



Learning Today to Lead Tomorrow

MOORPARK UNIFIED SCHOOL DISTRICT

5297 Maureen Lane, Moorpark, California 93021

(805) 378-6300

Response to Grand Jury Report Form

Report Title: School Implementation of Sex Education Programs

Date: June 18, 2019

Response by: Dr. Kelli Hays

Title: District Superintendent

RECEIVED

JUN 25 2019

Ventura County
Grand Jury

FINDINGS/CONCLUSIONS

- I (we) agree with the findings: F-01, F-02, F-03, F-04, F-05, F-06, F-07
- I (we) disagree wholly or partially with the findings numbered:

RECOMMENDATIONS

- Recommendations numbered R-1, R-2, R-3, R-4, R-6, and R-7 have been implemented (Attach a summary describing the implemented actions and date completed.)
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future. (N/A)
(Attach a time frame for the implementation.)
- Recommendation numbered R-5 require further analysis.
Please see attached explanation.
- Recommendations numbered _____ should not be implemented because they are not reasonable and are not warranted. (N/A)

Date: 6/14/19

Signed: [Signature]

Number of pages attached: 17

Moorpark Unified School District Attachments

Recommendation R-01

Please see attached:

- Parent letters for 7th grade (Attachment #1) and 9th grade (Attachment #2) health classes describing sexual health and HIV/AIDS curriculum
- CHKS survey letter detailing contents of the survey for elementary (Attachment #3) and secondary (Attachment #4)

Recommendations R-02 and R-03

Recommendations R-02 and R-03 had already been implemented by MUSD as referenced in conclusions C-01, C-03 and C-04.

Recommendation R-04

Please see attached:

- Parent letters for 7th grade (Attachment #5) and 9th grade (Attachment #6) health classes describing sexual health and HIV/AIDS curriculum
- CHKS survey letter detailing contents of the survey for elementary (Attachment #7) and secondary (Attachment #8)
- Updated 2019-20 Parent Handbook pages 40 and 41 (Attachment #9)

Recommendation 05

MUSD will begin discussing the option of creating a form for parents to utilize to exempt their children from all or part of sexual health instruction and surveys, although Ed code does not specify that a form is to be provided. California Education Code Article 4 (Notice and Parental Excuse) of Chapter 5.6 (California Healthy Youth Act) states the following regarding parental excuse:

“Parents or guardians shall be notified in writing that this test, questionnaire, or survey is to be administered, given the opportunity to review the test, questionnaire, or survey if they wish, notified of their right to excuse their child from the test, questionnaire, or survey, and informed that in order to excuse their child they must state their request in writing to the school district.”

Please see attached:

- Highlighted Education Code (Attachment #12)

Recommendation R-06

Please see attached:

- Updated 2019-20 Parent Handbook pages 40 and 41 (Attachment #10)

Recommendation R-07

Please see attached:

- Updated 2019-20 Parent Handbook pages 40 and 41 (Attachment #11)

Dear Parent or Guardian,

As part of our health curriculum I will be covering a unit called "Developing Responsible Relationships". I will be spending approximately 4 ½ weeks on this unit. The unit will include the following topics:

- Responsible decision making and refusal skills
- Adolescence, marriage, parenthood, and relationships
- Male and Female reproductive systems
- Sexually transmitted diseases including AIDS
- Preventing pregnancy
- Issues in sexuality (abortion, homosexuality, masturbation, sexual abuse, and rape)

Throughout the unit instruction will stress that abstinence from sexual intercourse is the best choice until one is ready for marriage. Furthermore, the concept that abstinence is the only 100% effective method of contraception and protection against sexually transmitted diseases will be stressed consistently.

I encourage you to preview the class materials on display here at the school (in the main office) from _____ during regular school hours. I also encourage you to request a free copy of the "HIV and AIDS Are You at Risk" from the U.S. Center for Disease Control by calling 1-800-458-5231. The guide contains important information regarding AIDS.

I hope you will take advantage of this educational opportunity. The curriculum is age appropriate, kid friendly, and abstinence based. Please call during regular school hours at MVMS (378-6309) if you have any questions or concerns.

Sincerely,

Cynthia Kahle

California Education Code (section 51938) requires a "passive" consent for this unit. If you do not want your child to receive this information please contact me at 378-6309 or e-mail me at ckahle@mrpk.org by _____. An alternative assignment will be provided.

**Moorpark High School**4500 N. Tierra Rejada Road · Moorpark, CA 930
Phone: (805) 378-6305 · Fax: (805) 531-649

Dear Moorpark High School Parent/Guardian:

Your student is enrolled in a Health class this year. Included in this course are units relating to family living and human sexuality, which includes human reproductive organs and their functions, healthy relationships, birthing process, sexually transmitted infections, contraception and birth control. In addition to this, the course also includes information on suicide prevention and intervention.

California state law, the California Healthy Youth Act, requires that comprehensive sexual health education, HIV prevention education and suicide prevention and intervention be provided to students at least once in middle school or junior high school and once in high school, starting in 7th grade. This instruction will be provided by a credentialed Health Science teacher.

