



Response to Grand Jury Report Form

RECEIVED
OCT 15 2019
Ventura County
Grand Jury

Report Title: School Implementation of Sex Education Programs
Report Date: April 10, 2019 (Received May 7, 2019)
Response by: Dr. Colleen Robertson Title: Somis Union School District Superintendent

FINDINGS

- I (we) agree with the findings numbered: N/A
- I (we) disagree wholly or partially with the findings numbered: See Attached
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered (R-01, R-02, R-03, R-04, R-05, R-06 and R-07) have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered (NONE) have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered (NONE) require further analysis.
- Recommendations numbered (NONE) will not be implemented because they are not warranted or are not reasonable.

Date: July 31, 2019 Signed: Dr. Robertson

Number of Response pages attached: 4

RESPONSE TO GRAND JURY REPORT
School Implementation of Sex Education Programs
April 10, 2019 (Received May 7, 2019)

CONCLUSION 1: The Grand Jury concluded that all school districts surveyed, except Conejo, have implemented policies, practices and procedures regarding the implementation of AB329.

RECOMMENDATION 1: The Grand Jury recommends that the school districts provide to parents or guardians a separate informational notice describing the sexual education and HIV/AIDS prevention curriculum and content of sexual-behavior surveys (C-02).

At the beginning of each school year Somis USD provides initial notification to parents in the form of an Annual Notice of Parent Rights & Responsibilities and Sexual Health Parent Notification Letters. These documents address the Grand Jury's recommendation regarding curriculum and surveys.

CONCLUSION 2: The Grand Jury concluded that school districts' policies, practices and procedures fail to provide sufficient details of the sexual-health education and HIV/AIDS prevention class curriculum, or the content of the sexual-behavior surveys. This makes it difficult for parents or guardians to easily access, understand and make decisions about whether their children should be excused from or included in the sexual-education classes or surveys on sexual behavior.

RECOMMENDATION 2: The Grand Jury recommends that the notice provided to parents or guardians' states that no academic penalty will attach as a result of a parent or guardian excluding a child from sexual-education classes or surveys of sexual behavior.

Current Somis Board Policy 6142.1(a) states: *"A student shall not be subject to disciplinary action, academic penalty, or other sanctions if the student's parent/guardian declines to permit the student to receive the instruction."*

Per Somis USD Annual Notice of Parent Rights & Responsibilities, *"Students may not be subject to disciplinary action or academic penalty if the student's parent or guardian declines to permit participation in comprehensive sexual health education and/or anonymous surveys"*

Somis USD provides an annual parent/guardian notification letter. The statement above from BP 6142.1(a) was added to that letter. AR 6142.1 (b),(c) and (d) describes in detail the components of Sexual Health and HIV Prevention Education.

CONCLUSION 3: The Grand Jury concluded that all district policies, procedures and practices (except Conejo, Moorpark and Mupu) fail to provide adequate notice that a student excused from instruction will be provided an alternative educational activity.

RECOMMENDATION 3: The Grand Jury recommends that school districts provide an alternative educational curriculum to students opting-out of sexual-education classes that closely aligns with the Legislature’s intent that “instruction and materials shall provide pupils with knowledge and skills for making and implementing health decisions ... including negotiation and refusal skills...” The details of the alternative curriculum should be included in the notice to parents or guardians. The Life Skills curriculum established by the Moorpark Unified School District is an example of such an alternative.

Per the annual Parent Notification Letter, Somis USD uses the Positive Prevention PLUS curriculum to address sexual health. *“This curriculum has been and will be adapted to meet the unique needs of all students, and includes lessons on sexual development, physical/social/emotional changes during puberty, human reproduction, hygiene, diseases and their transmission, friendship, boundaries and bullying, and staying healthy.”* For those students that opt out we are using the Olweus Program to support healthy decision making, conflict resolution and social emotional well-being.

Per Somis USD Board Policy 6142.1 (a), under Parent/Guardian Consent it states, *“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 parent/guardian 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.”*

RESPONSE TO GRAND JURY REPORT

CONCLUSION 4: The Grand Jury concluded that all district procedures, policies, and practices (except Mupu, Oxnard Union, Oak Park, Simi and Moorpark) fail to give notice that a student excused from instruction will not be subject to any academic penalty.

