MODEL POLICY #31

# HUMAN GROWTH AND DEVELOPMENT ADVISORY COMMITTEE (WISCONSIN)

## Why Adopt This Policy?

If a Wisconsin school district adopts a human growth and development curriculum, the district must have an advisory committee. The only information available on this advisory committee is located at Wis. Stat. § 118.019(5), which is arguably both very descriptive and very vague. This policy sets up clear guidance and best practices for a school board on how to assemble the advisory committee, indicates who must be on the committee, and clarifies the role of the committee.

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## Policy

This school board has elected to include a Human Growth and Development (HGD) curriculum to be taught in its schools. As such, an ad hoc advisory committee shall be appointed by the school board to (a) review the HGD curriculum for the district and then (b) advise the board on the implementation and design of the curriculum.

To assemble the committee, the school board will inform the district community that it is assembling an advisory committee. The school board will work with district administration to create an application form for individuals who wish to serve on the committee. Interested individuals can request to be considered for the committee through the application form by the date set by the school board.

Because age-appropriateness of the HGD curriculum must be considered consistent with community standards, only committee members that reside in the district, or are otherwise part of the district (teachers, students, administrators, etc.) will be considered for the committee.

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. No one category of member shall constitute more than one fifth of the membership of the committee, except parents may constitute more than one fifth of the membership. No more than one quarter 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.

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.

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. For purposes of this policy, “instructional materials” means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the internet). This includes copyrighted materials used by a teacher, materials created by a teacher, and any tests or assessments.

The advisory committee should meet as needed to review the curriculum, but at least once every three years. If new curriculum is considered, the advisory committee shall meet to review and advise the board regarding its implementation.

Whenever a substantive change or update is considered, the HGD advisory committee must review the change and make a recommendation to the Board. The Board will then decide whether to implement the change. A substantive change includes adding an additional topic to be taught, updating a change in medical perspective, or changing a medical definition. Updating statistics to be accurate and relevant does not count as a substantive change and does not need to be reviewed by the committee and approved by the Board to be included in the curriculum.

The advisory committee should agree on a verbal or written presentation to the school board. At least one member of the committee shall 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 HGD curriculum and its contents.

Enforcement and accountability: If a parent or district taxpayer believes there is an issue with the advisory committee, they shall submit a request in writing to the school board. The request must explain the concern regarding the committee and include any applicable state laws or regulations. Upon receipt of this letter, the school board must include the concern on school board meeting agenda within 60 days of letter being received.

The HGD advisory committee meetings must adhere to Wisconsin's open meetings laws. As such, 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 he or she is on the committee or lives in the community, can attend these meetings.

For purposes of this policy, the term "parent" includes a legal guardian or other person who is legally responsible for the welfare of the child (such as a grandparent or stepparent with whom the child lives). Rights under this policy transfer from the parents to a student who is 18 years old or emancipated under state law.

## Legal Analysis — National

This policy is based on Wisconsin law. There are no federal laws that require local school districts to have human growth and development advisory committees or dictate requirements for them. Most laws regarding human growth and development or sexual education instruction are state-specific.

## Legal Analysis — Wisconsin

Instruction of Human Growth and Development (HGD) is not required of Wisconsin public schools. Wis. Stat. 118.019(2). If a school elects to teach HGD, an advisory committee must be appointed by the board to review and recommend the design and implementation of the HGD curriculum. Wis. Stat. § 118.019(5). 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.

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