The main purpose of the instruction is to encourage students to communicate with parents, guardians or other trusted adults about human sexuality and reproduction. The information given is medically accurate, age-appropriate and inclusive of all students. It must include the following:

- Information about HIV and other sexually transmitted infections (STIs), including transmission, FDA approved methods to prevent HIV and STIs, and treatment
- Information that abstinence is the only certain way to prevent unintended pregnancy and HIV and other STIs, and information about the value of delaying sexual activity
- Discussion about social views of HIV and AIDS
- Information about accessing resources for sexual and reproductive health care
- Information about pregnancy, including FDA approved prevention methods, pregnancy outcomes, prenatal care, and the newborn safe surrender law
- Information about sexual orientation and gender, including the harm of negative gender stereotypes
- Information about healthy relationships, the importance of active consent and avoiding unhealthy behaviors and situations
- Information about suicide prevention, intervention and postvention.

You can examine the written and audiovisual instructional materials at the Moorpark High School main office at any time. If you have questions, please contact your child's health teacher or the principal. You may request a copy of the California Healthy Youth Act (California Education Code Sections 51930-51939 and Section 215) by contacting the Moorpark Unified School District.

State Law allows you the option to remove your child from this instruction. If you do not want your child to participate in the comprehensive sexual health or HIV prevention education, please give a written request to the principal, Carrie Pentis by the first day of instruction of the school year.

Sincerely,

**CONSENT FOR THE CALIFORNIA HEALTHY KIDS SURVEY
2017-18 SCHOOL YEAR
MUSD-ELEMENTARY SCHOOLS**

Dear Parent or Guardian:

Your child is being asked to be a part of our school's California Healthy Kids Survey (CHKS), sponsored by the California Department of Education. This is a very important survey that will help promote better health and well-being among our youth, improve the school learning environment, and combat problems such as drug abuse and violence. *Your child does not have to take the survey. Participation is voluntary and requires your permission.*

Survey Content. The survey gathers information on developmental supports provided to youth; school connectedness and barriers to learning, as well as behaviors such as physical activity and nutritional habits; alcohol, tobacco and other drug use; and school safety.

You may examine the questionnaire in the school office or at your district's Web site www.mrpk.org.

The results from this survey are compiled into district and county-level CHKS Reports. To view a copy of your district's report, go to <http://chks.wested.org/reports/search> (Outside Source) and type in the district name.

It is Voluntary. Students who, with your permission, agree to participate do not have to answer any questions they do not want to answer, and may stop taking the survey at any time.

It is Anonymous. No names are recorded or attached to the survey forms or data. The results will be made available for analysis only under strict confidentiality controls.

Administration. The survey will be administered in the last 3 weeks of February. It will take about one class period to complete (about 50 minutes) and will be administered in your child's regular fifth grade class.

Potential Risks. There are no known risks of physical harm to your child. Risks of psychological or social harm are very small. None have been reported in seven years of survey administration. In rare instances, some discomfort might be experienced from the questions. The school's counseling services will be available to answer any personal questions that may materialize.

For Further Information. The survey was developed by WestEd, a public, non-profit educational institution. If you have any questions about this survey, or about your rights, call the district at (805) 378-6300 and speak with Donna Welch, Assistant Superintendent of Instructional Services.

Parent Consent Form for the California Healthy Kids Survey

Please check below whether you grant permission, sign, and return this form within three days to the teacher who distributed it.

I **give permission** for my child to be in the California Healthy Kids Survey.

I **do not give permission** for my child to be in the California Healthy Kids Survey.

Signature: _____

Date: _____

My child's name is: _____

(Please Print)

THANK YOU FOR COMPLETING AND RETURNING THIS CONSENT FORM.

**MOORPARK UNIFIED SCHOOL DISTRICT**

5297 Maureen Lane, Moorpark, California

(805) 378-6300

**CONSENT FOR THE CALIFORNIA HEALTHY KIDS SURVEY
2017-18 SCHOOL YEAR
Secondary Schools**

Dear Parent or Guardian:

Your child is being asked to be a part of our school's California Healthy Kids Survey (CHKS) sponsored by the California Department of Education. This is a very important survey that will help promote better health and wellbeing among our youth, improve the school learning environment and combat problems such as drug abuse and violence. *Your child does not have to take the survey. If you do not want your child to complete the survey, you must notify your school.*

Survey Content. The survey gathers information on developmental supports provided to youth; school connectedness and barriers to learning; school safety; and health-related concerns such as physical activity and nutritional habits; alcohol, tobacco and other drug use; and risk of depression and perceived sexual orientation.

The results from this survey are compiled into district and county-level CHKS Reports. To view a copy of your district's Report go to <http://chks.wested.org/reports/search> (Outside Source) and type in the district name.

It is Voluntary. Students who, with your permission, agree to participate do not have to answer any questions they do not want to answer, and may stop taking the survey at any time.

It is Anonymous. No names are recorded or attached to the survey forms or data. The results will be made available for analysis only under strict confidentiality controls.

Administration. The survey will be administered February 23rd, 26th and 27th. It will take about one class period to complete (about 50 minutes) and will be administered in your child's History class.

Potential Risks. There are no known risks of physical harm to your child. Risks of psychological or social harm are very small. None have been reported in 14 years of survey administration. In rare instances, some discomfort might be experienced from the questions. The school's counseling services will be available to answer any personal questions that may materialize.

