

California Healthy Youth Act

Comprehensive Sexual Health Education and
Human Immunodeficiency Virus Prevention Education

California *Education Code* sections
51930–51939

<http://leginfo.legislature.ca.gov/>

This presentation cites California *Education Code* directly

EC Section DEPARTMENT OF EDUCATION
Tony Thurmond, State Superintendent of Public Instruction



California *Education Codes* sections 51930–51939

Article 1 General Provisions

Article 2 Required Comprehensive Sexual
Health Education and Human
Immunodeficiency Virus (HIV)
Prevention Education

Article 3 In-service Training

Article 4 Notice and Parental Excuse



Purpose of the California Healthy Youth Act (1)

- (1) To provide pupils with the **knowledge** and **skills** necessary to protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy.
- (2) To provide pupils 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.



Purpose of the California Healthy Youth Act (2)

- (3) To promote understanding of sexuality as a normal part of human development
- (4) To ensure pupils receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention instruction and provide educators with clear tools and guidance to accomplish that end
- (5) To provide pupils with the **knowledge** and **skills** necessary to have healthy, positive, and safe relationships and behaviors



Comprehensive Sexual Health Education
AND

HIV Prevention Education
are mandated

for pupils in grades seven through twelfth grade

Instruction shall be provided **at least once** in junior high/middle school and **at least once** in high school



Terminology (1)

- (a) “Age appropriate”
- (b) “Comprehensive sexual health education”
- (c) “English learner”
- (d) “HIV prevention education”
- (e) “Instructors trained in the appropriate courses”
- (f) “Medically accurate”
- (g) “School district”



Terminology (2)

(b) “Comprehensive sexual health education”

means education regarding human development and sexuality, including education on menstrual health, pregnancy, contraception, and sexuality transmitted infections.

(d) “HIV prevention education”

means instruction on the nature of HIV and Acquired immunodeficiency syndrome (AIDS), methods of transmission, strategies to reduce the risk of HIV infection, and social and public health issues related to HIV and AIDS.

EC Section 51931



Terminology (3)

(f) “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 ...

- Centers for Disease Control and Prevention
- The American Public Health Association
- The American Academy of Pediatrics
- The American College of Obstetricians and Gynecologists



Terminology (4)

(g)(1) “School district”

includes county boards of education, county superintendents of schools, the California school for the Deaf, and the California School for the Blind.

(2) Commencing with the 2019–20 school year, “school district” also includes charter schools.

(Amended by Statutes 2018, Chapter 495, Section 1 (Assembly Bill 2601 Effective January 1, 2019)

EC Section 51931



This Chapter Does Not Apply To:

- (a) ... description or illustration of human reproductive organs that may appear in a textbook ... if the textbook does not include other elements of comprehensive sexual health education or HIV prevention education...
- (b) ... instruction, materials, presentations, or programming 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.

EC Section 51932



Caveats:

- (i) Instruction and materials may not teach or promote religious doctrine.
- (4) Instruction and materials shall not reflect or promote bias against any person on the basis of any category protected by Section 220.

EC Section 51933



California *Education Code* Section 220

No person shall be subjected to discrimination based on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Penal Code Section 422.55...



California *Penal Code* Section 422.55

(a) “Hate crime” means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

(1) Disability

(2) Gender

(3) Nationality

(4) Race or ethnicity

(5) Religion

(6) Sexual orientation

(7) Association with a person or group with one or more of these actual or perceived characteristics



Required Criteria For All Instruction (1)

- (a) Instruction and materials shall be age appropriate.
- (b) All factual information presented shall be medically accurate and objective.
- (c) All instruction and materials shall align with and support the purposes of this [act] ... and may not be in conflict with them...



Required Criteria For All Instruction (2)

- (d)(1) Instruction and materials shall be appropriate for use with pupils of all races, genders, sexual orientations, and ethnic and cultural backgrounds, pupils with disabilities, and English learners.
- (2) Instruction and materials shall be made available on an equal basis to a pupil who is an English learner, consistent with the existing curriculum and alternative options for an English learner pupil as otherwise provided in this code.



