Instruction
SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION

The County Superintendent and County Board desire to provide a well-planned, integrated sequence of medically accurate and inclusive instruction on comprehensive sexual health and human immunodeficiency virus (HIV) prevention. The educational program shall address the goals of the California Healthy Youth Act pursuant to Education Code 51930-51939, including providing students with the knowledge and skills necessary to protect them from risks presented by sexually transmitted infections, unintended pregnancy, sexual harassment, sexual assault, sexual abuse, and human trafficking and to have healthy, positive, and safe relationships and behaviors. The educational program shall also promote students' understanding of sexuality as a normal part of human development and their development of healthy attitudes and behaviors concerning adolescent growth and development, body image, gender, gender identity, gender expression, sexual orientation, relationships, marriage, and family.

The instruction 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.

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

The comprehensive sexual health education program shall include information on the affirmative consent standard. Affirmative consent is defined as affirmative, conscious, and voluntary agreement to engage in sexual activity. Teachers delivering such instruction shall consult information related to sexual harassment and violence in the state health curriculum framework. (Education Code 51225.36, 67386)

The County Superintendent or designee shall identify appropriate methods for informing the school community about subjects related to the comprehensive sexual health and HIV prevention education. The County Superintendent or designee shall use such identified methods to inform parents/guardians of students in grades 6-12 about human trafficking prevention resources, as required pursuant to Education Code 49381.

Parent/Guardian Consent

At the beginning of each school year or at the time of a student's enrollment, parents/guardians shall be notified, in the manner specified in the 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 51240, 51938, 51939)

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)
Legal Reference

Education Code
220 Prohibition of discrimination
33544 Inclusion of sexual harassment and violence in health curriculum framework
48980 Notice at beginning of term
49381 Human trafficking prevention resources
51202 Instruction in personal and public health and safety
51210.8 Health education curriculum
51225.36 Instruction in sexual harassment and violence; districts that require health education for graduation
51240 Excuse from instruction due to religious beliefs
51513 Test, questionnaire, survey, or examination containing questions about beliefs or practices
51930-51939 California Healthy Youth Act
51950 Abuse, sexual abuse, and human trafficking prevention education
67386 Student safety; affirmative consent standard

Health and Safety Code
1255.7 Parents surrendering physical custody of a baby

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 requirements and prohibited use of funds

Management Resources

CSBA Publications
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, 2008
Health Framework for California Public Schools: Kindergarten through Grade 12, 2003

Human Rights Campaign Foundation Publications
California LGBTQ Youth Report, January 2019
Websites
CSBA:  http://www.csba.org
California Department of Education, Sex Education and HIV/AIDS/STD Instruction:  
http://www.cde.ca.gov/lsehe/se
California Department of Public Health:  http://www.cdph.ca.gov
California Healthy Kids Resource Center:  http://www.californiahealthykids.org
California Partnership to End Domestic Violence:  http://www.cpedv.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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