For Further Information. The survey was developed by WestEd, a public, non-profit educational institution. If you have any questions about this survey, or about your rights, call the district at 805-378-6300 and speak with Donna Welch, Assistant Superintendent of Instructional Services.

If you do not want your child to participate, you may contact:

Tara Thomas, District CHKS Coordinator via email (tthomas@mrpk.org) or by phone 805-378-6305. Please make sure to include your student's name and the school they attend in the message.

Dear Parent or Guardian,

As part of our health curriculum I will be covering a unit called "Developing Responsible Relationships". I will be spending approximately 4 ½ weeks on this unit. The unit will include the following topics:

- Responsible decision making and refusal skills
- Adolescence, marriage, parenthood, and relationships
- Male and Female reproductive systems
- Sexually transmitted diseases including AIDS
- Preventing pregnancy
- Issues in sexuality (abortion, homosexuality, masturbation, sexual abuse, and rape)

Throughout the unit instruction will stress that abstinence from sexual intercourse is the best choice until one is ready for marriage. Furthermore, the concept that abstinence is the only 100% effective method of contraception and protection against sexually transmitted diseases will be stressed consistently.

I encourage you to preview the class materials on display here at the school (in the main office) from _____ during regular school hours. I also encourage you to request a free copy of the "HIV and AIDS Are You at Risk" from the U.S. Center for Disease Control by calling 1-800-458-5231. The guide contains important information regarding AIDS.

I hope you will take advantage of this educational opportunity. The curriculum is age appropriate, kid friendly, and abstinence based. Please call during regular school hours at MVMS (378-6309) if you have any questions or concerns.

Sincerely,

Cynthia Kahle

California Education Code (section 51938) requires a "passive" consent for this unit. If you do not want your child to receive this information please contact me at 378-6309 or e-mail me at ckahle@mrpk.org by _____. An alternative assignment will be provided.

**Moorpark High School**4500 N. Tierra Rejada Road · Moorpark, CA 930
Phone: (805) 378-6305 · Fax: (805) 531-649

Dear Moorpark High School Parent/Guardian:

Your student is enrolled in a Health class this year. Included in this course are units relating to family living and human sexuality, which includes human reproductive organs and their functions, healthy relationships, birthing process, sexually transmitted infections, contraception and birth control. In addition to this, the course also includes information on suicide prevention and intervention.

California state law, the California Healthy Youth Act, requires that comprehensive sexual health education, HIV prevention education and suicide prevention and intervention be provided to students at least once in middle school or junior high school and once in high school, starting in 7th grade. This instruction will be provided by a credentialed Health Science teacher.

The main purpose of the instruction is to encourage students to communicate with parents, guardians or other trusted adults about human sexuality and reproduction. The information given is medically accurate, age-appropriate and inclusive of all students. It must include the following:

- Information about HIV and other sexually transmitted infections (STIs), including transmission, FDA approved methods to prevent HIV and STIs, and treatment
- Information that abstinence is the only certain way to prevent unintended pregnancy and HIV and other STIs, and information about the value of delaying sexual activity
- Discussion about social views of HIV and AIDS
- Information about accessing resources for sexual and reproductive health care
- Information about pregnancy, including FDA approved prevention methods, pregnancy outcomes, prenatal care, and the newborn safe surrender law
- Information about sexual orientation and gender, including the harm of negative gender stereotypes
- Information about healthy relationships, the importance of active consent and avoiding unhealthy behaviors and situations
- Information about suicide prevention, intervention and postvention.

You can examine the written and audiovisual instructional materials at the Moorpark High School main office at any time. If you have questions, please contact your child's health teacher or the principal. You may request a copy of the California Healthy Youth Act (California Education Code Sections 51930-51939 and Section 215) by contacting the Moorpark Unified School District.

State Law allows you the option to remove your child from this instruction. If you do not want your child to participate in the comprehensive sexual health or HIV prevention education, please give a written request to the principal, Carrie Pentis by the first day of instruction of the school year.

Sincerely,

Recommendation R-04

5th Grade
CHKS letter

**CONSENT FOR THE CALIFORNIA HEALTHY KIDS SURVEY
2017-18 SCHOOL YEAR
MUSD-ELEMENTARY SCHOOLS**

Dear Parent or Guardian:

Your child is being asked to be a part of our school's California Healthy Kids Survey (CHKS), sponsored by the California Department of Education. This is a very important survey that will help promote better health and well-being among our youth, improve the school learning environment, and combat problems such as drug abuse and violence. *Your child does not have to take the survey. Participation is voluntary and requires your permission.*

Survey Content. The survey gathers information on developmental supports provided to youth; school connectedness and barriers to learning, as well as behaviors such as physical activity and nutritional habits; alcohol, tobacco and other drug use; and school safety.

You may examine the questionnaire in the school office or at your district's Web site www.mrpk.org.

The results from this survey are compiled into district and county-level CHKS Reports. To view a copy of your district's report, go to <http://chks.wested.org/reports/search> (Outside Source) and type in the district name.

