
FOR YOUR INFORMATION

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News For School Clients

Instruction in Human Growth and Development

This FYI discusses the law related to instruction on human growth and development. The law requires school boards to provide instruction on some topics in this area, but only encourages school boards to provide instruction on other topics. School boards must be aware of both categories and provide instruction as appropriate.

General expectations related to public instruction are set forth under Wis. Stat. § 118.01. This section of the statute requires instruction in certain areas, including in the area of personal development. Each school board must provide an instructional program designed to give students knowledge of the human body and the means to maintain lifelong health. In addition, students in elementary school must be instructed on ways to recognize, avoid, prevent and halt physically or psychologically intrusive or abusive situations that may be harmful to students.

Students must also be instructed on physiology and hygiene, sanitation, the effects of controlled substances and alcohol upon the human system, symptoms of disease, and the proper care of the human body. Instruction on physiology and hygiene in high school must include instruction on sexually transmitted diseases. No student may be required to take instruction in these subjects if his or her parent/guardian files a written objection with the teacher. In such cases, the student cannot be penalized for not taking the instruction, but can be required to complete an alternative assignment if the subject is needed for

graduation. School boards must be aware of these general requirements and ensure that instruction is provided on these topics.

Under a different section of the statute, Wis. Stat. § 118.019, school boards are encouraged, but are not required, to provide additional instruction on certain specific topics related to human growth and development in grades kindergarten to 12. If provided, such a program may include instruction in any of the following areas: (1) self-esteem, responsible decision making, and personal responsibility; (2) interpersonal relationships; (3) discouragement of adolescent sexual activity; (4) family life and skills required of a parent; and (5) human sexuality, reproduction, family planning (as specifically defined under the law), including natural family planning, human immunodeficiency virus and acquired immunodeficiency syndrome, prenatal development and childbirth, adoption, available prenatal and postnatal support, and male and female responsibility; and (6) sex stereotypes and protective behavior.

Thus, school boards must decide whether it will provide instruction on these topics. The Legislature has encouraged school boards to provide such instruction for several reasons, including to promote accurate and comprehensive knowledge in this area; to promote responsible decision making by students; and to support and enhance the efforts of parents to provide moral guidance to their

children. Some school boards have already adopted policies to provide this instruction, and if so, they must follow certain requirements related to such instruction, as described below.

In particular, if a school board provides such a program, the program must offer information and instruction appropriate to each grade level and the age and level of maturity of the students. In addition, the school board must, on an annual basis, provide parents of each student enrolled in the school district with an outline of the human growth and development curriculum used in the student's grade level. The board must also annually provide these parents with information regarding how the parent may inspect the complete curriculum and instructional materials and must make the complete curriculum and all instructional materials available upon request for inspection at any time.

School boards are not required to seek permission from parents in order to provide instruction in this area. However, parents may request that their child be exempted from such instruction. Such a request must be in writing and must be submitted to the teacher or principal. If such a request is submitted, the school board cannot require the student to participate in such instruction.

If a program is provided, the school board must also appoint an advisory committee to develop the curriculum and advise the school board on the design, review, and implementation of the advisory committee's curriculum. This advisory committee must be composed of parents, teachers, school administrators, students, health care professionals, members of the clergy, and

other residents of the school district. It must also review the curriculum at least every three years.

In 2006, the Wisconsin Legislature enacted new requirements related to programs under Wis. Stat. § 118.019, and school boards must be aware of these new requirements. Specifically, if a school board provides instruction in the areas of human sexuality, reproduction, and family planning, the school board must also provide instruction in marriage and parental responsibility as part of the same course during the same school year. Further, any such instruction in marriage and parental responsibility must (1) present abstinence from sexual activity as the preferred choice of behavior in relationship to all sexual activity for unmarried students, and (2) emphasize that abstinence from sexual activity before marriage is the most effective way to prevent pregnancy and sexually transmitted diseases, including human immunodeficiency virus and acquired immunodeficiency syndrome.

Although the law prohibits requiring school boards to use a specific human growth and development curriculum, the Department of Public Instruction (DPI) is authorized by law to provide guidelines to help school districts develop comprehensive health education programs and may assist in the development of plans and procedures for the evaluation of health education curricula. To this end, DPI has developed a comprehensive resource packet entitled *Human Growth and Development: A Resource Packet to Assist School Districts in Program Development, Implementation, and Assessment*, which is available at <http://dpi.wi.gov/sspw/hgd.html>. It is a valuable resource for schools on this topic.

If you have any questions regarding this topic, please call any of the following members of the Lathrop & Clark LLP School, Municipal, Labor and Employment Law Team.

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