



Legislative Briefs

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HUMAN GROWTH AND DEVELOPMENT INSTRUCTION – 2009 ACT 134

On February 24, Governor Jim Doyle signed 2009 Assembly Bill 458 into law, creating Wisconsin Act 134, related to human growth and development instruction (referred to here as “health class”) in public schools. The law creates new requirements for courses taught on the subject, allows school districts to opt-out of providing the courses if they object to those requirements, and sets a deadline for a district to notify parents if it is opting out of providing classes. The law took effect on March 11, 2010.

REQUIRED SUBJECTS

The current regulations on health classes can be found in Section 118.019, Wisconsin Statutes. Prior law allowed a school board to provide instruction in human growth and development in grades K through 12. Instructional programs may have included teaching about self-esteem, responsibility, relationships, the discouragement of adolescent sexual activity, family life, and parenting skills.

Under this version of the statute, schools were not required to teach about human sexuality, but, if a school chose to, it had to include instruction on marriage and parental responsibility in the same course during the same school year. The school also had to present abstinence as the preferred choice of behavior in a relationship between unmarried students, and emphasize that abstinence is the most effective way to prevent pregnancy and sexually transmitted diseases (STDs).

Under Act 134, if a school district provides health classes, the classes must contain certain subjects, including sexuality. The information presented on sexuality must be medically accurate and “age-appropriate,”

defined in the statute 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.” If age-appropriate, a class must cover:

- 1) the importance of communication about sexuality between a student and the student’s parents;
- 2) reproductive and sexual anatomy, including physical and emotional changes during maturation;
- 3) puberty, pregnancy, parenting, body image, and gender stereotypes;
- 4) skills for making responsible decisions, including recognizing and refraining from inappropriate verbal, physical, and sexual behaviors;
- 5) the benefits of and reasons for abstaining from sexual activity, stressing abstinence as the most reliable way to prevent pregnancy and STDs;
- 6) health benefits, side effects, and proper use of contraceptives and barrier methods;
- 7) the development of healthy life skills;
- 8) the affects of alcohol and drugs on decision making; and
- 9) the impact of media on thoughts, feelings, and behaviors in relation to sexuality.

In addition to information on sexuality, health classes must promote self-esteem and positive social skills, identify resources for survivors of sexual assault, and use teaching materials and methods that do not promote bias against certain pupils. Act 134 preserves the requirement for instruction in marriage and parental responsibility, but eliminates the requirement that this instruction occur in the same year. It also preserves the requirement to stress abstinence.

A newly created subsection of the statutes also requires that health classes, when age-appropriate, include information about the criminal penalties for certain sexual behavior. Information must be provided related to the penalties for engaging in sex with a minor, as well as the sex offender registration requirements.

OPT-OUT AND NOTICE TO PARENTS

Prior to March 11, 2010, school districts were not required to provide instruction in human growth and development, and under the new law, remain able to opt-out of providing the classes entirely. However, school districts that choose not to include these classes in their curriculums will need to provide notice of that decision to parents or guardians by September 30 of each school year. The notice must include three elements: a statement that state statute encourages the provision of health classes to K through 12 grades; all the required subjects the school would have to provide in a health class; and a statement that the school district is not providing any instruction in that area to students.

Before March 11, 2010, individual students could be exempted from health classes or specific subjects in those classes if a parent filed a written request with the teacher or school principal. Act 134 keeps that exemption provision, and has expanded the language to allow guardians to file a notice also.

LEGISLATIVE HISTORY OF ACT 134

2009 Assembly Bill 458 was introduced on September 30, 2009. The primary coauthors were Representatives Tamara Grigsby and Kelda Helen Roys, with the main cosponsors Senators Lena Taylor and John Lehman. It was popularly referred to as the "Healthy Youth Act."

AB-458 was referred to the Assembly Committee on Education, where it received a public hearing on October 8, 2009. Among those who appeared to speak in favor of the bill were the coauthors, representatives of Planned Parenthood of Wisconsin, represen-

tatives of state women's health organizations, and a member of NARAL Pro-Choice Wisconsin. Those appearing to testify against the bill included a representative of Wisconsin Family Action and Pro-Life Wisconsin. The committee unanimously recommended the adoption of two amendments to the bill, and then voted 8-5 to recommend AB-458 for passage.

The bill came before the full assembly on November 2, 2009. The assembly adopted the two amendments recommended by the committee, which made minor changes to the language, as well as two other amendments introduced on the floor. Several amendments were rejected during the debate. These amendments included one that would have required single-sex instruction for grades K through 9, and another that would require showing a recording of a human fetus during each trimester of a pregnancy. AB-458 passed by a vote of 48-43, with four paired votes.

In the senate, the bill was referred to and recommended for passage by the Senate Committee on Education. Before the full senate, one amendment was adopted. This amendment created the requirement for instruction in criminal penalties for underage sexual activity. An amendment was offered that would have allowed schools to choose an abstinence-only curriculum, but it was tabled. The bill was passed by the senate on a vote of 18-15. The assembly unanimously concurred in the senate's amendment.

FOR MORE INFORMATION

For further information about Act 134 please see the following sources:

Online copy of Act 134 at:
<http://www.legis.state.wi.us/2009/data/acts/09Act134.pdf>

Procedural history of AB-458 at:
<http://www.legis.state.wi.us/2009/data/AB458hst.html>