Information Sheet – 12/13/16 - Board of Trustees Meeting

TO: Board of Trustees

FR: Celli Coeville

DATE: December 13, 2016

RE: Policy Update, BP/AR 6142.1 Sexual Health & HIV/AIDS Preventative Education, First Reading

BP/AR 6142.1 Sexual Health and HIV/AIDS Prevention Instruction –(BP/AR revised) Board Policy and Administrative Regulation are updated to reflect NEW LAW (AB 329) which requires districts to provide comprehensive sexual health education in grades 7-12 and to integrate such instruction with HIV prevention education. The Board Policy is also updated to clarify requirements related to parental consent. The Administrative Regulation adds a new section on "Definitions" and, pursuant to AB 329, expands program criteria and merges the components of sexual health education and HIV prevention education.

BP/AR 6142.2 – The district currently has a separate BP/AR for AIDS Prevention Instruction. CBSA no longer has a separate AIDS Prevention Instruction board policy or administrative regulation. This information has been included in BP/AR 6142.1 noted above. Our recommendation is to have BP/AR 6142.2 included in BP/AR 6142.1 as noted in the CSBA sample.

CSBA Sample

Board Policy

Sexual Health And HIV/AIDS Prevention Instruction

BP 6142.1
Instruction

***Note: The following policy is for use by districts that offer any of grades 7-12. As amended by AB 329 (Ch. 398, Statutes of 2015), Education Code 51934 requires districts to provide both comprehensive sexual health education and HIV prevention education to students in grades 7-12. See the accompanying administrative regulation for definitions and program requirements. ***

***Note: Education Code 51934, as amended by AB 329, 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. Sexual health education taught at any grade level must comply with the requirements of Education Code 51933. Districts that choose to provide such instruction prior to grade 7 may revise the following policy and administrative regulation accordingly. ***

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 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)

***Note: The following paragraph may be revised to reflect the grade levels offered by the district. ***

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)

***Note: Voluntary state content standards for health education, as adopted by the State Board of Education in 2008, include standards related to growth, development, and sexual health. See BP/AR 6142.8 - Comprehensive Health Education. ***

The district's curriculum shall 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 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. 6143 - Courses of Study)

***Note: The following paragraph is optional and should be revised to reflect district practice. ***

The Superintendent or designee may appoint a coordinator and/or an advisory committee regarding the district's comprehensive sexual health and HIV prevention curriculum. The advisory committee shall represent a divergence of viewpoints and may participate in planning, implementing, and evaluating the district's program.

(cf. 1220 - Citizen Advisory Committees)

Parent/Guardian Consent

***Note: Education Code 51938 requires districts to notify parents/guardians of the comprehensive sexual health and HIV prevention education and of the opportunity to request that their child not receive the instruction. See the accompanying administrative regulation for details of the required notice. ***

***Note: Pursuant to Education Code 51938, as amended by AB 329 (Ch. 398, Statutes of 2015), 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. ***

***Note: In addition, Education Code 51938 requires districts to use a passive consent or "opt-out" process when administering to students in grades 7-12 an anonymous, voluntary, and confidential research and evaluation tool to measure students' health behaviors and risks, including a test or survey regarding sexual attitudes or practices. For any such research and evaluation tool administered prior to grade 7, Education Code 51513 requires that parents/guardians must give permission before the instrument is administered to their child (i.e., "active consent"). 20 USC 1232h mandates districts to adopt a policy regarding the district's arrangements to protect student privacy when such a survey is administered. See BP/AR 5022 - Student and Family Privacy Rights for language implementing this requirement. ***

Annually, 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. (Education Code 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)

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
51202 Instruction in personal and public health and safety
51210.8 Health education curriculum
51225.35 Instruction in sexual harassment and violence; districts that require health education for graduation
51240 Excuse from instruction due to religious beliefs
51513 Materials containing questions about beliefs or practices
51930-51939 California Healthy Youth Act
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

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
WEB SITES
CSBA: http://www.csba.rog
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 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

(12/15)

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION

The Board of Trustees believes that a wholesome, well-planned sequence of instruction about sexual health and HIV/AIDS prevention instruction is essential to the general education of all students. The Board recognizes and accepts that the purpose of the district's sexual health and HIV/AIDS prevention instruction is to provide students with the knowledge and skills necessary to protect them from unintended pregnancy and sexually transmitted diseases and to encourage students to develop healthy attitudes concerning adolescent growth and development, body image, gender roles, sexual orientation, dating, marriage, and family as part of the educational opportunities available to students.

The Board recognizes that lack of information or misinformation may contribute an increased risk for sexually transmitted diseases, unintended pregnancy or sterility. The district's curriculum shall be aligned with the state's content standards, based on medically accurate and factual information, and designed to teach students to make healthy choices and reduce high-risk behaviors. Therefore, the district's curriculum shall help students understand the biological, psychological, social, moral and ethical aspects of human sexuality and shall comply with the requirements of law and administrative regulation. The district's program shall comply with the requirements of law, Board policy, 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.

The Superintendent/designee shall ensure that parent/guardian notifications are sent that comply with the requirements of law and administrative regulation.

A parent/guardian may request in writing that his/her child be excused from participating in HIV/AIDS prevention or sexual health education. Students so excused by their parents/guardians shall be given an alternative educational activity.

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.

Legal Reference:

EDUCATION CODE

220 Prohibition of discrimination
48980 Notice at beginning of term
51202 Instruction in personal and public health and safety

51210.8 Health education curriculum

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

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

Management Resources:

CDE PUBLICATIONS

Health Education Content Standards for California Public Schools, 2008
Health Framework for California Public Schools, 2003
CSBA PUBLICATIONS
Saving Lives: AIDS Issues for California Schools, 1994

WEB SITES
CDE: http://www.cde.ca.gov

CSBA: http://www.csba.rog

American Academy of Pediatrics: http://www.aap.org

American College of Obstetricians and Gynecologists: http://www.acog.org

American Public Health Association: http://www.apha.org

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

California Department of Social Services: http://www.dss.cahwnet.gov

*California Healthy Kids Resource Cen*ter: http://www.hkresources.org
California Safe Schools Coalition: http://www.casafeschools.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 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

National Academy of Sciences: http://www.nationalacademies.org

U.S. Department of Health and Human Services, Office of the Surgeon General: http://www.surgeongeneral.gov

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