RECOMMENDATION 4: The Grand Jury recommends that the school districts provide a more detailed explanation of the content of sexual-education and HIV/AIDS curriculum and sexual-behavior surveys in an easily accessible format.

Per Somis USD Board Policy 6142.1 (a), *“A student shall not be subject to disciplinary action, academic penalty, or other sanctions if the student’s parent/guardian declines to permit the student to receive the instruction.”*

Per Somis USD Annual Notice of Parent Rights & Responsibilities, *“Students may not be subject to disciplinary action or academic penalty if the student’s parent or guardian declines to permit participation in comprehensive sexual health education and/or anonymous surveys”.*

Per the annual Parent Notification Letter, Somis USD uses the Positive Prevention PLUS curriculum to address sexual health. *“This curriculum has been and will be adapted to meet the unique needs of all students, and includes lessons on sexual development, physical/social/emotional changes during puberty, human reproduction, hygiene, diseases and their transmission, friendship, boundaries and bullying, and staying healthy.”*

CONCLUSION 5: The Grand Jury concluded that all districts (except Oxnard Union, Ventura, Somis, Ojai and Port Hueneme) do not provide a separate written form for parents or guardians to conveniently opt-out their students from all or part of the curriculum on sexual-health education or surveys on sexual behavior.

RECOMMENDATION 5: The Grand Jury recommends that the school districts facilitate the opt-out process by including a single form that can be signed and returned, indicating that parents or guardians wish to have their child excused from sexual-educational instruction and surveys.

Somis USD is compliant with Education Code 51938 and does facilitate the opt-out process for parents. See attached Parent letter.

RECOMMENDATION 6: The Grand Jury recommends that the school districts notify parents or guardians that they may opt-out their children from any part of sexual-education classes or surveys, while allowing them to attend or participate in others.

Per Administrative Regulation 6142.1 and Parent Notification Letter that must be provided at least 14-day prior to administration of sexual health curriculum, parents have *“the right to excuse their child from all or part of comprehensive sexual health education and HIV prevention education.”*

Somis USD is compliant with Education Code 51938 and does facilitate the opt-out process for parents in the Annual Notice of Parents Rights and Responsibilities. Somis USD does not administer sexual behavior surveys to students.

RECOMMENDATION 7: The Grand Jury recommends that school districts provide a more complete explanation in the annual parent/guardian notification of any surveys to be taken concerning sexual behavior of students.

Somis USD complies with the ‘*may*’ provision in California Education Code 51938(4)(c) through the Somis USD Annual Notice of Parent Rights & Responsibilities, Somis USD **does not** administer sexual behavior surveys to students.

Somis Union School District

November 13, 2018

Action Item: 2.4

TO: Board of Trustees

FROM: Colleen Robertson, Superintendent

SUBJECT: Positive Prevention Plus for 7th & 8th grade: For Sex Ed Class

**The Superintendent recommends that
the following be approved as presented.**

SEXUAL HEALTH EDUCATION

Sexual Health Education became mandatory on January 1, 2016 for California public school students in grades 7 through 12 under a bill signed into law by Gov. Jerry Brown.

A comprehensive evidence-based sexual health and teen pregnancy prevention curriculum for grades 7-12 and out-of-school youth, written in compliance with the updated California Education Code including "The California Healthy Youth Act" (AB 329) and "Sexual Harassment and Violence Instruction" (SB 695) and the National Health Education Standards.

LESSON TOPICS

Getting Started: Classroom Ground Rules and Vocabulary	Myths and Stereotypes Regarding Persons with HIV
Life Planning	HIV Disease and AIDS
Exploring Friendships and Other Relationships	Preventing Sexually Transmitted Diseases Risk Recognition and Risk Reduction Media and Peer Pressure
Bullying and Relationship Violence	Accessing Community Services
Preventing Unplanned Pregnancies	Setting Goals
Making Informed Decisions:	
Understanding the California Safe Surrender Law	



Somis Union School District

5268 North Street
Somis, CA 93066

Board of Education

Bob Fulkerson
Scott Mier
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Colleen Robertson, Ed.D. Superintendent

Parent/Guardian Notification Letter
for The California Healthy Youth Act – Education Code 51930-51939
Comprehensive Sexual Health and HIV Prevention Education

December __ 2019

Dear Parents/Guardians:

The Somis Union School District offers a course of study on Sexual Health for 7th and 8th graders. This course topic addresses many of the health issues students' face, or will face, in their lifetime.

