

MODEL POLICY #30

HUMAN GROWTH AND DEVELOPMENT INSTRUCTION AND PARENTAL NOTICE AND OPT OUT (WISCONSIN)

Why Adopt This Policy?

This policy sets a framework to ensure that any instruction in human growth and development aligns with state law, promotes medically accurate and age-appropriate instruction, involves parental input through an advisory committee, and provides parents with the opportunity to inspect and opt their child out of such instruction if desired. This policy promotes transparency and a clear process that prioritizes student learning and respects parental rights.

Note: This policy works in coordination with a District's Controversial Issues policy and its Social Emotional Learning Instruction and Parental Notification policy. WILL has also published Model Policies for those two subjects.

Policy

The School Board shall determine on a yearly basis whether students will receive instruction in human growth and development. If the School Board elects to provide an instructional program in human growth and development, it shall be administered in a manner consistent with Chapter 118.019 Wis. Stats, and must include the following:

1. Medically accurate and age-appropriate instruction in the following topics:
 - a. The importance of communication about sexuality between the pupil and the pupil's parents or guardians.
 - b. Reproductive and sexual anatomy and physiology, including biological, psychosocial, emotional, and intellectual changes that accompany maturation.
 - c. The benefits of and reasons for abstaining from sexual activity. Instruction under this subdivision shall stress the value of abstinence as the only reliable way to prevent pregnancy and sexually transmitted infections, and shall identify the skills necessary to remain abstinent.
 - d. Methods for developing healthy life skills, including setting goals, making responsible decisions, communicating, and managing stress.
 - e. How alcohol and drug use affect responsible decision making.
 - f. The impact of media and one's peers on thoughts, feelings, and behaviors related to sexuality.

- g. Adoption resources, prenatal care, and postnatal supports.
 - h. The nature and treatment of sexually transmitted infections.
2. Use of instructional methods and materials that do not discriminate against a student based upon the student's race, gender, religion, sexual orientation, or ethnic or cultural background or against children with disabilities;
 3. Use of instructional methods and materials that address self-esteem, personal responsibility, healthy relationships, and positive interpersonal skills, with an emphasis on healthy relationships;
 4. Identification of counseling, medical, and legal resources for survivors of sexual abuse and assault, including resources for escaping violent relationships;
 5. Use of instructional methods and materials that address the positive connection between marriage and parenting;
 6. Presentation of information about avoiding stereotyping and bullying, including how to refrain from making inappropriate remarks, avoid engaging in inappropriate physical or sexual behaviors, and how to recognize, reject, and report any unwanted or inappropriate remarks or physical or sexual behaviors.

The Superintendent will ensure that any instruction provided under this policy also includes age-appropriate instruction that specifically fulfills the requirements of Chapter 118.019(2m) Wis. Stats., including:

1. Presentation of abstinence from sexual activity as the preferred choice of behavior for unmarried students;
2. Emphasis that abstinence from sexual activity before marriage is the only reliable way to prevent pregnancy and sexually transmitted diseases, including human immunodeficiency virus and acquired immunodeficiency syndrome;
3. Provision of instruction in parental responsibility and the socioeconomic benefits of marriage for adults and their children;
4. Explanation of pregnancy, prenatal development, and childbirth;
5. Explanation of the criminal penalties for engaging in sexual activities involving a child under Ch. 948, Wis. Stats.;
6. Explanation of the sex offender registration requirements under Section 301.45;
 - a. Instruction under this paragraph shall include who is required to report under 301.45, Wis. Stats., what information must be reported, who has access to the information reported, and the implications of being registered under Section 301.45, Wis. Stats.
7. Provision of medically accurate information about the human papilloma virus and the human immunodeficiency virus and acquired immunodeficiency syndrome;
8. Explanation of the process under Section 48.195 under which a parent of a newborn child may relinquish custody of the child to a law enforcement officer, emergency medical services practitioner, or hospital staff member.

The Board authorizes the curriculum to include separation of students from members of the opposite sex.

Upon the determination of the board to offer a human growth and development curriculum, the board shall establish a citizens' advisory committee, in accordance with 118.019(5), Wis. Stats., in order to ensure the effective

participation of staff, parents, health care professionals, members of clergy, and other residents of the District in the design and implementation of this program area.

The District shall provide parents or guardians at least annually, at the beginning of the school year, with an outline of the human growth and development program used in their child's grade level as well as information regarding how the parent may inspect the complete program and instructional materials. Prior to use in the classroom, the program shall be made available to parents for inspection.

Parental notice of human growth and development topics shall be provided for any instruction on the topics listed in Wis. Stat. § 118.019. For all units or classes providing instruction on such topics, parents shall be provided notice in advance of the instruction and given the opportunity to opt their child out, regardless of whether the class is specifically a "human growth and development" class or not. The notice shall state that, in the event a student is excused, that student will still receive instruction on hygiene, sanitation, the effects of controlled substances and alcohol on the human system, symptoms of disease, and the proper care of the body (under Wis. Stat. § 118.01(2)(d)(2c)) and on knowledge of effective means to recognize, avoid, prevent, and halt physically or psychologically intrusive or abusive situations which may be harmful to students including child abuse, sexual abuse, and child enticement (under Wis. Stat. § 118.01(2)(d)(8)), unless exempted.

If a parent opts his or her child out from participating in all or part of the human growth and development curriculum, or any class that teaches the topics covered in Wis. Stat. § 118.019, the District shall not penalize the student in any way for not taking the instruction. However, if the human growth and development course is a required course for graduation, the Board may require the student to complete "a similar assignment that is similar in length of time necessary to complete." Wis. Stat. § 118.01(2)(d)2.c.

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 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

This policy is based on Wisconsin law. See Wis. Stat. §§ 118.019, 118.01(2)(d)(2c), 118.01(2)(d)(8), and 118.01(2)(d)2.c. Laws regarding this type of instruction are generally state-specific.



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