTION LAW AMENDED

This new law amends the human growth and development instruction law (section 118.019, Wisconsin Statutes). As amended, the purpose of the human growth and development law 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.

This new law repeals the current law on the subjects of human growth and development instruction and creates new provisions. Under this new law, a school board may provide an instructional program in human growth and development in grades kindergarten to 12. If provided, the instructional program shall do all of the following:

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

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

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

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

4. The skills needed to make responsible decisions about sexuality and sexual behavior throughout the pupil's life, 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.

5. The benefits of and reasons for abstaining from sexual activity. Instruction

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

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 barrier methods approved by the FDA to prevent sexually transmitted infections

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

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

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

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

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

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

As in the current law, if a school board provides instruction in any of the areas under (a), above, the school board shall ensure that instruction in marriage and parental responsibility is provided. However, the new law repealed a requirement that marriage and parental responsibility instruction be provided in the same course and during the same school year as the instruction in the area under (a), above.

As in the current law, the new law provides that the school board shall ensure that instruction related to the areas under (a), above, does all of the following:

1. Presents abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried pupils.

2. Emphasizes that abstinence from sexual activity before marriage is the most effective way to prevent pregnancy and sexually transmitted diseases, including human immunodeficiency virus and acquired immunodeficiency syndrome.

Under the new law, a school board that provides a human growth and development program shall, when age-appropriate, instruct pupils about all of the following:

1. The criminal penalties for engaging in sexual activities involving a child.
2. The requirements under the sex offender registration statute. Instruction under this provision shall include who is required to report, what information must be reported, who has access to the information, and the implications of being registered under the sex offender registration law.

Under this new law "age-appropriate" means suitable to a particular group of pupils based on the developing cognitive and emotional capacity of and behaviors typical for the age group. "Medically accurate information" means 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.
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 new law extends the current requirement to annually distribute an outline of the human growth and development curriculum to parents of each pupil enrolled in the program to guardians of each such pupil. Under the new law, the school board shall make the complete human growth and development curriculum and all instructional materials available for inspection by a parent or a guardian upon his or her request at any time, including prior to their use in the classroom.

The new law creates a new notice requirement for a school board that elects not to provide an instructional program in human growth and development. Such a school board shall, by September 30 of each school year, send home to the parent or guardian of each pupil in the school district a notice that includes all of the following:

1. A statement that the school board is encouraged by state statute to provide instruction in human growth and development in grades kindergarten to 12.
2. The subjects of instruction required by this law if the school board were to provide instruction in human growth and development.
3. A statement that the school board is not providing any human growth and development instruction to pupils enrolled in the school district.

Similar to the current law, no pupil may be required to take instruction in human growth and development or in the specific subjects required by this law if the pupil's parent or guardian files with the teacher or school principal a written request that the pupil be exempted.

The requirement in the current law for the school board in any school district that offers a human growth and development curriculum to appoint an advisory committee continues unchanged.

The new law also permits the state superintendent to apply for federal funds to implement an evidence-based teen pregnancy prevention program.

Under current law, a volunteer health care provider may apply to the state department of administration to be permitted to provide health care services without charge in a school or nonprofit agency. The new law eliminates a limitation on the topics of instruction by a volunteer health care provider who provides instruction in human growth and development if the instructional program is in compliance with the requirements of the amended law.