

# HUMAN GROWTH AND DEVELOPMENT INSTRUCTION AND PARENTAL NOTICE AND OPT OUT

## *Model School Board 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:

A. Medically accurate and age-appropriate instruction in the following topics:

1. The importance of communication about sexuality between the pupil and the pupil's parents or guardians.
2. Reproductive and sexual anatomy and physiology, including biological, psychosocial, emotional, and intellectual changes that accompany maturation.
3. 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.
4. Methods for developing healthy life skills, including setting goals, making responsible decisions, communicating, and managing stress.
5. How alcohol and drug use affect responsible decision making.
6. The impact of media and one's peers on thoughts, feelings, and behaviors related to sexuality.
7. Adoption resources, prenatal care, and postnatal supports.
8. The nature and treatment of sexually transmitted infections.

B. 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;



C. Use of instructional methods and materials that address self-esteem, personal responsibility, healthy relationships, and positive interpersonal skills, with an emphasis on healthy relationships;

D. Identification of counseling, medical, and legal resources for survivors of sexual abuse and assault, including resources for escaping violent relationships;

E. Use of instructional methods and materials that address the positive connection between marriage and parenting;

F. 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 A. 1–8, above. 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. The notice shall state that, in the event a student is excused, that student will still receive instruction under Wis. Stat. 118.01(2)(d)2c, Wis. Stats. unless exempted and under 118.01(2)(d)8, Wis. Stats.

For purposes of this policy, the term "parent" includes a legal guardian or other person standing in loco parentis (such as grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).



Rights under this policy transfer from the parents to a student who is 18 years old or emancipated under State law.

### *Legal Analysis*

Under Wisconsin law, human growth and development is an optional instructional program that the School Board can choose to provide. If the Board chooses to provide such a program, it must meet certain requirements. Wisconsin law requires that parents be provided with information regarding how they may inspect the human growth and development curriculum instructional materials, and no student may be required to take instruction in human growth and development. See Wis. Stat. § 118.01(2)(d); Wis. Stat. § 118.019.

This should not be construed as legal advice. Wisconsin Institute for Law & Liberty (WILL) is a 501(c)(3) nonprofit organization that is providing model policies as a resource for public use.

