

Instruction**SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION**

The Governing Board ~~recognizes that~~ ***desires to provide a well-planned, integrated sequence of medically accurate and inclusive instruction on comprehensive sexual health and human immunodeficiency virus (HIV) prevention.*** ~~information about family life and human sexuality may contribute to a decreased risk for sexually transmitted diseases, or unintended pregnancies. The Board also recognizes that Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) pose a public health crisis and that education is a necessary component for helping to slow the spread of this disease. The Board therefore desires to provide a well-planned sequence of instruction on comprehensive sexual health and HIV/AIDS prevention.~~ ***The district's educational program shall provide students with the knowledge and skills necessary to protect them from sexually transmitted infections and unintended pregnancy and to have healthy, positive, and safe relationships and behaviors. The district's educational program shall also promote understanding of sexuality as a normal part of human development and the development of healthy attitudes and behaviors concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family.***

(cf. 5030 – Student Wellness)

(cf. 6142.8 - Comprehensive Health Education)

Comprehensive sexual health education and HIV prevention education shall be offered to all students in grades 7-12, including at least once in junior high or middle school and at least once in high school. (Education Code 51934)

The district's curriculum shall ~~be based on medically accurate and factual information and shall help students understand the biological, psychological, social, moral, and ethical aspects of human sexuality~~ ***support the purposes of the California Healthy Youth Act as specified in Education Code 51930-51939, be unbiased and inclusive of all students in the classroom, and be aligned with the state's content standards.*** The district's program shall ~~comply with the requirements of law and administrative regulation and shall respect the rights of parents/guardians to supervise their children's education on these subjects and to impart values regarding human sexuality to their children.~~

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.25 - Availability of Condoms)

(cf. 5146 - Married/Pregnant/Parenting Students)

~~(cf. 6142.8 – Comprehensive Health Education)~~

(cf. 6143 - Courses of Study)

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The Superintendent or designee may appoint a coordinator and an advisory committee regarding the district's comprehensive sexual health program *and HIV prevention curriculum*. ~~This~~ *The* advisory committee shall represent a divergence of viewpoints and may participate in planning, implementing and evaluating the district's ~~comprehensive sexual health education~~ program. ~~The Board shall consider the advisory committee's recommendations when approving the district's program.~~

(cf. 1220 - Citizen Advisory Committees)

Parent/Guardian Notification and Excuse *Consent*

~~At the beginning of each school year, or at the time of a student's enrollment~~ *Annually*, parents/guardians shall be notified about instruction in comprehensive sexual health education and HIV/AIDS prevention education, as well as research on student health behaviors and risks, planned for the coming year. The notice shall advise parents/guardians *in the manner specified in the accompanying administrative regulation that they may request in writing that their child be excused from participating in comprehensive sexual health and HIV prevention education*. Students so excused by their parents/guardians shall be given an alternative educational activity. (Education Code ~~48980~~, 51240, *51938*, 51939)

(cf. 5022 – Student and Family Privacy Rights)

A student shall not be subject to disciplinary action, academic penalty, or other sanction if the student's parent/guardian declines to permit the student to receive the instruction. (Education Code 51939)

- ~~1. That written and audiovisual educational materials to be used in comprehensive sexual health and HIV/AIDS prevention education are available for inspection~~
- ~~2. That parents/guardians may request in writing that their child not receive comprehensive sexual health or HIV/AIDS prevention education~~
- ~~3. That parents/guardians have a right to request a copy of Education Code 51930-51938~~
- ~~4. Whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by district personnel or outside consultants~~

~~If the district chooses to use outside consultants or to hold an assembly with guest speakers to teach the comprehensive sexual health or HIV/AIDS prevention education, the notification shall include: (Education Code 51938)~~

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- a. ~~The date of the instruction~~
- b. ~~The name of the organization or affiliation of each guest speaker~~
- e. ~~Information stating the right of the parent/guardian to request a copy of Education Code 51933-51934~~

~~If the arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the district shall notify parents/guardians by mail or another commonly used method of notification no fewer than 14 days before the instruction is given. (Education Code 51938)~~

~~(cf. 5145.6—Parental Notifications)~~

~~Parents/guardians shall be asked to sign and return to the school an acknowledgment that they have received the notification.~~

~~(cf. 5022—Student and Family Privacy Rights)~~

~~Upon written request, a parent/guardian may excuse his/her child from participating in comprehensive sexual health or HIV/AIDS prevention education or from participating in questionnaires or surveys regarding health behaviors and risks.~~

