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HUMAN GROWTH AND DEVELOPMENT CURRICULA

Best Practices Guide for School Boards and Advisory Committees

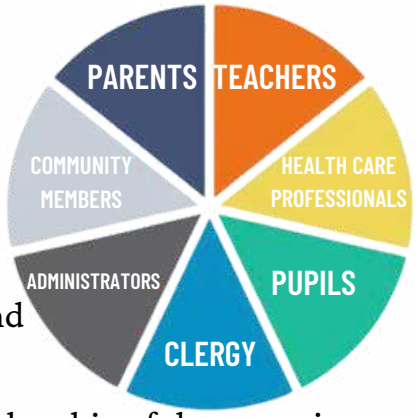
Wisconsin Statute § 118.019 governs human growth and development (HGD) instruction. This is essentially the sex education curriculum in Wisconsin. Public school districts are not required to adopt an HGD curriculum, but once they do, certain requirements are triggered.

This guide is intended to help school districts comply with state law and to provide school boards and HGD committee members with guidance about best practices.

ADVISORY COMMITTEE ROLE AND REQUIREMENTS

If a district offers an HGD curriculum, the district ***MUST*** have an ad hoc advisory committee. Wis. Stat. § 118.019(5).

The committee ***MUST*** review the HGD curriculum for the district. *Id.*
The committee ***MUST*** advise the school board on the implementation and design of the curriculum. *Id.*



The advisory committee ***MUST*** be made up of parents, teachers, school administrators, pupils, health care professionals, members of the clergy, and other residents of the school district. *Id.*

No one category of member shall constitute more than one fifth of the membership of the committee, except that **parents may comprise more than one-fifth the membership of the committee.** No more than one quarter of the members of the committee may be made up of employees of the school district or their spouses, or members of the school board or their spouses. *Id.*

HOW TO ASSEMBLE AN ADVISORY COMMITTEE

The district *should* inform the district community that it will assemble an advisory committee, explain how interested individuals can request to be on the committee, and implement a transparent selection process.

The human growth and development committee members ***MUST*** be appointed by the school board. Wis. Stat. § 118.019(5).

Because age appropriateness of HGD curriculum must be considered consistent with community standards, advisory committee members should reside in the district or otherwise be part of the district (i.e. teachers, students, administrators). Wis. Stat. § 118.019(1m)(a) and (5).

No one advisory committee member has ultimate authority, but the committee may decide to select a leader to facilitate review of the curriculum and make a recommendation to the board.

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CURRICULAR REQUIREMENTS

Content of the curricula ***MUST*** be **age-appropriate** and **medically accurate.** Wis. Stat. § 118.019(1m).

Age- appropriate means suitable to a particular age group of students based on their developing cognitive and emotional capacity and consistent with adolescent development and community standards. Wis. Stat. § 118.019(1m)(a). Medically accurate means information that is scientifically based and published, where appropriate, in peer-reviewed journals and textbooks. Wis. Stat. § 118.019(1m)(b).

The statute includes both topics that are ***recommended*** (Wis. Stat. § 118.019(2)) and topics that are ***required*** (Wis. Stat. § 118.019(2m)) to be taught in a human growth and development instructional program.

REVIEW OF CURRICULA

Committee members ***MUST*** review the human growth and development curricula for the district. Wis. Stat. § 118.019(5).

Committee members ***should*** review all the curricula and instructional materials used to teach any of the recommended or required topics in § 118.019 when taught in ***any*** class in the district.

The committee ***should*** meet as needed to review the curriculum, but at least once every three years. If new curriculum will be added, the committee should meet to review it.

While there are organizations that publish sex education guidance or recommendations, ***there is no required national standard*** when it comes to what is to be taught in a human growth and development class. The *only required subjects* in Wisconsin are listed in § 118.019(2m).

RECOMMENDATION TO THE SCHOOL BOARD

The advisory committee ***MUST*** make a recommendation to the school board about the *design* and *implementation* of the human growth and development curricula for the district. Wis. Stat. § 118.019(5).

The advisory committee ***should*** agree on a verbal or written presentation to the school board. Members of the committee ***should*** be present to respond to any questions from the school board.

The committee is advisory, and the school board has the authority to make the final decision on whether to adopt the human growth and development curriculum and its contents. Wis. Stat. § 118.019(5).