This Sexual Health course is guided by several state laws including teaching that abstinence from sexual intercourse is the only 100% effective protection against unwanted teenage pregnancy, sexually transmitted diseases, and Acquired Immune Deficiency Syndrome (AIDS) when transmitted sexually. Sexual Health instruction content is required by Education Code 51933. We will be using **Positive Prevention PLUS** instructional materials for this unit, which begins on January __ 2020. This curriculum has and will be adapted to meet the unique needs of all students and includes lessons on sexual development, physical/social/emotional changes during puberty, human reproduction, hygiene, disease and their transmission, friendship, boundaries and bullying, and staying healthy. These classes will be taught by trained school personnel, Michelle Olson, RN, and Coach Brett Halvaks, physical education teacher.

It is required that parents or guardians be notified prior to instruction. All written or audiovisual materials to be used in this instruction will be available for you to view beginning December __ 2019 at the Somis School Office through January __ 2020.

A parent/guardian also has the right to excuse their child from all or part of 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. Students so excused by their parents/guardians shall be given an alternative educational activity using the Olweus Program. 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.

If you have questions or concerns regarding your child's participation in this unit, please feel free to contact my office at the telephone number below.

Sincerely,

Dr. Colleen Robertson
Superintendent, Somis School
(805) 386-8258

This letter is updated yearly. CR

SOMIS SCHOOL DISTRICT PARENTS' RIGHTS AND RESPONSIBILITIES IN PUBLIC EDUCATION

California Code of Regulations, Title 5, Section 604, E.C. 49423, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act (ADA), and Individuals with Disabilities Education Act (IDEA))

Entrance Health Screening California law now requires a special health checkup of all children entering first grade. Your child must have a health certificate on file which shows that he/she had a health checkup within 18 months before entering first grade or within 90 days after. If you do not want your child to have a checkup, you must sign a waiver. The purpose of the checkup is to prevent and correct health problems in children before they become serious. Pupils may be excluded up to 5 days from school for failing to comply or not providing a waiver. Free health screening is available through the local health department. (Health & Safety Code Part 1, Chapter 2, Article 3.4, Section 323.5)

Pupil Records: Right to Review and Release of Information The following records are kept for each pupil:

Enrollment information, including birth and residence data and family background.

Cumulative record of test scores, grades, subjects and courses taken, and disciplinary notation, if appropriate.

Records required for special education programs.

Parents or guardians may review these records during the regular school day after calling the school office for an appointment. Access shall be granted no later than five business days following the date of the request for access. Any concern regarding the accuracy or appropriateness of any records should be discussed with the principal.

The records listed above will be forwarded to any other school in which a child enrolls without any further action on the part of the parents.

Access to information in student records without your consent is limited to:

School to which a student is transferring

Specified federal and state educational administrators

No other request for student information by individuals or organizations will be honored without a written statement signed by you authorizing its releases.

School and district offices are responsible for the custody of records. Records are reviewed periodically by school staff and materials no longer required are destroyed in accordance with state law. (Education Code Section 49063, 49069)

Minimum Days and Pupil-Free Staff Development Days Parents must be advised (no later than one month prior to) of any scheduled minimum days or pupil-free staff development days. See the school calendar for specific days. (Education Code Section 48980(c))

Evaluation of Vision Students may be excused from vision appraisal if it conflicts with the religious training or beliefs of the parent or guardian. (Education Code Section 49455)

Sight and Hearing Test The governing board of any school district shall, subject to Section 49451, provide for the testing of the sight and hearing of each pupil. (Education Code Section 49452)

Parent's Refusal to Consent Parents or guardians may annually file a statement in writing that they will not consent to a physical examination of their child. However, if there are good reasons to believe the child is suffering from a recognized contagious or infectious disease, the pupil shall be sent home and shall not be permitted to return until the school authorities are satisfied that any contagious or infectious disease does not exist. (Education Code Section 49451)

