



WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.  
330 E. Kilbourn Avenue, Suite 725, Milwaukee, WI 53202-3141  
414-727-WILL (9455)  
Fax 414-727-6385  
www.will-law.org

September 28, 2023

**Sent via Email to:**

Wrightstown Community School District Board  
c/o Nicole Gerend, School Board President ([ngerend@wrightstown.k12.wi.us](mailto:ngerend@wrightstown.k12.wi.us))

Andy Space, Superintendent ([space@wrightstown.k12.wi.us](mailto:space@wrightstown.k12.wi.us))

**Re: Wrightstown Community School District Noncompliance with  
Human Growth and Development Committee Requirements**

Dear Wrightstown School Board Members and Superintendent Space:

We are writing to you to demand compliance with respect to Wisconsin law relating to the School District's Human Growth and Development Curriculum requirements. We recently learned that the Wrightstown Community School District (the "District") is not in compliance with Wis. Stat. § 118.019. While the parent who reached out to us attempted for several months to urge compliance at the local level, the District continues to violate state law, and it appears school board members may have also been misled into believing that the Human Growth and Development Curriculum currently in place at the District had been reviewed and recommended by an advisory committee as required by state law, when in fact it had not.

**Timeline and Pattern of Noncompliance**

On February 16, 2022, a parent read the text of Wis. Stat. § 118.019 at a school board meeting. Since at least that time, the Board has been aware that a human growth and development advisory committee is required by Wisconsin state law. No such committee was in place in the District at the time, and to our knowledge, no such committee has *ever* been in place in the District. In fact, then Superintendent Carla Buboltz told the concerned parent, "As the District begins to set goals for the 2022-23 school year, exploring and convening an advisory committee on human growth and development will be part of the goals set related to Student Achievement."

Over a year then passed with no further communication on the topic and still no advisory committee in place. On Monday, June 19, 2023, at 8:21 p.m., Superintendent Buboltz reached out to the concerned parent and asked her to

attend an “advisory meeting for human growth and development tomorrow, Tuesday, June 20 at 4:30.” The parent indicated she was able to attend. At this meeting, several individuals attended who appear to have been chosen by Superintendent Buboltz or School Board President Nicole Gerand directly. Numerous invitees did not attend.

At the June 20, 2023, meeting, the attendees were not given an opportunity to review the curriculum. Instead, they were given an “overview” by a teacher in the District. The attendees did not discuss how to advise the school board on the design and implementation of the curriculum. Yet, at the June 21, 2023 school board meeting, the school board was told that the Human Growth and Development committee conducted a meeting. More recently, the Board decided to give the new Superintendent, Andy Space, “the ability to form an ad hoc committee when needed” (which begs the question of what the June meeting was in the first place).

In the meantime, a different parent raised concerns about being given incomplete information when being provided with an opportunity to opt her child out of Human Growth and Development instruction. In an email to the parents, the teacher of the Human Growth and Development Curriculum stated “this unit covers many important issues teens face today including the following topics: the anatomy and care of the female and male reproductive systems, transmission and protection from sexually transmitted diseases, sexual abuse, teen pregnancy and prevention of pregnancy, media influences and social pressures surrounding sexual activity, and most importantly, abstinence.” Nothing in the email said anything about gender ideology or sexual preference, yet those subjects were part of the curriculum as well.

On August 17, 2023, the parent who contacted us attended a meeting with Superintendent Andy Space and Board President Nicole Gerand. During this meeting Superintendent Space stated that “a majority of the school districts don’t even follow the state statute” and that the district has “never had a committee.” Despite knowing about the statutory requirements and blatantly ignoring them, Superintendent Space commented, “it’s not that someone doesn’t want to follow the state statute, but it’s out of sight out of mind.”

During the August 17, 2023, meeting, in response to being asked about why the committee was not given a chance to review the curriculum, Superintendent Space told the parent, “the curriculum, the standards, that’s developed by...the state comes out with standards.” That is not true. The State of Wisconsin may provide guidance, but it does not set the curriculum for school districts. While certain requirements exist in statute, state law explicitly provides that “the *school board* establishes the curriculum for the instructional program.” Wis. Stat. § 118.019(2). Board President Gerand told the parent, “we’re not going to review every single detail that goes on because it’s not, as a committee, it’s not our job to determine what the curriculum should be, it’s to talk about it as an overview.” As it

turns out, it was revealed at the August 16 school board meeting that the District is currently using curriculum from the State of Washington to teach this class. It was not explained who made the decision to use the State of Washington proposed curriculum or when or how that decision was made.