Required Criteria For All Instruction (3)

- (d)(3) Instruction and materials shall be accessible to pupils with disabilities, including, but not limited to, the provision of a modified curriculum, materials and instruction in alternative formats, and auxiliary aids.
- (4) Instruction and materials shall not reflect or promote bias against any person on the basis of any category protected by Section 220.



Required Criteria For All Instruction (4)

- (d)(5) Instruction and materials shall 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.
- (6) Instruction and materials shall teach pupils about gender, gender expression, gender identity, and explore the harm of negative gender stereotypes.



Required Criteria For All Instruction (5)

- (e) Instruction and materials shall encourage a pupil to communicate with his or her parents, guardians, and other trusted adults about human sexuality and provide the knowledge and skills necessary to do so.
- (f) Instruction and materials shall teach the value of and prepare pupils to have and maintain committed relationships such as marriage.



Required Criteria For All Instruction (6)

- (g) Instruction and materials shall provide pupils 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.
- (h) Instruction and materials shall provide pupils with knowledge and skills for making and implementing healthy decisions about sexuality, including negotiation and refusal skills to assist pupils in overcoming peer pressure and using effective decision making skills to avoid high-risk activities.
- (i) Instruction and materials may not teach or promote religious doctrine.



Required Instruction for Grades Seven Through Twelfth Grade (1)

- (1) Information on the nature of HIV, as well as other sexually transmitted infections, and their effects on the human body.
- (2) Information on the manner in which HIV and other sexually transmitted infections are and are not transmitted, including information on the relative risk of infection according to specific behaviors, including sexual activities and injection drug use.



Required Instruction for Grades Seven Through Twelfth Grade (2)

- (3) Information that abstinence from sexual activity and injection drug use is the only certain way to prevent HIV and other sexual transmitted infections and abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy. This 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.



Required Instruction for Grades Seven Through Twelfth Grade (3)

- (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 federal 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.

EC Section 51934



Required Instruction for Grades Seven Through Twelfth Grade (4)

- (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 the only way to know if one is HIV-positive is to get tested.

EC Section 51934



Required Instruction for Grades Seven Through Twelfth Grade (5)

- (8) Information about local resources, how to access local resources, and **pupils' 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.

Regarding students legal right to access local resources:
EC Section 46010.1 Confidential Medical Services

EC Section 51934



Required Instruction for Grades Seven Through Twelfth Grade (6)

- (9) Information about the effectiveness and safety of all 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, all of the following:
- (A) Parenting, adoption, and abortion.
 - (B) Information on the law on surrendering physical custody of a minor child 72 hours of age or younger...
 - (C) The importance of prenatal care.



Required Instruction for Grades Seven Through Twelfth Grade (7)

- (10) Information about sexual assault, sexual harassment, sexual abuse, and human trafficking. Information on human trafficking shall include both of the following:
- (A) Information on the prevalence, nature, and strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance.
 - (B) Information on how social media and mobile device applications are used for human trafficking.

EC Section 51934



Required Instruction for Grades Seven Through Twelfth Grade (8)

- (11) Information about adolescent relationship abuse and intimate partner violence, including the early warning signs thereof, and information about the resources available to pupils related to adolescent relationship abuse and intimate partner violence, including the National Domestic Violence Hotline and local domestic violence hotlines that provide confidential support services for pupils that have experienced domestic violence or stalking and are available by telephone 24 hours a day.



Required Instruction for Grades Seven Through Twelfth Grade (9)

Optional Instruction for grades seven through twelfth grade:

- (11)(b) A school district may provide optional instruction, as part of comprehensive sexual health education and HIV prevention education, regarding the potential risks and consequences of creating and sharing sexually suggestive or sexually explicit materials through cellular telephones, social networking internet websites, computer networks, or other digital media.