Medical and Hospital Insurance The district does not carry student health and accident insurance. Students in athletics must have insurance. For detailed information contact your school. (Education Code Section 49472)

Excuse from Health Instruction Students may be released from any part of the instruction in "health" if that part of the instruction conflicts with the religious training or beliefs of the parent or guardian. (Education Code Section 51240)

SEX EDUCATION/HIV/AIDS Prevention Education: Seventh and Eighth grade students will receive instruction on SEX EDUCATION/HIV/AIDS Prevention at least once. Somis USD uses the Positive Prevention PLUS curriculum to address sexual health. *"This curriculum has been and will be adapted to meet the unique needs of all students, and **includes lessons on sexual development, physical/social/emotional changes during puberty, human reproduction, hygiene, diseases and their transmission, friendship, boundaries and bullying, and staying healthy.**"* For those students that opt out we are using the Olweus Program to support healthy decision making, conflict resolution and social emotional well-being.

A parent may request that his or her child not attend the class in which human reproductive organs or their functions and process are described, illustrated, or discussed. (Copies of materials including videos will be available for parent viewing

SOMIS SCHOOL DISTRICT PARENTS' RIGHTS AND RESPONSIBILITIES IN PUBLIC EDUCATION

before being used in the classroom.) Parents will be given written notice at least 14 days before instruction begins. The notice will contain program content, date of instruction, the name and affiliation of any guest speakers, and information stating the right of the parent to request a copy of Education Code 51933, 51934, and 51938. (Education Code Section 51550)

Per Somis USD Board Policy 6142.1 (a), under Parent/Guardian Consent it states, "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 parent/guardian 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."

Surveys Anonymous, voluntary and confidential research and evaluation tools to measure student's health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the student's attitudes and practices relating to sex, family life, morality, and religion may be administered to students if the parent is notified in writing that 1) this test, questionnaire, or survey is to be administered, 2) the student's parent is given the opportunity to review the test, questionnaire, or survey, and 3) the parent consents in writing. EC 51513.

Child Abuse Prevention Training Program A parent or guardian may request that his or child not participate in a child abuse primary prevention program. (Welfare and Institutions Code 1897.5)

Confidential Medical Service Law permits school authorities to excuse pupils in grades 7-12 to obtain confidential medical services without consent of parent or guardian. (Education Code 48010.1)

Pupil Directory Information "Directory Information" includes one or more of the following items: student's name, address, telephone number, e-mail address, date of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent public or private school attended by the student. The District has determined that the following individuals, officials, or organizations may receive directory information: SOMIS Community Club and other schools requesting information. No information may be released to private profit making entity other than employers, prospective employers and representatives of the news media, including, but not limited to, newspapers, magazines, and radio and television stations. Directory information may be disclosed without prior consent from the parent or legal guardian unless the parent or legal guardian submits a written notice to the school to deny access to his/her pupil's directory information. . (Education Code Section 49073)

Required Immunizations Unless a pupil's parent or legal guardian provides the school with an acceptable signed waiver, a pupil must be immunized against certain communicable diseases. Students are prohibited from attending school until the immunization requirements are met. The school district shall cooperate with local health officials in measures necessary for the prevention and control of communicable diseases in school age children. The district may use any funds, property, or personnel and may permit any person licensed as a physician or registered nurse to administer an immunizing agent to any student whose parents have consented in writing. (See Student and Parent Handbook)

State law requires the following immunizations before a child may attend school:

- (a) All new students, in transitional kindergarten through grade 8 to the SOMIS School District must provide proof of polio, diphtheria, pertussis, tetanus, measles, mumps, and rubella and varicella immunizations.
- (b) All transitional kindergarten and kindergarten students must also provide proof of vaccination against hepatitis B.
- (c) All seventh grade students must also provide proof of a second measles, mumps, and rubella vaccination.
- (d) All seventh through twelve grade students must also provide proof of a second immunization for measles, mumps, rubella, and a pertussis booster vaccination.
- (e) A tuberculosis skin test (Mantoux) is required for all kindergarten students and all new students who have never attended a California school.

Information about a permanent medical exemption or personal beliefs exemption from immunizations for your student is available at the SOMIS School Office.

