



Legislative Briefs

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ABSTINENCE EDUCATION

2005 Wisconsin Act 445, passed by the legislature and signed by Governor Jim Doyle on May 23, 2006, requires school districts to ensure that human growth and development programs present abstinence from sexual activity as the preferred behavior between unmarried students, and as the most effective way to prevent pregnancy and sexually transmitted diseases. Act 445 becomes effective July 1, 2006.

BACKGROUND

Current law (Section 118.019, Wisconsin Statutes) provides that school boards are encouraged to authorize age appropriate instruction in human growth and development from kindergarten through twelfth grade. Instruction is allowed in several areas, including human sexuality. 2005 Wisconsin Act 445 created Section 118.019 (2m) (b) and amends current law. Under this act, abstinence must be taught as the “preferred behavior” from sexual activity for unmarried students, as well as the best way to prevent pregnancy and the transmission of sexually transmitted diseases, including HIV and AIDS.

A number of groups and organizations attended public hearings to both support and oppose abstinence education. Two non-profit educational organizations, the Wisconsin Abstinence Coalition, and the Family Research Institute of Wisconsin, which describes itself as a nonpartisan research and education organization focused on family and marriage issues, supported the legisla-

tion, asserting that abstinence until marriage is the best option for youth to preserve their health and to increase their ability to have healthier romantic relationships. Others supporting the legislation included the Wisconsin Catholic Conference and Wisconsin Right to Life. Planned Parenthood of Wisconsin supported an amendment to the legislation, which would have required information regarding the use of contraceptives in preventing pregnancy and sexually transmitted diseases also be taught. The amendment was not adopted. NARAL Pro-Choice Wisconsin and the Wisconsin Council on Children and Families opposed the legislation.

WISCONSIN ACT 445

2005 Senate Bill 286, enacted as 2005 Wisconsin Act 445, was introduced by Senators Lazich, Grothman, Roessler, Leibham, and Reynolds, and cosponsored by Representatives Gundrum, Bies, Hines, Albers, Vos, and Pridemore. Under the original bill, school boards that provided for instruction in human sexuality, reproduction or family planning were required to provide instruction that:

- presented abstinence from sexual activity as the preferred behavior for unmarried students;
- devoted more attention to abstinence than to any other behavior; and
- emphasized abstinence before marriage as the most effective way to prevent pregnancy and sexually transmitted diseases, including HIV and AIDS.

Senate Substitute Amendment 1 (SSA 1), offered by the Committee on Education, excluded the provision requiring the devotion of more attention to abstinence education. Senate Substitute Amendment 1 was adopted; however, seven amendments to SSA 1 were not. They included provisions for instruction on contraceptive use; providing written notice to parents of every student in the school district informing them of the instruction in abstinence education, while stating that abstinence education does not teach students how to prevent pregnancy or sexually transmitted diseases other than remaining abstinent from sexual activity; and changing the language to read “minor” instead of “unmarried”.

OTHER STATES

At least 31 states, including Illinois, Indiana, and Michigan, require abstinence to be covered or stressed in their sex education curriculum. Michigan amended its law in 2004 to provide that abstinence from sexual activity must be emphasized as a “positive lifestyle” for unmarried youth because it is 100% effective against sexually transmitted diseases and pregnancy (Section 380.1507b, Michigan Code). California law requires public school districts to provide age-appropriate “comprehensive” sex education. Beginning in the seventh grade, instruction must be provided that teaches abstinence as the only way to prevent pregnancy and sexually transmitted diseases. However, information about contraceptives must also

be provided (Sections 51933 and 51934, California Code). Most comprehensive sex education curriculums cover topics such as homosexuality and abortion in addition to contraceptive use.

FEDERAL LAW

Since 1998, the U.S. Department of Health and Human Services has provided funding for abstinence education programs to states that apply. Abstinence education programs must meet the explicit requirements defined by Section 510 of Title V of the Social Security Act. The Community-Based Abstinence Education Program (CBAE) provides assistance in developing and implementing abstinence education programs for children ages 12 through 18 across the country. In 2005, funding for CBAE was appropriated to the Department of Health and Human Services’ Administration for Children and Families, and the program is administered by the Family and Youth Services Bureau.

Any private, public, faith-based, or non-profit organization may apply for funding through CBAE, provided that the abstinence education programs are community-based and involve educational intervention. Funds are distributed over a three-year period.

FOR MORE INFORMATION

The text of 2005 Wisconsin Act 445 is available at: www.legis.state.wi.us/2005/data/acts/05Act445.pdf.