

Instruction**Sexual Health and HIV/Aids Prevention Instruction**

The County Board of Education and County Superintendent of Schools recognize that accurate information about family life and human sexuality may contribute to a decreased risk for sexually transmitted diseases or unintended pregnancies. The County Board of Education and County Superintendent of Schools also recognize 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 County Office of Education therefore desires to provide a well-planned sequence of instruction on comprehensive sexual health and HIV/AIDS prevention.

The County Office of Education'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 County Office of Education'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.

(cf. 5141.22 - Infectious Diseases)
(cf. 5141.23 - Infectious Disease Prevention)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6143 - Courses of Study)

The County Superintendent or designee may appoint a coordinator and an advisory committee regarding the County Office of Education's comprehensive sexual 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 County Office of Education shall consider the advisory committee's recommendations when approving the County Office of Education's program.

(cf. 1220 - Citizen Advisory Committees)

Parent/Guardian Notification and Excuse

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: (Education Code 48980, 51938)

1. That written and audiovisual educational materials to be used in comprehensive sexual health and HIV/AIDS prevention education are available for inspection
2. Whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by County Office of Education personnel or outside consultants
3. That parents/guardians have a right to request a copy of Education Code 51930-51938
4. That parents/guardians may request in writing that their child not receive comprehensive sexual health or HIV/AIDS prevention education

If the County Office of Education chooses to use outside consultants or to hold an assembly with guest speakers to teach the comprehensive sexual health or HIV/AIDS prevention education, the notification shall include: (Education Code 51938)

- 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

If the arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the County Office of Education shall notify parents/guardians by mail or another commonly used method of notification no fewer than 14 days before the instruction is given. (Education Code 51938)

(cf. 5145.6 - Parental Notifications)

The County Office of Education 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 be given an opportunity to review the material and to request in writing that their child not participate. (Education Code 51938)

Parents/guardians shall be asked to sign and return to the school an acknowledgment that they have received the notification.

(cf. 5022 - Student and Family Privacy Rights)

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. (Education Code 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

48980 Notice at beginning of term

51202 Instruction in personal and public health and safety

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 Framework for California Public Schools, 2003

CSBA PUBLICATIONS

Saving Lives: AIDS Issues for California Schools, 1994

WEB SITES

CDE: <http://www.cde.ca.gov>

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

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

Centers for Disease Control and Prevention: <http://www.cdc.gov>

California Healthy Kids Resource Center: <http://www.hkresources.org>

California Safe Schools Coalition: <http://www.casafeschools.org>