It is Voluntary. Students who, with your permission, agree to participate do not have to answer any questions they do not want to answer, and may stop taking the survey at any time.

It is Anonymous. No names are recorded or attached to the survey forms or data. The results will be made available for analysis only under strict confidentiality controls.

Administration. The survey will be administered in the last 3 weeks of February. It will take about one class period to complete (about 50 minutes) and will be administered in your child's regular fifth grade class.

Potential Risks. There are no known risks of physical harm to your child. Risks of psychological or social harm are very small. None have been reported in seven years of survey administration. In rare instances, some discomfort might be experienced from the questions. The school's counseling services will be available to answer any personal questions that may materialize.

For Further Information. The survey was developed by WestEd, a public, non-profit educational institution. If you have any questions about this survey, or about your rights, call the district at (805) 378-6300 and speak with Donna Welch, Assistant Superintendent of Instructional Services.

Parent Consent Form for the California Healthy Kids Survey

Please check below whether you grant permission, sign, and return this form within three days to the teacher who distributed it.

I **give permission** for my child to be in the California Healthy Kids Survey.

I **do not give permission** for my child to be in the California Healthy Kids Survey.

Signature: _____

Date: _____

My child's name is: _____

(Please Print)

THANK YOU FOR COMPLETING AND RETURNING THIS CONSENT FORM.



MOORPARK UNIFIED SCHOOL DISTRICT

5297 Maureen Lane, Moorpark, California

(805) 378-6300

**CONSENT FOR THE CALIFORNIA HEALTHY KIDS SURVEY
2017-18 SCHOOL YEAR
Secondary Schools**

Dear Parent or Guardian:

Your child is being asked to be a part of our school's California Healthy Kids Survey (CHKS) sponsored by the California Department of Education. This is a very important survey that will help promote better health and wellbeing among our youth, improve the school learning environment and combat problems such as drug abuse and violence. *Your child does not have to take the survey. If you do not want your child to complete the survey, you must notify your school.*

Survey Content. The survey gathers information on developmental supports provided to youth; school connectedness and barriers to learning; school safety; and health-related concerns such as physical activity and nutritional habits; alcohol, tobacco and other drug use; and risk of depression and perceived sexual orientation.

The results from this survey are compiled into district and county-level CHKS Reports. To view a copy of your district's Report go to <http://chks.wested.org/reports/search> (Outside Source) and type in the district name.

It is Voluntary. Students who, with your permission, agree to participate do not have to answer any questions they do not want to answer, and may stop taking the survey at any time.

It is Anonymous. No names are recorded or attached to the survey forms or data. The results will be made available for analysis only under strict confidentiality controls.

Administration. The survey will be administered February 23rd, 26th and 27th. It will take about one class period to complete (about 50 minutes) and will be administered in your child's History class.

Potential Risks. There are no known risks of physical harm to your child. Risks of psychological or social harm are very small. None have been reported in 14 years of survey administration. In rare instances, some discomfort might be experienced from the questions. The school's counseling services will be available to answer any personal questions that may materialize.

For Further Information. The survey was developed by WestEd, a public, non-profit educational institution. If you have any questions about this survey, or about your rights, call the district at 805-378-6300 and speak with Donna Welch, Assistant Superintendent of Instructional Services.

If you do not want your child to participate, you may contact:

Tara Thomas, District CHKS Coordinator via email (tthomas@mrpk.org) or by phone 805-378-6305. Please make sure to include your student's name and the school they attend in the message.

CALIFORNIA HEALTHY KIDS SURVEY

Since 1998, the California Healthy Kids Survey (CHKS) has been an anonymous, voluntary, and confidential pupil survey that local educational agencies have used in the planning, assessment, and evaluation of their alcohol, tobacco, other drug, and violence prevention efforts. Effective January 1, 2004, school districts have the option of administering the CHKS in grades 7 through 12 using either active or passive parental consent. We shall continue to obtain written parental permission prior to administration of the required 5th grade module of the CHKS. For grades 7-12, we have adopted the new *E.C. 51938(B)*, allowing for written parental notification and for a parent to opt his/her child out of participation, known as "passive consent." If parents desire to opt out their pupil from taking the survey, upon notification that the survey will be administered, they will be afforded the opportunity for inspection, and the ability to opt their child out of participation. Passive consent shall also be applied to HIV/AIDS and sex education in grades 7-12.

HIV/AIDS PREVENTION EDUCATION & COMPREHENSIVE SEXUAL HEALTH (*E.C. 51930, 51931, 51937, 51938, 51939*) (Chapter 5.6 – California Healthy Youth Act)