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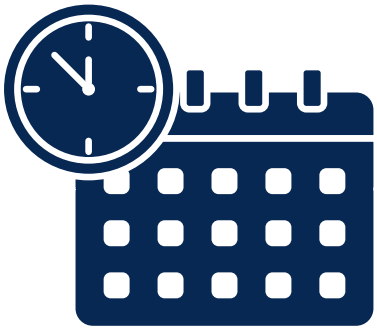
OPEN MEETINGS CONSIDERATIONS

Wisconsin's public records law provides that individuals are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them." Wis. Stat. § 19.31.

Most governmental committees such as HGD advisory committees are considered "authorities" subject to Wisconsin's public records and open meetings laws. Wis. Stat. § 19.82(1); *See also, State ex rel. Krueger v. Appleton Area Sch. Dist. Bd. of Educ.*, 2017 WI 70, 376 Wis. 2d 239, 898 N.W.2d 35.



As such, HGD advisory committee meetings ***MUST*** adhere to Wisconsin's Open Meetings Laws. Meetings must be noticed at least 24 hours in advance; including the date, time, place, and subject matter of the meeting. *Anyone*, regardless of whether or not he is on the committee or lives in the community, can attend these meetings. Wis. Stat. § 19.84.

A governmental body ***MUST*** make a reasonable effort to accommodate anyone who wants to record, film, or photograph an open session meeting, so long as it does not interfere with the conduct of the meeting. Wis. Stat. § 19.90

PARENT NOTICE AND OPT OUT

WHEN IS NOTICE REQUIRED?

School boards ***MUST*** provide annual notice to parents and an outline of the human growth and development curriculum used for the grade level of their child, information about how the parent may inspect the complete curriculum and instructional materials, and an explanation that parents may opt their child out of human growth and development instruction. Wis. Stat. § 118.019(3).

HOW SHOULD NOTICE BE PROVIDED?

Schools ***should*** err on the side of providing too much notice rather than too little. Consider inviting parents to an HGD informational meeting, providing more than one opportunity for parents to attend and meet HGD teachers, preview HGD instructional materials, and ask questions. Send invites both electronically and materials to be sent home.

Schools ***should*** provide a handbook to inform parents about HGD instruction in the district. Schools ***should*** distribute grade-level brochures describing any HGD materials available in the school library that include HGD topics listed in Wis. Stat. § 118.019.

PARENTAL NOTICE AND OPT OUT CONTINUED

WHAT HAPPENS IF A PARENT OPTS OUT?

If a parent opts-out his child from participating in part or all of the "HGD class," or any class that teaches the topics covered in Wis. Stat. § 118.019, the school ***CANNOT*** penalize the student in any way for not taking such instruction. Wis. Stat. § 118.01(2)(d)2.c. However, if a HGD course is a required course for graduation, the school board may require the student to complete "a similar assignment that is similar to the subjects in the length of time necessary to complete." *Id*.

HOW CAN PARENTS OPT-OUT OF HGD CONTENT IN OTHER CLASSES?

School boards ***should*** require district staff to provide notice to parents before any topics in Wis. Stat. § 118.019 are taught in ***any*** class including those that are not officially classified as "Human Growth and Development."

As such, schools should either limit HGD content to one instructional program or be prepared to provide parental notice any time any HGD content is taught.

WHY FOLLOW HUMAN GROWTH AND DEVELOPMENT CURRICULA BEST PRACTICES?

Parents have the ***Constitutional right*** to direct the upbringing of their child. *See Pierce v. Society of Sisters*, 268 U.S. 510, 534-35 (1925). When it comes to sensitive topics like human growth and development, parents are given the right in Wisconsin to know what is being taught, when it's being taught, and whether they would like their child to participate. Additionally, students are often most influenced by their parents. If a school would like students to get the most out of instruction, parental involvement is key. Schools and parents need to work together to accomplish the best outcome for the children, and the best way to do that is by implementing best practices.

The human growth and development advisory committee is not just required by law, but is a great asset in the development of curriculum. The committee is a group of members from your own community, that can provide insight into what is important to your community in terms of human growth and development teachings. With members of the clergy, healthcare professionals, teachers, parents, students and more, the committee can provide different perspectives to make the most out of the curriculum.

For any further questions or clarifications, please contact:
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