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August 14, 2020

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Mr. Richard Boehmer, Foreperson
County of Ventura Grand Jury
800 S. Victoria Avenue
Ventura, CA 93009

Dear Mr. Boehmer:

Oxnard Union High School District (OUHSD) received a copy of the 2019-2020 Ventura County Grand Jury Final Report entitled, *Charter School Implementation of State Mandated Sex Education – AB 329*. In that report, the Grand Jury required responses from the Superintendent of Schools to the following recommendations: C-01, C-02, C-03, R-01, R-02, R-03, R-04, R-05, R-06, and R-07.

ADMINISTRATION

Tom McCoy, Ed.D.
Interim Superintendent

Deborah Salgado, Ed.D.
Assistant Superintendent
Human Resources

Jeffrey Weinstein
Assistant Superintendent
Business Services

We are pleased to provide the attached response in accordance with Penal Code 933 and 933.05. Please note that all referenced documents can be accessed by using the following link to a shared Google Drive:

https://drive.google.com/drive/folders/1CA6AVjR5Qy_B7rmy8SdpWe3jor3kbFP?usp=sharing

If you have any questions regarding the information presented in this response, please contact Marianne Ramos, Director Instructional Support Services at 805-394-4785, or marianne.ramos@oxnardunion.org.

Sincerely,

Tom McCoy, Ed.D.
Interim Superintendent, Oxnard Union High School District

Visit our Website at
www.oxnardunion.org

CC: Marianne Ramos, Director of Instructional Support Services, Oxnard Union HSD

Response to Grand Jury Report Form

Report Title: Charter School Implementation of State Mandated Sex Education – AB 329

Report Date: April 2, 2020 (Received May 22, 2020)

Response by: Marianne Ramos Title: Oxnard Union High School District,
Director Instructional Support Services

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-03, R-05 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 R-02, R-04, R-06 will not be implemented because they are not warranted or are not reasonable.

Date: August 14, 2020

Signed: 

Number of pages attached: 3

GRAND JURY REPORT

Charter School Implementation of State Mandated Sex Education – AB 329

***All documents referenced in this response can be accessed
using the following link to a shared Google Drive:***

https://drive.google.com/drive/folders/1CA6AVjR5Qy_B7rmy8SdpWe3jor3kbFP?usp=sharing

GRAND JURY FINDINGS

CONCLUSION 1: The Grand Jury concluded that none of the Required Charter Schools fully implemented the requirements of AB 329 and AB 1227.

CONCLUSION 2: The Grand Jury concluded none of the Required Charter Schools provided sufficient details of their sexual-health education curriculum and surveys regarding sexual practices. This does not allow parents/guardians to easily access, understand and make informed decisions about whether to opt out their child from the curriculum or surveys.

CONCLUSION 3: The Grand Jury concluded that only one of the Required Charter Schools included a sign and return form with the notification of curriculum to make it easy for parents/guardians to opt out their child from participation in the sexual health curriculum or surveys.

GRAND JURY RECOMMENDATIONS

RECOMMENDATION 1: The Grand Jury recommends the Required Charter Schools implement a set of policies, practices and curriculum by the beginning of the 2020-2021 school year to meet the requirements of AB 329 and AB 1227.

This response addresses the two charter schools authorized by the Oxnard Union High School District serving students in grades K-12, including, Camarillo Academy of Progressive Education and Architecture, Construction and Engineering Charter High School. Both of these charter schools will have adopted and implemented curriculum by the beginning of the 2020-2021 school year to meet the requirements of AB 329 and AB 1227, the California Healthy Youth Act (CHYA).

Camarillo Academy of Progressive Education has adopted the Human Relations Media curriculum (<https://www.hrmvideo.com/>). Human Relations Media curriculum aligned with the California Health Education Content Standards. The CAPE Board of Directors will review policies, practices, and curriculum this summer to confirm they meet the requirements of AB 329 and AB 1227. If requirements are not met, any non-compliant policies, practices, and/or curriculum will be amended so that the requirements of the two laws are met prior to the start of the 2020-21 school year.

Architecture, Construction and Engineering Charter High School has adopted the Positive Prevention Plus curriculum (<https://www.positivepreventionplus.com/>). Positive Prevention Plus is considered California Healthy Youth Act compliant and aligned with the California Health Education Content Standards. The ACE Charter School Board of Education will be reviewing their Board Policy regarding Sexual Health Instruction and we anticipate they will approve their policy at their regularly scheduled meeting on September 10, 2020.

RECOMMENDATION 2: The Grand Jury recommends that the Required Charter School provide to parents/guardians a notification of the curriculum on sexual health and human trafficking that includes a separate, easy-to-use opt out form for parents/guardians to sign and return.