- (a) The California Healthy Youth Act requires school districts to provide pupils with integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention education at least once in middle school and once in high school. It is intended to ensure that pupils in grades 7-12 are provided with the knowledge and skills necessary to:
1. protect their sexual and reproductive health from HIV, other sexually transmitted infections, and unintended pregnancy;
 2. develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family;
 3. have healthy, positive, and safe relationships and behaviors. It also promotes understanding of sexuality as a normal part of human development.
- (c) "HIV/AIDS prevention education" means instruction on the nature of HIV/AIDS, methods of transmission, strategies to reduce the risk of human immunodeficiency virus (HIV) infection, and social and public health issues related to HIV/AIDS. For the purposes of this chapter, "HIV/AIDS prevention education" is not comprehensive sexual health education.
- (d) HIV/AIDS prevention education, whether taught by school district personnel or outside consultants, shall satisfy all of the criteria set forth in paragraphs (1) to (6), inclusive, of subdivision (b) and paragraphs (1) and (2) of subdivision (d) of *E.C. 51933*, shall accurately reflect the latest information and recommendations from the United States Surgeon General, the federal Centers for Disease Control and Prevention, and the National Academy of Sciences, and shall include the following:
1. Information on the nature of HIV/AIDS and its 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.
 3. Discussion of methods to reduce the risk of HIV infection. This instruction shall emphasize 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, but shall also include statistics based upon the latest medical information citing the success and failure rates of condoms and other contraceptives in preventing sexually transmitted HIV infection, as well as information on other methods that may reduce the risk of HIV transmission from intravenous drug use.
 4. Discussion of the public health issues associated with HIV/AIDS.
 5. Information on local resources for HIV testing and medical care.
 6. Development of refusal skills to assist pupils in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities.
 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 HIV/AIDS.
- (e) A pupil may not attend any class in comprehensive sexual education or HIV/AIDS prevention education, or participate in any anonymous, voluntary, and confidential test, questionnaire, or survey or pupil health behaviors and risks, if the school has received a written request from the pupil's parent or guardian excusing the pupil from participation in all or part of the instruction and or anonymous, voluntary, and confidential tests, questioners, or surveys.

- (f) 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/AIDS prevention education or to participate in anonymous, voluntary, and confidential tests, questionnaires, or surveys on pupil health behaviors and risks.
- (g) While comprehensive sexual health education, HIV/AIDS prevention education, or anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks is being administered, an alternative educational activity shall be made available to pupils whose parents or guardians have requested that they not receive the instruction or participate in the test, questionnaire, or survey.

Instructional materials utilized for HIV/AIDS prevention education and comprehensive sexual health education are available for review in the main office of your child's school. For additional information regarding HIV/AIDS prevention education and comprehensive sexual health education, please refer to MUSD board policy and administrative regulations 6142.8 (Comprehensive Health Education) and 6142.1 (Sexual Health and HIV/AIDS Prevention Instruction) located under the Board of Education tab on the MUSD website (www.mrpk.org).

GATE PROGRAM AND OPPORTUNITIES FOR HIGH ACHIEVERS

Although the GATE program has been suspended for 2019-20, we will continue to serve currently identified GATE pupils and other high achieving pupils in the manner described below.

- At the elementary level, GATE/High Achieving pupils in K-5th grade are grouped in high ability clusters within the general classroom setting and provided differentiated instruction and additional challenge.
- At the middle school level, GATE/High Achieving pupils in 6th-8th grade are assessed for placement in honors classes. The honors classes at Chaparral Middle School, Mesa Verde Middle School and Campus Canyon were created to serve the needs of GATE and high achieving pupils.
- At the high school level, GATE/High Achieving pupils in 9th-12th grade may be placed in Honors, Pre-AP and Advanced Placement classes. Some examples include Pre-AP courses in English and Biology, Honors Math 1, 2 and 3, AP courses in Psychology, English, European and U.S. History, Statistics, Calculus AB and BC, Chemistry, Biology, Physics, Spanish and Studio Art.

PROGRAMS FOR CHILDREN WITH EXCEPTIONAL NEEDS

The Moorpark Unified School District provides a free and appropriate public education (FAPE) in the least restrictive environment (LRE) for children with disabilities from 3 through 21 years who reside within district boundaries. Eligibility for special education and related services is determined by an Individualized Education Program (IEP) Team and is based on the results of a multidisciplinary team assessment.

Individualized programs may be provided for the following categories of disabilities: 1) intellectual disabilities; 2) hard of hearing; 3) deaf; 4) speech/language impaired; 5) visually impaired; 6) autistic; 7) emotionally disturbed; 8) orthopedically impaired; 9) other health impaired; 10) specific learning disability; 11) deaf-blind; 12) multi-handicapped; 13) traumatic brain injury; 14) established medical disability (3-5 years only).

Parents are encouraged to discuss concerns regarding academic performance with respective teachers/principals. A conference may initiate an assessment by the PRIDE Team and a referral to special education for an evaluation. Special education assessments are completed within 60 calendar days following the receipt of written consent for assessment. Within this period of time, the IEP team will meet to determine eligibility and develop an individualized education plan, as appropriate. Parents are considered active participants in the IEP process and valued members of the team. Upon completion of an assessment, parents will be notified of their right to have an in-class observation of their pupil, under specified circumstances.



California

Recommendation R-05

LEGISLATIVE INFORMATION

[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

 Code: Section:


[Up^](#)
[<< Previous](#)
[Next >>](#)
[cross-reference chaptered bills](#)
[PDF](#)
[Add To My Favorites](#)


EDUCATION CODE - EDC

TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 64100] (Title 2 enacted by Stats. 1976, Ch. 1010.)

DIVISION 4. INSTRUCTION AND SERVICES [46000 - 65001] (Division 4 enacted by Stats. 1976, Ch. 1010.)

