

REGULATION 6142.1: Sexual Health and HIV/AIDS Prevention Instruction
Comparison Chart
 Section: Instruction

SUMMARY OF UPDATE

Summary of Update: Regulation updated to reflect NEW LAW (AB 1861, 2018) which requires that comprehensive sexual health education include specified information regarding human trafficking, and NEW LAW (AB 1868, 2018) which authorizes instruction regarding the potential risks and consequences of electronically sharing suggestive or sexually explicit materials. Section on "Professional Development" updated to reflect a legal requirement to provide periodic staff development regarding sexual abuse and human trafficking.

CSBA NOTE: The following administrative regulation is for use by districts that maintain any of grades 7-12. Education Code 51934 requires districts to provide comprehensive sexual health education and HIV prevention education to students in grades 7-12. If the district chooses to provide age-appropriate sexual health education prior to grade 7 as authorized by Education Code 51934, it may revise the following administrative regulation accordingly.

PARA	Section	Sub-Section	July 12, 2004 CURRENT VERSION	May 2019 REVISED VERSION	CSBA MODIFICATIONS and/or NOTES
				Definitions	New category
				Comprehensive sexual health education means education regarding human development and sexuality, including education on pregnancy, contraception, and sexually transmitted infections.	New paragraph
				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.	New paragraph
1			The district's sexual health education curriculum shall satisfy the following criteria:	Delete	
	1		Instruction and materials shall be age appropriate.	Delete	

1	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.	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.	No longer a section, but a paragraph
2	All factual information presented shall be medically accurate and objective.	Delete	
2	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.	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.	No longer a section, but a paragraph
		<u>General Criteria for Instruction and Materials</u>	New category
3	Instruction shall be made 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 student, as otherwise provided in the Education Code.	Delete	
4	Instruction and materials shall be appropriate for use with students of all races, genders, sexual orientations, ethnic and cultural backgrounds, and students with disabilities.	Delete	
5	Instruction and materials shall be accessible to students with disabilities, including, but not limited to, the provision of a modified	Delete	

		curriculum, materials and instruction in alternative formats, and auxiliary aids.		
	6	Instruction and materials shall encourage a student to communicate with his/her parents/guardians about human sexuality.	Delete	
	7	Instruction and materials shall teach respect for marriage and committed relationships.	Delete	
	8	Instruction and materials may not teach or promote religious doctrine.	Delete	
	9	Instruction and materials may not reflect or promote bias against any person on the basis of any category protected by Education Code 220.	Delete	
	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.	Delete	
	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.	Delete	

12		Beginning in grade 7, instruction and materials shall provide students with skills for making and implementing responsible decisions about sexuality.	Delete	
13		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.		
			The Superintendent or designee shall ensure that the district's comprehensive sexual health and HIV prevention instruction and materials:	New paragraph
			1. Are age appropriate	New sections/sub-sections # 1-14
			2. Are medically accurate and objective	
			3. Are aligned 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. Are appropriate for use with English learners, students with disabilities, and students of all races, genders, sexual orientations, and ethnic and cultural backgrounds	
				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	
				6. 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. Do not reflect or promote bias against any person in 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. Encourage students to communicate with their parents/guardians and other trusted adults about human sexuality and provide the knowledge and skills necessary to do so	
				11. 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, harassment, and intimidation	
				13. Provide students with knowledge and skills for making and implementing healthy decisions about sexuality, including communication and refusal skills to assist students in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities	
				14. Do not teach or promote religious doctrine	
			<u>HIV/AIDS Prevention Instruction</u>	<u>Components of Sexual Health and HIV Prevention Education</u>	
1			HIV/AIDS prevention instruction shall be offered at least once in junior high or middle school and once in high school by instructors 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,	The district's comprehensive sexual health education and HIV prevention education for 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:	

		and the National Academy of Sciences and shall include:		
	1	Information on the nature of HIV/AIDS and its effects on the human body.	Information on the nature of HIV and other sexually transmitted infections and their effects on the human body	
	2	Information on the manner in which HIV is and is not transmitted, including information on activities that present the highest risk of HIV infection.	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 behaviors and injection drug use	
	3	Discussion of methods to reduce the risk of HIV infection, including:	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	
		a Emphasis that sexual abstinence, monogamy, the avoidance of multiple sexual partners and abstinence from intravenous drug use are the most effective means for HIV/AIDS prevention.	Delete	Sub-sections deleted and new paragraph added to section #3.
		b Statistics based upon the latest medical information citing the failure and success rates of condoms and other contraceptives in preventing sexually transmitted HIV infection.	Delete	
		c Information on other methods that may reduce the risk of HIV transmission from intravenous drug use.	Delete	
			3. (cont) 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.	
	4		Discussion of the public health issues associated with HIV/AIDS.	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 on local resources for HIV testing and medical care.	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		Development of refusal skills to assist students in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities.	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 societal views on HIV/AIDS, including stereotypes and myths regarding persons with HIV/AIDS. This instruction shall emphasize compassion for persons living with HIV/AIDS.	Discussion about social views on HIV and AIDS, including addressing unfounded stereotypes and myths regarding HIV and AIDS and people living with HIV	
				7. (cont) 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 testing is the only way to know if one is HIV-positive.	Additional sections/sub-sections added # 7-11
				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, sexual abuse, and human trafficking, including:	CSBA NOTE: Pursuant to Education Code 51934, comprehensive sexual health education must include information about sexual harassment, sexual assault, sexual abuse, and human trafficking. AB 1861 (Ch. 807, Statutes of 2018) amended Education Code 51934 to require that the information on human trafficking include the components specified in items #10a and b below.
				a. Information on the prevalence and nature of human trafficking, strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance if there is a suspicion of trafficking	