We respectfully disagree and will not be adopting R-02. As mentioned previously, the aforementioned charter schools do provide notification to parent/guardians of the instruction in comprehensive sexual health education. However, they do not include a separate, easy-to-use opt out form for parents/guardians to sign and return as this recommendation conflicts with current law. Pursuant to EC 51938(b)(4), “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.” The law specifically places the onus of requesting the opt-out on the parent or guardian. By requiring charter schools to create an easy-to-use opt-out form for parents, we are violating the legislature’s intent of requiring the parent to state their request in writing to the school.

RECOMMENDATION 3: The Grand Jury recommends that the Required Charter Schools’ notifications to parents/guardians of sexual health curriculum include a statement that, should their child be opted out of that curriculum, an alternate curriculum will be offered with a description of that alternate curriculum.

Pursuant to Education Code Section (EC) 51939(c), “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.” Each of the aforementioned OUHSD authorized charter schools comply with EC 51939 by providing an annual notification letter to parents ([see google drive](#)), which indicates that an alternative educational activity will be made available to pupils who have opted-out. The type of alternative educational activity will vary on a case-by-case basis depending on whether the pupil is opted-out of the entire comprehensive sexual health education, and/or HIV prevention education or just part of the curriculum. Due to the nature and extent of the opt-out with each individual pupil, a description of the alternative educational activity is not provided in the annual notification, but rather parents are advised that they will have the opportunity to review any and all CHYA and/or alternative health curriculum upon request. In the case of Camarillo Academy of Progressive Education, Parent Viewing Nights are also scheduled for parents to participate in.

RECOMMENDATION 4: The Grand Jury recommends the Required Charter Schools provide parents/guardians with a detailed and clear written explanation of the content of sexual health curriculum in a document separate from their policies handbook.

We respectfully disagree and will not be adopting R-04. To avoid the potential for copyright infringement of the published curricula, each charter school makes available the entire adopted comprehensive sexual health curriculum for review rather than providing a derivative work in a separate document. Pursuant to guidance from the California Department of Education (CDE), this method is the preferred and lawful approach to complying with the requirements of CHYA.

As indicated above, each of the aforementioned charter schools provides an annual notification letter informing parents of the instruction in comprehensive sexual health education and HIV prevention education with an overview of the content. Pursuant to EC 51938(b)(1) this annual notification letter must “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.” Each of the four charter schools includes that statement in the annual notification and allows full access to the actual curriculum for inspection upon request. The CDE provides a template parent notification letter on its website (<https://www.cde.ca.gov/ls/he/se/>) which provides a similar overview to which the charter schools have closely aligned each of their respective parent letters.

RECOMMENDATION 5: The Grand Jury recommends the Required Charter Schools specifically state in the notification to parents/guardians regarding the sexual health curriculum that a parent/guardian may opt out their child from any part of the curriculum or surveys, while allowing the child to participate in others.

Each of the aforementioned charter schools is compliant with EC 51938 as each parent notification letter indicates that a parent or guardian of a pupil has the right to excuse his or her child from all or part of the comprehensive sexual health education. ([see google drive](#))

RECOMMENDATION 6: The Grand Jury recommends the Required Charter Schools provide alternative educational curricula to the opted out child from the sexual health curriculum that closely aligns with the Legislature’s intent that instruction and materials provide pupils with “negotiation and refusal skills to assist pupils in overcoming peer pressure and using effective decision making skills to avoid high-risk activities.”

We respectfully disagree and will not be adopting R-06 as it conflicts with current law. As mentioned above in the response to R-03, EC 51939(c) only requires that, “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.” The law does not provide any detail or indicate what specific content the alternative educational activity must provide. Therefore, requiring charter schools to provide an alternative educational activity that includes instruction in “negotiation and refusal skills to assist pupils in overcoming peer pressure and using effective decision-making skills to avoid high-risk activities” would fall outside the requirements of EC 51939.

Also, as mentioned above, the type of alternative educational activity provided to the opted-out pupil will vary on a case-by-case basis depending on whether the pupil is opted-out of the entire comprehensive sexual health education, and/or HIV prevention education or just part of the curriculum. Each of the charter schools provides an alternative educational activity with a broad range of health topics dependent on the parent’s request for specific opted-out content.

RECOMMENDATION 7: The Grand Jury recommends that the Required Charter Schools provide a complete explanation in the parent/guardian notification of any surveys to be taken concerning the sexual behavior of a student. The full survey should be on the charter school’s website or provided by the school upon request by the parent/guardian.

None of the aforementioned charter schools currently administer surveys or questionnaires to the students concerning sexual behavior. Should any of the schools choose to administer surveys in the future, the annual parent notification for each charter school ([see google drive](#)) indicates that the full curriculum, including surveys and/or questionnaires, will be made available to the parent or guardian on the school’s website or school office for review and inspection.