PART 28. GENERAL INSTRUCTIONAL PROGRAMS [51000 - 53315] (Part 28 enacted by Stats. 1976, Ch. 1010.)

CHAPTER 5.6. California Healthy Youth Act [51930 - 51939] (Heading of Chapter 5.6 amended by Stats. 2015, Ch. 398, Sec. 1.)

ARTICLE 4. Notice and Parental Excuse [51937 - 51939] (Heading of Article 4 renumbered from Article 5 by Stats. 2015, Ch. 398, Sec. 12.)

51938. (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.

(b) At the beginning of each school year, or, for a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment, each school district shall notify the parent or guardian of each pupil about instruction in comprehensive sexual health education and HIV prevention education and research on pupil health behaviors and risks planned for the coming year. The notice shall do all of the following:

(1) Advise the parent or guardian that written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education are available for inspection.

(2) Advise the parent or guardian whether the comprehensive sexual health education or HIV prevention education will be taught by school district personnel or by outside consultants. A school district may provide comprehensive sexual health education or HIV prevention education, to be taught by outside consultants, and may hold an assembly to deliver comprehensive sexual health education or HIV prevention education by guest speakers, but if it elects to provide comprehensive sexual health education or HIV prevention education in either of these manners, the notice shall include the date of the instruction, the name of the organization or affiliation of each guest speaker, and information stating the right of the parent or guardian to request a copy of this section, Section 51933, and Section 51934. If arrangements for this instruction are made after the beginning of the school year, notice shall be made by mail or another commonly used method of notification, no fewer than 14 days before the instruction is delivered.

(3) Include information explaining the parent's or guardian's right to request a copy of this chapter.

(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.

(c) Notwithstanding Section 51513, anonymous, voluntary, and confidential research and evaluation tools to measure pupils' health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the pupil's attitudes concerning or practices relating to sex, may be administered to any pupil in grades 7 to 12, inclusive. A parent or guardian has the right to excuse their child from the test, questionnaire, or survey through a passive consent ("opt-out") process. A school district shall not require active parental consent ("opt-in") for these tests, questionnaires, or surveys in grades 7 to 12, inclusive. Parents or guardians shall be notified in writing that this test, questionnaire, or survey is to be administered, given the opportunity to review the test, questionnaire, or survey if they wish, notified of their right to excuse their child from the test, questionnaire, or survey, and informed that in order to excuse their child they must state their request in writing to the school district.

(d) The use of outside consultants or guest speakers as described in paragraph (2) of subdivision (b) is within the discretion of the school district.

(Amended by Stats. 2015, Ch. 398, Sec. 14. (AB 329) Effective January 1, 2016.)

CALIFORNIA HEALTHY KIDS SURVEY

Since 1998, the California Healthy Kids Survey (CHKS) has been an anonymous, voluntary, and confidential pupil survey that local educational agencies have used in the planning, assessment, and evaluation of their alcohol, tobacco, other drug, and violence prevention efforts. Effective January 1, 2004, school districts have the option of administering the CHKS in grades 7 through 12 using either active or passive parental consent. We shall continue to obtain written parental permission prior to administration of the required 5th grade module of the CHKS. For grades 7-12, we have adopted the new *E.C. 51938(B)*, allowing for written parental notification and for a parent to opt his/her child out of participation, known as "passive consent." If parents desire to opt out their pupil from taking the survey, upon notification that the survey will be administered, they will be afforded the opportunity for inspection, and the ability to opt their child out of participation. Passive consent shall also be applied to HIV/AIDS and sex education in grades 7-12.

HIV/AIDS PREVENTION EDUCATION & COMPREHENSIVE SEXUAL HEALTH (*E.C. 51930, 51931, 51937, 51938, 51939*) (Chapter 5.6 – California Healthy Youth Act)

- (a) The California Healthy Youth Act requires school districts to provide pupils with integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention education at least once in middle school and once in high school. It is intended to ensure that pupils in grades 7-12 are provided with the knowledge and skills necessary to:
1. protect their sexual and reproductive health from HIV, other sexually transmitted infections, and unintended pregnancy;
 2. develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family;
 3. have healthy, positive, and safe relationships and behaviors. It also promotes understanding of sexuality as a normal part of human development.
- (c) "HIV/AIDS prevention education" means instruction on the nature of HIV/AIDS, methods of transmission, strategies to reduce the risk of human immunodeficiency virus (HIV) infection, and social and public health issues related to HIV/AIDS. For the purposes of this chapter, "HIV/AIDS prevention education" is not comprehensive sexual health education.
- (d) HIV/AIDS prevention education, whether taught by school district personnel or outside consultants, shall satisfy all of the criteria set forth in paragraphs (1) to (6), inclusive, of subdivision (b) and paragraphs (1) and (2) of subdivision (d) of *E.C. 51933*, shall accurately reflect the latest information and recommendations from the United States Surgeon General, the federal Centers for Disease Control and Prevention, and the National Academy of Sciences, and shall include the following:
1. Information on the nature of HIV/AIDS and its 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.
 3. Discussion of methods to reduce the risk of HIV infection. This instruction shall emphasize 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, but shall also include statistics based upon the latest medical information citing the success and failure rates of condoms and other contraceptives in preventing sexually transmitted HIV infection, as well as information on other methods that may reduce the risk of HIV transmission from intravenous drug use.
 4. Discussion of the public health issues associated with HIV/AIDS.
 5. Information on local resources for HIV testing and medical care.
 6. Development of refusal skills to assist pupils in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities.
 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 HIV/AIDS.
- (e) A pupil may not attend any class in comprehensive sexual education or HIV/AIDS prevention education, or participate in any anonymous, voluntary, and confidential test, questionnaire, or survey or pupil health behaviors and risks, if the school has received a written request from the pupil's parent or guardian excusing the pupil from participation in all or part of the instruction and or anonymous, voluntary, and confidential tests, questioners, or surveys.