Oral Health Assessment California Education Code section 49452.8 requires a pupil, while enrolled in kindergarten in a public school, or while enrolled in first grade in a public school if the pupil was not previously enrolled in kindergarten in a public school, to no later than May 31st of the school year present proof of having received an oral health assessment that was

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION

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.

(cf. 5030 - Student Wellness)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.25 - Availability of Condoms)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6142.8 - Comprehensive Health Education)

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.

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. (Education Code 51934)

(cf. 6143 - Courses of Study)

The Superintendent or designee shall identify appropriate methods for informing the school community about subjects related to the 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.

Parent/Guardian Consent

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. (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)

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION

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*

49381 *Human trafficking prevention resources*

51202 *Instruction in personal and public health and safety*

51210.8 *Health education curriculum*

51225.36 *Instruction in sexual harassment and violence; districts that require health education for graduation*

51240 *Excuse from instruction due to religious beliefs*

51513 *Test, questionnaire, survey, or examination containing questions about beliefs or practices*

51930-51939 *California Healthy Youth Act*

51950 *Abuse, sexual abuse, and human trafficking prevention education*

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 requirements and prohibited use of funds*

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

HUMAN RIGHTS CAMPAIGN FOUNDATION PUBLICATIONS

California LGBTQ Youth Report, January 2019

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Sex Education and HIV/AIDS/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 Partnership to End Domestic Violence: <http://www.cpedv.org>

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

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

Human Rights Campaign: <http://www.hrc.org/hrc-story/hrc-foundation>

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

Policy

Adopted: 1/11/2005

Revised: 1/10/2017; 6/11/2019

SOMIS UNION SCHOOL DISTRICT
Somis, California

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION**Definitions**

Comprehensive sexual health education means education regarding human development and sexuality, including education on pregnancy, contraception, and sexually transmitted infections. (Education Code 51931)

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. (Education Code 51931)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

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. (Education Code 51931)

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. (Education Code 51931)

General Criteria for Instruction and Materials

The Superintendent or designee shall ensure that the district's comprehensive sexual health and HIV prevention instruction and materials: (Education Code 51933)

1. Are age appropriate
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

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION

General Criteria for Instruction and Materials – cont'

- 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

(cf. 6174 - Education for English Learners)

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

(cf. 6159 - Individualized Education Program)

7. Do not reflect or promote bias against any person in protected categories of discrimination pursuant to Education Code 220

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.3 - Uniform Complaint Procedures)

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

(cf. 5145. 3 - Nondiscrimination/Harassment)

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION**General Criteria for Instruction and Materials – cont'**

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

Components of Sexual Health and HIV Prevention Education

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: (Education Code 51934)

1. 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 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. 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

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.

(cf. 5141.25 - Availability of Condoms)

(cf. 5146 - Married/Pregnant/Parenting Students)

4. 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 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. 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 social views on HIV and AIDS, including addressing unfounded

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION

Components of Sexual Health and HIV Prevention Education – cont'

stereotypes and myths regarding HIV and AIDS and people living with HIV

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.

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:
 - 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

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. (Education Code 51934)

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION**Professional Development**

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. (Education Code 51931, 51934)

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. (Education Code 51935)

(cf. 4131 - Staff Development)

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). (Education Code 51935)

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. (Education Code 51935)

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. (Education Code 51935)

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. (Education Code 51950)

Use of Consultants or Guest Speakers

The Superintendent or designee may contract with outside consultants or guest speakers, including those who have developed multilingual curricula or curricula accessible to 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. (Education Code 51933, 51934, 51936)

(cf. 6145.8 - Assemblies and Special Events)

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION**Parent/Guardian Notification**

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: (Education Code 48980, 51938)

1. That written and audiovisual educational materials to be used in comprehensive 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. Students so excused by their parent/guardian shall be given an alternative educational activity. A student shall not be subject to disciplinary action, academic penalty, or other sanctions if the student's parent/guardian declines to permit the student to receive the instruction.
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.

(cf. 5145.6 - Parental Notifications)

Nonapplicability to Certain Instruction or Materials

The requirements of Education Code 51930-51939 pertaining to instructional content, teacher training, and parental notification and consent shall not apply to the following: (Education Code 51932)

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

(cf. 6142.93 - Science Instruction)

SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION

Nonapplicability to Certain Instruction or Materials – cont'

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