

State of Misconsin 2021 - 2022 LEGISLATURE

LRB-4892/1 ARG:cjs

## 2021 SENATE BILL 598

October 8, 2021 – Introduced by Senator JACQUE, cosponsored by Representatives CABRAL-GUEVARA, ROZAR, ARMSTRONG, BRANDTJEN, BROOKS, DITTRICH, HORLACHER, KNODL, MAGNAFICI, PENTERMAN, SORTWELL, ALLEN, WICHGERS and SCHRAA. Referred to Committee on Education.

1 AN ACT *to create* 118.018 of the statutes; **relating to:** gender identity and sexual 2 orientation programs in public schools.

### Analysis by the Legislative Reference Bureau

This bill requires each school board of a school district and each operator of an independent charter school, before providing any program related to sexual orientation, gender, gender identity, or gender expression to a pupil in the school district or attending the charter school, to give notice of the program to the pupil's parents or guardians. This notice is required with respect to a pupil in any grade before such a program is provided to the pupil. A "program" is defined to include instruction and materials as well as any test, survey, questionnaire, or other activity. A pupil may not be required to participate in a program related to sexual orientation, gender, gender identity, or gender expression if the pupil's parent or guardian submits a written request to opt out of the program.

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

- 3 **SECTION 1.** 118.018 of the statutes is created to read:
- 4 **118.018 Gender identity and sexual orientation programs. (1)** In this
- 5 section:

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1	(a) "Gender" means either of the 2 sexes, male or female.
2	(b) "Gender expression" means how a person presents gender outwardly.
3	(c) "Gender identity" means personal conception of oneself as male or female.
4	(d) "Program" means any of the following, regardless of whether offered as part
5	of human growth and development instruction or as part of any other course or
6	activity:
7	1. Any instruction or materials provided to pupils or other curriculum intended
8	for pupils.
9	2. Any test, survey, questionnaire, or other activity provided to pupils or
10	intended for pupil participation.
11	(e) "Sexual orientation" means an individual's identity in relation to gender or
12	genders to which the individual is sexually attracted, such as heterosexual,
13	homosexual, or bisexual.
14	(2) (a) Subject to par. (d), each school board, before providing any program
15	related to sexual orientation, gender, gender identity, or gender expression to any
16	pupil enrolled in the school district, shall give notice of the program to the pupil's
17	parents or guardians.
18	(b) Subject to par. (d), the operator of each charter school established under s.
19	118.40 (2r) or (2x), before providing any program related to sexual orientation,
20	gender, gender identity, or gender expression to any pupil attending the charter
21	school, shall give notice of the program to the pupil's parents or guardians.
22	(c) The notice under pars. (a) and (b) shall include all of the following:
23	1. An outline of the program.
24	2. Information on how the parent or guardian may inspect all materials,
25	curriculum, and other components of the program.

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1 3. An explanation of the exemption under sub. (3).  $\mathbf{2}$ (d) No notice is required under pars. (a) and (b) with respect to any of the 3 following: 1. Responding to a question from a pupil during class regarding sexual 4 orientation, gender, gender identity, or gender expression as it relates to any topic 5 6 of instruction. 7 2. Referring to sexual orientation, gender, gender identity, or gender expression 8 of any historic person, group, or public figure, if the reference provides necessary 9 context in relation to the topic of instruction. 10 (3) No pupil may be required to participate in any program related to sexual 11 orientation, gender, gender identity, or gender expression if the pupil's parent or guardian entitled to notice under sub. (2) (a) or (b) submits a written request to the 12 13pupil's teacher or other school official that the pupil be exempted from the program. 14 (4) This section does not require any school district or charter school 15established under s. 118.40 (2r) or (2x) to provide any program related to sexual 16 orientation, gender, gender identity, or gender expression. 17(END)

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