

**BOARD POLICY 6142.1: Sexual Health and HIV/AIDS Prevention Instruction**  
**Comparison Chart**  
 Section: Instruction

**SUMMARY OF UPDATE**

**Summary of Update:** Policy updated to more directly reflect the goals of the California Healthy Youth Act, and reflect NEW LAW (SB 1104, 2018) which requires districts offering grades 6-12 to provide information on human trafficking prevention resources to parents/guardians by January 1, 2020. Policy also adds timeline for notification to parents/guardians that they may request to excuse their child from comprehensive sexual health and HIV prevention education.

CSBA NOTE: The following policy is for use by districts that offer 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. See the accompanying administrative regulation for definitions and program requirements.

Education Code 51934 also authorizes, but does not require, districts to provide age-appropriate comprehensive sexual health education prior to grade 7 on any of the topics specified in Education Code 51934. Districts that choose to provide such instruction prior to grade 7 may revise the following policy and administrative regulation accordingly.

Sexual health education taught at any grade level must comply with the requirements of Education Code 51933.

PARA	Section	Sub-Section	July 12, 2004 CURRENT VERSION	May 2019 REVISED VERSION	CSBA MODIFICATIONS and/or NOTES
1			The Governing Board recognizes that accurate 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) infection 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 Governing Board desires to provide a well-planned, integrated sequence of medically accurate and inclusive instruction on comprehensive sexual health and human immunodeficiency virus (HIV) prevention. The district's 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 district's 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 district 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.	<b>New paragraph added</b>
			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.	<b>New paragraph added</b> CSBA NOTE: The following paragraph may be revised to reflect the grade levels offered by the district.
2		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. 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.	<b>No change</b>	CSBA NOTE: The following paragraph is for use by districts that require completion of a health education course for graduation from high school, and may be adapted for use by other districts. Pursuant to Education Code 51225.36, any district that has a health education course requirement for graduation from high school must include instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard pursuant to Education Code 67386. Also see AR 6146.1 - High School Graduation Requirements.
3		The Superintendent or designee may appoint a coordinator and an advisory committee regarding the district's comprehensive sexual	The Superintendent or designee shall identify appropriate methods for informing the school community about subjects related to the	CSBA NOTE: Education Code 49381, as added by SB 1104 (Ch. 848, Statutes of 2018), requires districts that offer any of grades 6-12

		health program. This 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.	district's comprehensive sexual health and HIV prevention education. The 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.	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. The following paragraph is for use by districts that maintain grades 6-12 and may be modified for districts that serve students in grades K-5.
		<b><u>Parent Notification and Excuse</u></b>	<b><u>Parent/Guardian Consent</u></b>	
1		At the beginning of each school year, or at the time of a student's enrollment, 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:	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 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.	CSBA NOTE: Education Code 51938 requires districts to notify parents/guardians about instruction in sexual health and HIV prevention and of their right to request that their child not receive the instruction. See the accompanying administrative regulation for details of the required notice.  Pursuant to Education Code 51938, districts must use a "passive consent" or "opt-out" process regarding sexual health and HIV prevention education and any assessments related to that instruction. Thus, each student must receive the instruction unless the parent/guardian notifies the district in writing that the student should not receive the instruction.  In addition, Education Code 51938 requires districts to use a passive consent or opt-out process to obtain parent/guardian consent when administering an anonymous, voluntary, and confidential research and evaluation tool to measure students' health behaviors and risks, including a test, questionnaire, or survey containing age appropriate questions about sexual attitudes or practices. However, for any such research and evaluation tool

				<p>administered prior to grade 7, Education Code 51513 requires that parents/guardians give permission before the instrument is administered to their child (i.e., "active consent").</p> <p>20 USC 1232h mandates districts to adopt a policy regarding the district's arrangements to protect student privacy when such a survey is administered to any student, regardless of their grade level. See BP/AR 5022 - Student and Family Privacy Rights for language implementing this requirement.</p>
	1	That written and audiovisual educational materials to be used in comprehensive sexual health and HIV/AIDS prevention education are available for inspection	<b>Delete</b>	
	2	Whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by district personnel or outside consultants	<b>Delete</b>	
	3	That parents/guardians have a right to request a copy of Education Code 51930-51938	<b>Delete</b>	
	4	That parents/guardians may request in writing that their child not receive comprehensive sexual health or HIV/AIDS prevention education	<b>Delete</b>	
2		The district may administer to students in grades 7-12 anonymous, voluntary and confidential research instruments, including tests and surveys, containing age-appropriate questions about their attitudes or practices relating to sex. Prior to administering such a survey or questionnaire, parents/guardians shall receive written notice that the survey is to be administered. Parents/guardians shall	<b>Delete</b>	

		be given an opportunity to review the material and to request in writing that their child not participate.		
3		Parents/guardians shall be asked to sign and return to the school an acknowledgment that they have received the notification.	Delete	
4		Upon a written request from his/her parent/guardian, a student shall be excused from participating in comprehensive sexual health or HIV/AIDS prevention education or from participating in questionnaires or surveys regarding health behaviors and risks. While the instruction is being delivered or the survey instrument is being administered, an alternative educational activity shall be made available to the student.	Delete	
5		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.	No change	