Legal Reference:

EDUCATION CODE

220	<i>Prohibition of discrimination</i>
33544	<i>Inclusion of sexual harassment and violence in health curriculum framework</i>
48980	Notice at beginning of term
51202	Instruction in personal and public health and safety
51210.8	<i>Health education curriculum</i>
51225.35	<i>Instruction in sexual harassment and violence; districts that require health education for graduation</i>
51240	Excuse from instruction due to religious beliefs
51513	Materials containing questions about beliefs or practices
51930-51939	Comprehensive Sexual Health and HIV/AIDS Prevention Education Act <i>California Healthy Youth Act</i>
67386	<i>Student safety; affirmative consent standard</i>
HEALTH AND SAFETY CODE	
1255.7	Parents surrendering physical custody of a baby

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PENAL CODE

243.4 Sexual battery
261.5 Unlawful sexual intercourse
271.5 Parents voluntarily surrendering custody of a baby

UNITED STATES CODE, TITLE 20

1232h Protection of student rights
7906 Sex education

Management Resources:

CDE PUBLICATIONS

~~Health Framework for California Public Schools, 2003~~

Promoting Healthy Relationships for Adolescents: Board Policy Considerations, Governance Brief, August 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten through Grade 12, 2003

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Sex Education and HIV/STD Instruction:

<http://www.cde.ca.gov/ls/he/se/>

California Department of Public Health: <http://www.cdph.ca.gov>

~~California Department of Health Services:~~ <http://www.dhs.ca.gov>

~~California Department of Social Services:~~ <http://www.dss.ca.gov>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Safe Schools Coalition: <http://www.casafeschools.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

U.S. Food and Drug Administration: <http://www.fda.gov>

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Comprehensive Sexual Health Instruction

~~The district's sexual health education curriculum shall satisfy the following criteria: (Education Code 51931, 51933)~~

Definitions

Comprehensive sexual health education means education regarding human development and sexuality, including education on pregnancy, contraception, and sexually transmitted infections. (Education Code 51931)

HIV prevention education means instruction on the nature of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS), methods of transmission, strategies to reduce the risk of HIV infection, and social and public health issues related to HIV and AIDS. (Education Code 51931)

(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

~~1. Instruction and materials shall be age appropriate.~~

Age appropriate refers to topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. ***(Education Code 51931)***

~~2. All factual information presented shall be medically accurate and objective.~~

Medically accurate means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists. ***(Education Code 51931)***

General Criteria for Instruction and Materials

The Superintendent or designee shall ensure that the district's comprehensive sexual health and HIV prevention instruction and materials: (Education Code 51933)

~~3. Instruction shall be made available on an equal basis to a student who is an English learner,~~

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~~consistent with the existing curriculum and alternative options for an English learner student, as otherwise provided in the Education Code.~~

~~(cf. 6174 - Education for English Language Learners)~~

1. *Are age appropriate*
2. *Are factually and medically accurate and objective*
3. *Align with and support the following purposes as specified in Education Code 51930:*
 - a. *To provide students with the knowledge and skills necessary to protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy*
 - b. *To provide students with the knowledge and skills they need to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family*
 - c. *To promote understanding of sexuality as a normal part of human development*
 - d. *To ensure students receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention instruction and provide educators with clear tools and guidance to accomplish that end*
 - e. *To provide students with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors*
4. ~~Instruction and materials shall be~~ *Are* appropriate for use with students of all races, genders, sexual orientations, *and* ethnic and cultural backgrounds; ~~and~~ students with disabilities; *and English learners*

~~(cf. 0410 - Nondiscrimination in District Programs and Activities)~~

~~(cf. 1312.3 - Uniform Complaint Procedures)~~

~~(cf. 6174 - Education for English Language Learners)~~

5. *Are available on an equal basis to a student who is an English learner, consistent with the existing curriculum and alternative options for an English learner as otherwise provided in the Education Code*

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~~6. Instruction and materials shall be accessible~~ ***Are accessible*** to students with disabilities, including, but not limited to, the provision of a modified curriculum, materials and instruction in alternative formats, and auxiliary aids.