EC Section 51934



Required Instruction for Grades Seven Through Twelfth Grade (10)

Optional Instruction for instruction earlier than grade seven:

(11)(c) A school district may provide comprehensive sexual health education or HIV prevention education consisting of age-appropriate instruction earlier than grade 7 using instructors trained in the appropriate courses. A school district that elects to offer comprehensive sexual health education or HIV prevention education earlier than grade 7 may provide age appropriate and medically accurate information on any of the general topics contained in paragraphs (1) to (11), inclusive, of subdivision (a).

EC Section 51934



In-Service Training (1)

- (a) A school district shall cooperatively plan and conduct in-service training for all school district personnel that provide HIV prevention education...
- (b) In developing and providing in-service training, a school district shall cooperate and collaborate with the teachers of the district who provide HIV prevention education and with the department.
- (c) In-service training shall be conducted **periodically** to enable school district personnel to learn new developments in the scientific understanding of HIV...



In-Service Training (2)

- (d) A school district **may** expand HIV in-service training to cover the topic of comprehensive sexual health education in order for school district personnel who provide comprehensive sexual health education to learn new developments in the scientific understanding of sexual health.



In-Service Training (3)

School districts may contract with outside consultants or guest speakers ... All outside consultants and guest speakers shall have expertise in comprehensive sexual health education and HIV prevention education and have knowledge of the most recent medically accurate research on the relevant topic or topics covered in their instruction.

EC Section 51936



Notice and Parental Excuse (1)

- (a) A parent or guardian of a pupil has the right to excuse their child from all or part of comprehensive sexual health education, HIV prevention education, and assessments related to that education through a passive consent (“opt-out”) process. A school district **shall not** require active parental consent (“opt-in”) for comprehensive sexual health education and HIV prevention education.



Notice and Parental Excuse (2)

- (4) Advise the parent or guardian that the parent or guardian has the right to excuse their child from comprehensive sexual health education and HIV prevention education and that in order to excuse their child they **must state their request in writing** to the school district.



Notice and Parental Excuse (3)

- (b) A pupil may not be subject to disciplinary action, academic penalty, or other sanction if the pupil's parent or guardian declines to permit the pupil to receive comprehensive sexual health education or HIV prevention education or to participate in anonymous, voluntary, and confidential tests, questionnaires, or surveys on pupil health behaviors and risks.

EC Section 51939



Resources (1)

California Law:

<http://leginfo.legislature.ca.gov/>

Curriculum Review: California Healthy Youth Act

<http://ashwg.org/resources/>

Centers for Disease Control and Prevention

- **Sexually Transmitted Diseases (STD) Information:**
https://www.cdc.gov/nchhstp/divisions/std-prevention.html?CDC_AAref_Val=https://www.cdc.gov/std/dstdp/
- **Human Immunodeficiency Virus Information:**
<https://www.cdc.gov/hiv/default.html>
- **STD Fact Sheets for Youth (English, Spanish, and others):**
https://www.cdc.gov/sti/communication-resources/?CDC_AAref_Val=https://www.cdc.gov/std/HealthComm/fact_sheets.htm

California Department of Public Health STD Data

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/STD-Data.aspx>

<https://data.chhs.ca.gov/dataset/stds-in-california-by-disease-county-year-and-sex>



Resources (2)

Resources To Support Implementation of the California Healthy Youth Act

<http://ashwg.org/resources/>

Comprehensive Sex Education Resources:

Guidelines for Comprehensive Sexuality Education for Grades kindergarten through twelfth grade - includes specific age-appropriate messaging on all sexual health topics:

<https://siecus.org/resources/the-guidelines/>

National Sexuality Education Standards (2020) <https://futureofsexed.org/>

Sample School Board Policies: (membership required)

California School Boards Association

<http://www.csba.org>



**If you have questions regarding the
California Healthy Youth Act, contact:**

**Sharla E. Smith
HIV/STD Prevention Education Consultant**

shsmith@cde.ca.gov

Comprehensive Sexual Health & HIV/AIDS

Instruction:

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