### **Practices of the District are in Conflict with State Law**

#### *Issues with the Required Advisory Committee*

The stated purpose of Wisconsin Statute § 118.019 is to foster a partnership between parents and students and for the district to promote the health and well-being of its students. School districts are not required to provide an instructional program in human growth and development. But if they do, the school board must determine the curriculum with the advice of a board-appointed committee.

If a school board provides an instructional program in human growth and development, certain statutory requirements are triggered. Importantly, parental notice is required. Parents are to be given an outline of the curriculum, information for how the parent may inspect the complete curriculum and instructional materials, and an explanation of how they may opt their child out. In addition, state law includes several topics which must be covered.

Relevant to the advisory committee, Wis. Stat. § 118.019(5) states: “In any school district that offers a human growth and development curriculum, the school board *shall* appoint an ad hoc advisory committee whose role is to advise the school board on the design and implementation of the human growth and development curriculum *and to review the curriculum.*” (Emphasis supplied). It goes on to provide requirements for committee makeup.

It is highly concerning that Superintendent Space states that the District has never followed the statute and just as concerning that he seems to believe that a cursory review undertaken by a committee thrown together on one day’s notice would comply. The District attempted, possibly for the first time ever, to essentially check a box by having a meeting at the last minute and not providing any curriculum to be reviewed. But the meeting that took place on June 20, 2023, was not satisfactory to comply with the statute. Attendees did not review any curriculum (much less “every detail”), and they did not discuss how to advise the School Board on design and implementation of the curriculum. This despite the Board being led to believe that an “advisory committee” meeting had occurred.

Statute § 118.019(5) is not a suggestion. It mandates that a committee made up of different sectors of the local community discuss what curriculum is appropriate based on community standards. Subsection five creates a way for community members to get involved and understand some of the decisions being

made on a highly sensitive topic. This goes toward the purpose of the statute being to foster partnership between parents and students.

### *Issues with Parents' Inability to Make an Informed Decision on Whether to Opt-Out*

Wis. Stat. § 118.019(3) also requires that “each school board that provides an instructional program in human growth and development shall annually provide the parents or guardians of each pupil enrolled in the school district with an outline of the human growth and development curriculum used in the pupil’s grade level.”

Wrightstown Community School District did not provide a comprehensive outline that would allow parents to make an informed decision concerning whether to opt their children out. When a teacher emailed parents with notice of upcoming instruction and information about opting out, the email did not provide an accurate outline of what would be taught in the course.

This example of providing incomplete information to parents goes directly against the purpose of the statute to “foster a partnership between parents of pupils attending schools in the school district.” Parents cannot be expected to trust the process, or the educators providing the instruction, if they are misled at the outset. If email notification from a teacher does not include a complete outline of the instructional program, how are parents to ever know that they are being provided full and accurate information about what their children will learn in the classroom?

### *Issues with the School Board Misunderstanding Its Authority to Select Curriculum*

While Superintendent Space seems to believe the curriculum is set by the State of Wisconsin, it is actually the school board that establishes the curriculum for the instructional program. *See* Wis. Stat. § 118.019(2) (stating that “the school board establishes the curriculum for the instructional program” and that “[I]f an instructional program is provided, the following instructional program is *recommended*.”) DPI provides *guidance*, but it is up to the School Board—not DPI or the state—to determine the curriculum for the Human Growth and Development instructional program.

## **The Wrightstown Community School District Must Follow the Law**

Compliance with this statute is neither optional nor difficult. Since we have been made aware of the district’s non-compliance, we are asking that the District quickly appoint an advisory committee that meets statutory requirements and allows the advisory committee to fulfill its statutory duties. We also ask that the District fully comply with the parental notification requirements (which includes providing parents with an accurate outline of curriculum) that allows parents to make an informed decision about whether or not to opt their child out.

Finally, we ask that you provide a substantive response to this letter and a timeline for statutory compliance by the District by the end of October, with the expectation that compliance will be reached by the end of 2023. If the District fails to comply with the statute, we are prepared to take legal action.

Sincerely,

WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.



Cory Brewer  
Attorney



Lauren Greuel  
Attorney