~~7. Instruction and materials may~~ ***Do*** not reflect or promote bias against any person on the basis of any ~~in~~ category protected ***protected categories of discrimination pursuant to*** Education Code 220

8. Affirmatively recognize that people have different sexual orientations and, when discussing or providing examples of relationships and couples, shall be inclusive of same-sex relationships

9. Teach students about gender, gender expression, and gender identity, and explore the harm of negative gender stereotypes

~~10. Instruction and materials shall~~ ***Encourage*** a students to communicate with his/her ***their*** parents/guardians ***and other trusted adults*** about human sexuality ***and provide the knowledge and skills necessary to do so***

~~11. Instruction and materials shall teach respect for marriage and~~ ***Teach the value of and prepare students to have and maintain*** committed relationships ***such as marriage***

12. Provide students with knowledge and skills they need to form healthy relationships that are based on mutual respect and affection and are free from violence, coercion, and intimidation

(cf. 5145.3 - Nondiscrimination/Harassment)

13. Provide students with knowledge and skills for making and implementing healthy decisions about sexuality, including negotiation and refusal skills to assist students in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities

~~14. Instruction and materials may~~ ***Do*** not teach or promote religious doctrine.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Components of Sexual Health and HIV Prevention Education

The district's comprehensive sexual health education and HIV prevention education for

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students in grades 7-12, in addition to complying with the criteria listed above in the section "General Criteria for Instruction and Materials," shall include all of the following: (Education Code 51934)

1. Information on the nature of HIV/AIDS and *other sexually transmitted infections and their* effects on the human body
2. Information on the manner in which HIV is *and other sexually transmitted infections are and are* not transmitted, including information on activities that present the highest *the relative risk of HIV* infection according to specific behaviors, including sexual behaviors and injection drug use
3. *Information that abstinence from sexual activity and injection drug use is the only certain way to prevent HIV and other sexually transmitted infections, and that abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy*

The instruction shall provide information about the value of delaying sexual activity while also providing medically accurate information on other methods of preventing HIV and other sexually transmitted infections and pregnancy.

*(cf. 5141.25 - Availability of Condoms)
(cf. 5146 - Married/Pregnant/Parenting Students)*

4. *Information about the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods that prevent or reduce the risk of contracting HIV and other sexually transmitted infections, including use of antiretroviral medication, consistent with the Centers for Disease Control and Prevention*
5. *Information about the effectiveness and safety of reducing the risk of HIV transmission as a result of injection drug use by decreasing needle use and needle sharing*
6. *Information about the treatment of HIV and other sexually transmitted infections, including how antiretroviral therapy can dramatically prolong the lives of many people living with HIV and reduce the likelihood of transmitting HIV to others*
7. *Discussion about social views on HIV and AIDS, including addressing unfounded stereotypes and myths regarding HIV and AIDS and people living with HIV*

This instruction shall emphasize that successfully treated HIV-positive individuals have a normal life expectancy, all people are at some risk of contracting HIV, and that testing is the only way to know if one is HIV-positive

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8. Information about local resources, how to access local resources, and students' legal rights to access local resources for sexual and reproductive health care such as testing and medical care for HIV and other sexually transmitted infections and pregnancy prevention and care, as well as local resources for assistance with sexual assault and intimate partner violence

9. Information about the effectiveness and safety of FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception. Instruction on pregnancy shall include an objective discussion of all legally available pregnancy outcomes, including, but not limited to:

a. Parenting, adoption, and abortion

b. Information on the law on surrendering physical custody of a minor child 72 hours of age or younger, pursuant to Health and Safety Code 1255.7 and Penal Code 271.5

c. The importance of prenatal care

10. Information about sexual harassment, sexual assault, adolescent relationship abuse, intimate partner violence, and sex trafficking

~~10. Beginning in grade 7, instruction and materials shall teach that abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy, teach that abstinence from sexual activity is the only certain way to prevent sexually transmitted diseases, and provide information about the value of abstinence while also providing medically accurate information on other methods of preventing pregnancy and sexually transmitted diseases.~~

~~11. Beginning in grade 7, instruction and materials shall provide information about sexually transmitted diseases. This instruction shall include how sexually transmitted diseases are and are not transmitted, the effectiveness and safety of all federal Food and Drug Administration (FDA)-approved methods of reducing the risk of contracting sexually transmitted diseases, and information on local resources for testing and medical care for sexually transmitted diseases.~~

~~12. Beginning in grade 7, instruction and materials shall provide information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception.~~

~~(cf. 5141.25—Availability of Condoms)~~

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~~13. Beginning in grade 7, instruction and materials shall provide students with skills for making and implementing responsible decisions about sexuality.~~

