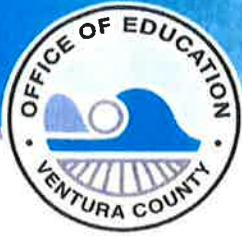


Received via email
Jul 28, 2020

Administration

5189 Verdugo Way
Camarillo, CA 93012
805-383-1902 · FAX: 805-383-1908
www.vcoe.org



VENTURA COUNTY OFFICE OF EDUCATION

Stanley C. Mantooth, County Superintendent of Schools

July 27, 2020

Sent via Email and US Mail

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

Dear Mr. Boehmer:

On May 22, 2020 the Ventura County Office of Education (VCOE) 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 Ventura County 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.

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://bit.ly/VCOEgrandjury2020>

If you have any questions regarding the information presented in this response, please contact Ms. Marlo Hartsuyker, Director of Charter School Support and Oversight at 805-383-1931, or mhartsuyker@vcoe.org.

Sincerely,

Stanley C. Mantooth
Ventura County Superintendent of Schools

CC: Dr. Cesar Morales, Deputy Superintendent, Student Services

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: Ms. Marlo Hartsuyker Title: Ventura County Office of Education,
Director of Charter School Support and Oversight

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: July 16, 2020

Signed: _____



Number of pages attached: 4



RESPONSE TO GRAND JURY REPORT
Charter School Implementation of
State Mandated Sex Education – AB 329
April 2, 2020 (Received May 22, 2020)

***All documents referenced in this response can be accessed
using the following link to a shared Google Drive:***
<https://bit.ly/VCOEgrandjury2020>

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

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 four charter schools authorized by the Ventura County Board of Education serving students in grades 7-12, including, Bridges Charter School, River Oaks Academy, Ventura Charter School and Vista Real Charter High School. Each 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).

Bridges Charter School, Ventura Charter School and Vista Real Charter High School have adopted the Positive Prevention Plus curriculum (<https://www.positivepreventionplus.com/>). River Oaks Academy has adopted the Edgenuity curriculum (<https://www.edgenuity.com/>). Positive Prevention Plus and Edgenuity are considered California Healthy Youth Act compliant and aligned with the California Health Education Content Standards.

Bridges Charter School, River Oaks Academy and Ventura Charter School have adopted board policies outlining the implementation of their comprehensive sexual health education programs ([see google drive](#)). Vista Real Charter High School will be proposing a comprehensive sexual health education policy to its board of directors for anticipated adoption on August 25, 2020. A draft of Vista Real's proposed policy is provided herein ([see google drive](#)).

RECOMMENDATION 3: The Grand Jury recommends that the Required Charter Schools' notification 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 VCOE 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.

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 ([see google drive](#)) 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 ([see google drive](#)).

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.

CONCLUSION 2: The Grand Jury concluded that 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.

RECOMMENDATION 3: The Grand Jury recommends that the Required Charter Schools' notification 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.

Please see response above.

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.

Please see response above.

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.

Please see response above.

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."

Please see response above.

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.

Please see response above.

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.

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.

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

<https://bit.ly/VCOEgrandjury2020>

Landon, Carolyn

From: Boehmer, Richard
Sent: Tuesday, July 28, 2020 11:48 AM
To: Landon, Carolyn
Subject: FW: Response to Grand Jury Report - Charter School Implementation of AB329
Attachments: Grand Jury Response 072720 Sex Education Charter Schools AB329.pdf

Carrie:

Please see the email below and the attachments.

Rick

From: Stan Mantooth [mailto:mantooth@vcoe.org]
Sent: Tuesday, July 28, 2020 11:23 AM
To: Boehmer, Richard <Richard.Boehmer@ventura.org>
Cc: Nancy Akkerman <NAkkerman@vcoe.org>; Marlo Hartsuyker <MHartsuyker@vcoe.org>; Cesar Morales <CeMorales@vcoe.org>
Subject: Response to Grand Jury Report - Charter School Implementation of AB329

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

TO: Ventura County Grand Jury
c/o Richard Boehmer, Foreperson

DATE: July 28, 2020

Attached please find the Ventura County Office of Education response to the Ventura County Grand Jury Report entitled, *Charter School Implementation of State Mandated Sex Education – AB329*. As you will see in the response, all referenced documents can be found at this shared Google drive: <https://bit.ly/VCOEgrandjury2020>. A hard copy of this response will be sent via USMail.

If you have any questions regarding the information presented in this response, please contact Ms. Marlo Hartsuyker, Director of Charter School Support and Oversight at 805-383-1931 or via email at mhartsuyker@vcoe.org.

Regards,

Stan

Stanley C. Mantooth
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