- (f) 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/AIDS prevention education or to participate in anonymous, voluntary, and confidential tests, questionnaires, or surveys on pupil health behaviors and risks.
- (g) While comprehensive sexual health education, HIV/AIDS prevention education, or anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks is being administered, an alternative educational activity shall be made available to pupils whose parents or guardians have requested that they not receive the instruction or participate in the test, questionnaire, or survey.

Instructional materials utilized for HIV/AIDS prevention education and comprehensive sexual health education are available for review in the main office of your child's school. For additional information regarding HIV/AIDS prevention education and comprehensive sexual health education, please refer to MUSD board policy and administrative regulations 6142.8 (Comprehensive Health Education) and 6142.1 (Sexual Health and HIV/AIDS Prevention Instruction) located under the Board of Education tab on the MUSD website (www.mrpk.org).

GATE PROGRAM AND OPPORTUNITIES FOR HIGH ACHIEVERS

Although the GATE program has been suspended for 2019-20, we will continue to serve currently identified GATE pupils and other high achieving pupils in the manner described below.

- At the elementary level, GATE/High Achieving pupils in K-5th grade are grouped in high ability clusters within the general classroom setting and provided differentiated instruction and additional challenge.
- At the middle school level, GATE/High Achieving pupils in 6th-8th grade are assessed for placement in honors classes. The honors classes at Chaparral Middle School, Mesa Verde Middle School and Campus Canyon were created to serve the needs of GATE and high achieving pupils.
- At the high school level, GATE/High Achieving pupils in 9th-12th grade may be placed in Honors, Pre-AP and Advanced Placement classes. Some examples include Pre-AP courses in English and Biology, Honors Math 1, 2 and 3, AP courses in Psychology, English, European and U.S. History, Statistics, Calculus AB and BC, Chemistry, Biology, Physics, Spanish and Studio Art.

PROGRAMS FOR CHILDREN WITH EXCEPTIONAL NEEDS

The Moorpark Unified School District provides a free and appropriate public education (FAPE) in the least restrictive environment (LRE) for children with disabilities from 3 through 21 years who reside within district boundaries. Eligibility for special education and related services is determined by an Individualized Education Program (IEP) Team and is based on the results of a multidisciplinary team assessment.

Individualized programs may be provided for the following categories of disabilities: 1) intellectual disabilities; 2) hard of hearing; 3) deaf; 4) speech/language impaired; 5) visually impaired; 6) autistic; 7) emotionally disturbed; 8) orthopedically impaired; 9) other health impaired; 10) specific learning disability; 11) deaf-blind; 12) multi-handicapped; 13) traumatic brain injury; 14) established medical disability (3-5 years only).

Parents are encouraged to discuss concerns regarding academic performance with respective teachers/principals. A conference may initiate an assessment by the PRIDE Team and a referral to special education for an evaluation. Special education assessments are completed within 60 calendar days following the receipt of written consent for assessment. Within this period of time, the IEP team will meet to determine eligibility and develop an individualized education plan, as appropriate. Parents are considered active participants in the IEP process and valued members of the team. Upon completion of an assessment, parents will be notified of their right to have an in-class observation of their pupil, under specified circumstances.

CALIFORNIA HEALTHY KIDS SURVEY

Since 1998, the California Healthy Kids Survey (CHKS) has been an anonymous, voluntary, and confidential pupil survey that local educational agencies have used in the planning, assessment, and evaluation of their alcohol, tobacco, other drug, and violence prevention efforts. Effective January 1, 2004, school districts have the option of administering the CHKS in grades 7 through 12 using either active or passive parental consent. We shall continue to obtain written parental permission prior to administration of the required 5th grade module of the CHKS. For grades 7-12, we have adopted the new *E.C. 51938(B)*, allowing for written parental notification and for a parent to opt his/her child out of participation, known as "passive consent." If parents desire to opt out their pupil from taking the survey, upon notification that the survey will be administered, they will be afforded the opportunity for inspection, and the ability to opt their child out of participation. Passive consent shall also be applied to HIV/AIDS and sex education in grades 7-12.