~~(cf. 5146—Married/Pregnant/Parenting Students)~~

~~14. Beginning in grade 7, instruction and materials shall provide students with information on the law on surrendering physical custody of a minor child 72 hours or younger, pursuant to Health and Safety Code 1255.7 and Penal Code 271.5.~~

~~(cf. 6143—Courses of Study)~~

~~HIV/AIDS Prevention Instruction~~

~~HIV/AIDS prevention instruction shall be offered at least once in junior high or middle school and once in high school by instructor trained in the appropriate courses. instruction shall accurately reflect the latest information and recommendations from the United States Surgeon-General, the federal Centers for Disease Control and Prevention, and the National Academy of Sciences and shall include: (Education Code 51934)~~

Professional Development

The district's comprehensive sexual health education and HIV prevention education shall be provided by instructors trained in the appropriate courses who are knowledgeable of the most recent medically accurate research on human sexuality, healthy relationships, pregnancy, and HIV and other sexually transmitted infections. (Education Code 51931, 51933, 51934)

The Superintendent or designee shall cooperatively plan and conduct in-service training for all district personnel who provide HIV prevention education, through regional planning, joint powers agreements, or contract services. (Education Code 51935)

(cf. 4131 – Staff Development)

In developing and providing in-service training, the Superintendent or designee shall cooperate and collaborate with the teachers who provide HIV/AIDS prevention education and with the California Department of Education (**CDE**). (Education Code 51935)

The district shall periodically conduct in-service training to enable district personnel to learn new developments in the scientific understanding of HIV/AIDS. In-service training shall be voluntary for district personnel who have demonstrated expertise or received in-service training from the California Department of Education **CDE** or federal Centers for Disease Control and Prevention.

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(Education Code 51935)

The Superintendent or designee may expand HIV/AIDS in-service training to cover the topic of comprehensive sexual health education for district personnel teaching **comprehensive** sexual health education for district personnel to learn new developments in the scientific understanding of sexual health. (Education Code 51935)

Use of Consultants or Guest Speakers

The Superintendent or designee may contract with outside consultants **or guest speakers** with expertise in comprehensive sexual health or HIV/AIDS prevention education, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver the instruction or to provide training for district personnel, **comprehensive sexual health and HIV prevention education or to provide training for district personnel. All outside consultants and guest speakers shall have expertise in comprehensive sexual health education and HIV prevention education and knowledge of the most recent medically accurate research on the relevant topic(s) covered in the instruction. The Superintendent or designee shall ensure that any instruction provided by an outside speaker or consultant complies with Board policy, administrative regulation, and Education Code 51930-51939. (Education Code 51933, 51934, 51936)**

(cf. 6145.8 - Assemblies and Special Events)

Parent/Guardian Notification

At the beginning of each school year or at the time of a student's enrollment, the Superintendent or designee shall notify parents/guardians about instruction in comprehensive sexual health education and HIV prevention education, as well as research on student health behaviors and risks, planned for the coming year. The notice shall advise parents/guardians: (Education Code 48980, 51938)

- 1. That written and audiovisual educational materials to be used in comprehensive sexual health and HIV prevention education are available for inspection***
- 2. That parents/guardians have a right to excuse their child from comprehensive sexual health or HIV prevention education, or research on student health behaviors and risks, provided they submit their request in writing to the district***
- 3. That parents/guardians have a right to request a copy of Education Code 51930-51939***
- 4. Whether the comprehensive sexual health or HIV prevention education will be taught***

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by district personnel or outside consultants

If the district chooses to use outside consultants or to hold an assembly with guest speakers to deliver comprehensive sexual health or HIV prevention education, the notification shall include: (Education Code 51938)

- a. The date of the instruction*
- b. The name of the organization or affiliation of each guest speaker*
- c. Information stating the right of the parent/guardian to request a copy of Education Code 51933, 51934, and 51938*

If the arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the Superintendent or designee shall notify parents/guardians by mail or another commonly used method of notification no fewer than 14 days before the instruction is given. (Education Code 51938)

(cf. 5145.6 - Parental Notifications)

Nonapplicability to Certain Instruction or Materials

The requirements of Education Code 51930-51939 pertaining to instructional content, teacher training, and parental notification and consent shall not apply to the following: (Education Code 51932)

- 1. A description or illustration of human reproductive organs that may appear in a textbook, adopted pursuant to law, if the textbook does not include other elements of comprehensive sexual health education or HIV prevention education*

(cf. 6142.93 - Science Instruction)

- 2. Instruction or materials that discuss gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and do not discuss human reproductive organs and their functions*