				b. Information on how social media and mobile device applications are used for human trafficking	
				11. Information about adolescent relationship abuse and intimate partner violence, including the early warning signs of each	CSBA NOTE: Education Code 51934 requires that the comprehensive sexual health instruction include information about adolescent relationship abuse, as provided below. For further information about adolescent dating abuse, see CSBA's governance brief Promoting Healthy Relationships for Adolescents: Board Policy Considerations.
				The district's comprehensive sexual health education and HIV prevention education shall include instruction regarding the potential risks and consequences of creating and sharing suggestive or sexually explicit materials through cell phones, social networking web sites, computer networks, or other digital media.	New paragraph added CSBA NOTE: Education Code 51934, as amended by AB 1868 (Ch. 428, Statutes of 2018), authorizes districts to provide the instruction described. This paragraph may be revised to reflect district practice.
			<u>In-Service Training and Use of Consultants</u>	<u>Professional Development</u>	
				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.	New paragraph added
1			The Superintendent or designee shall cooperatively plan and conduct in-service training for all district personnel who provide HIV/AIDS prevention education, through regional planning, joint powers agreements or contract services.	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.	

2		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.	In developing and providing in-service training, the Superintendent or designee shall cooperate and collaborate with the teachers who provide HIV prevention education and with the California Department of Education (CDE).	
3		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 or federal Centers for Disease Control and Prevention.	The district shall periodically conduct in-service training to enable district personnel to learn new developments in the scientific understanding of HIV. In-service training shall be voluntary for personnel who have demonstrated expertise or received in-service training from the CDE or Centers for Disease Control and Prevention.	
4		The Superintendent or designee may expand HIV/AIDS in-service training to cover the topic of comprehensive sexual health education for district personnel teaching sexual health education to learn new developments in the scientific understanding of sexual health.	The Superintendent or designee may expand HIV in-service training to cover the topic of comprehensive sexual health education in order for district personnel teaching comprehensive sexual health education to learn new developments in the scientific understanding of sexual health.	
5		The Superintendent or designee may contract with outside consultants 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.	The Superintendent or designee shall periodically provide continuing education that enables district personnel to learn about new developments in the understanding of abuse, including sexual abuse, and human trafficking and current prevention efforts and methods. Such education may include early identification of abuse, including sexual abuse, and human trafficking of students and minors.	
			<u>Use of Consultants or Guest Speakers</u>	New category
			The Superintendent or designee may contract with outside consultants or guest speakers, including those who have developed multilingual curricula or curricula accessible to	New paragraph CSBA NOTE: Pursuant to Education Code 51933, 51934, and 51936, the district's comprehensive sexual health and HIV

			<p>persons with disabilities, to deliver 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.</p>	<p>prevention education may be taught by outside consultants or delivered by guest speakers at an assembly. Any such instruction must comply with the same requirements as instruction provided by the district and in accordance with Education Code 51930-51939. If the district elects to use outside consultants or guest speakers, parents/guardians must be provided additional notice about the speaker and the speaker's organization; see item #4 in the section below entitled "Parent/Guardian Notification."</p>
			<p><u>Parent/Guardian Notification</u></p>	<p>New category</p>
			<p>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:</p>	<p>New paragraph CSBA NOTE: Education Code 51938 requires the district to provide parents/guardians the following notification. A sample notification letter is available on the California Department of Education's web site.</p> <p>In addition, Education Code 49381, as added by SB 1104 (Ch. 848, Statutes of 2018), requires districts that offer any of grades 6-12 to identify the most appropriate methods of informing parents/guardians of human trafficking prevention resources, and to provide such information through the identified methods by January 1, 2020; see the accompanying Board policy. Districts that combine such information with the annual notification required pursuant to Education Code 51938 may revise the following section accordingly.</p>
			<p>1. That written and audiovisual educational materials to be used in comprehensive</p>	<p>New sections/sub-sections # 1-4</p>

				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 by district personnel or outside consultants and, if the district chooses to use outside consultants or guest speakers for this purpose, the following information:	
				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.	New paragraph
				<u>Non-applicability to Certain Instruction or Materials</u>	New category

				The requirements of Education Code 51930-51939 pertaining to instructional content, teacher training, and parental notification and consent shall not apply to the following:	New paragraph
				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 as defined in Education Code 51931	New sections # 1-2
				2. Instruction, materials, presentations, or programming that discusses gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and does not discuss human reproductive organs and their functions	