HIV/AIDS PREVENTION EDUCATION & COMPREHENSIVE SEXUAL HEALTH (*E.C. 51930, 51931, 51937, 51938, 51939*) (Chapter 5.6 – California Healthy Youth Act)

- (a) The California Healthy Youth Act requires school districts to provide pupils with integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention education at least once in middle school and once in high school. It is intended to ensure that pupils in grades 7-12 are provided with the knowledge and skills necessary to:
1. protect their sexual and reproductive health from HIV, other sexually transmitted infections, and unintended pregnancy;
 2. develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family;
 3. have healthy, positive, and safe relationships and behaviors. It also promotes understanding of sexuality as a normal part of human development.
- (c) "HIV/AIDS prevention education" means instruction on the nature of HIV/AIDS, methods of transmission, strategies to reduce the risk of human immunodeficiency virus (HIV) infection, and social and public health issues related to HIV/AIDS. For the purposes of this chapter, "HIV/AIDS prevention education" is not comprehensive sexual health education.
- (d) HIV/AIDS prevention education, whether taught by school district personnel or outside consultants, shall satisfy all of the criteria set forth in paragraphs (1) to (6), inclusive, of subdivision (b) and paragraphs (1) and (2) of subdivision (d) of *E.C. 51933*, shall accurately reflect the latest information and recommendations from the United States Surgeon General, the federal Centers for Disease Control and Prevention, and the National Academy of Sciences, and shall include the following:
1. Information on the nature of HIV/AIDS and its 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.
 3. Discussion of methods to reduce the risk of HIV infection. This instruction shall emphasize 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, but shall also include statistics based upon the latest medical information citing the success and failure rates of condoms and other contraceptives in preventing sexually transmitted HIV infection, as well as information on other methods that may reduce the risk of HIV transmission from intravenous drug use.
 4. Discussion of the public health issues associated with HIV/AIDS.
 5. Information on local resources for HIV testing and medical care.
 6. Development of refusal skills to assist pupils in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities.
 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 HIV/AIDS.
- (e) A pupil may not attend any class in comprehensive sexual education or HIV/AIDS prevention education, or participate in any anonymous, voluntary, and confidential test, questionnaire, or survey or pupil health behaviors and risks, if the school has received a written request from the pupil's parent or guardian excusing the pupil from participation in all or part of the instruction and or anonymous, voluntary, and confidential tests, questioners, or surveys.

- (f) 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/AIDS prevention education or to participate in anonymous, voluntary, and confidential tests, questionnaires, or surveys on pupil health behaviors and risks.
- (g) While comprehensive sexual health education, HIV/AIDS prevention education, or anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks is being administered, an alternative educational activity shall be made available to pupils whose parents or guardians have requested that they not receive the instruction or participate in the test, questionnaire, or survey.

Instructional materials utilized for HIV/AIDS prevention education and comprehensive sexual health education are available for review in the main office of your child's school. For additional information regarding HIV/AIDS prevention education and comprehensive sexual health education, please refer to MUSD board policy and administrative regulations 6142.8 (Comprehensive Health Education) and 6142.1 (Sexual Health and HIV/AIDS Prevention Instruction) located under the Board of Education tab on the MUSD website (www.mrpk.org).

GATE PROGRAM AND OPPORTUNITIES FOR HIGH ACHIEVERS

Although the GATE program has been suspended for 2019-20, we will continue to serve currently identified GATE pupils and other high achieving pupils in the manner described below.

- At the elementary level, GATE/High Achieving pupils in K-5th grade are grouped in high ability clusters within the general classroom setting and provided differentiated instruction and additional challenge.
- At the middle school level, GATE/High Achieving pupils in 6th-8th grade are assessed for placement in honors classes. The honors classes at Chaparral Middle School, Mesa Verde Middle School and Campus Canyon were created to serve the needs of GATE and high achieving pupils.
- At the high school level, GATE/High Achieving pupils in 9th-12th grade may be placed in Honors, Pre-AP and Advanced Placement classes. Some examples include Pre-AP courses in English and Biology, Honors Math 1, 2 and 3, AP courses in Psychology, English, European and U.S. History, Statistics, Calculus AB and BC, Chemistry, Biology, Physics, Spanish and Studio Art.

PROGRAMS FOR CHILDREN WITH EXCEPTIONAL NEEDS

The Moorpark Unified School District provides a free and appropriate public education (FAPE) in the least restrictive environment (LRE) for children with disabilities from 3 through 21 years who reside within district boundaries. Eligibility for special education and related services is determined by an Individualized Education Program (IEP) Team and is based on the results of a multidisciplinary team assessment.

Individualized programs may be provided for the following categories of disabilities: 1) intellectual disabilities; 2) hard of hearing; 3) deaf; 4) speech/language impaired; 5) visually impaired; 6) autistic; 7) emotionally disturbed; 8) orthopedically impaired; 9) other health impaired; 10) specific learning disability; 11) deaf-blind; 12) multi-handicapped; 13) traumatic brain injury; 14) established medical disability (3-5 years only).

Parents are encouraged to discuss concerns regarding academic performance with respective teachers/principals. A conference may initiate an assessment by the PRIDE Team and a referral to special education for an evaluation. Special education assessments are completed within 60 calendar days following the receipt of written consent for assessment. Within this period of time, the IEP team will meet to determine eligibility and develop an individualized education plan, as appropriate. Parents are considered active participants in the IEP process and valued members of the team. Upon completion of an assessment, parents will be notified of their right to have an in-class observation of their pupil, under specified circumstances.