

# **Ventura County Grand Jury 2018 - 2019**



## **Final Report**

### **School Implementation of Sex-Education Programs**

**April 10, 2019**

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## **School Implementation of Sex-Education Programs**

### **Summary**

On October 1, 2015, Gov. Jerry Brown signed into law the California Healthy Youth Act (AB 329) amending California Education Code Sections 51930-51939. The law requires school districts to ensure that all pupils in grades 7 through 12 receive comprehensive sexual health and HIV/AIDS prevention education. (Ref-01)

The law states that school districts shall notify the parent or guardian of each pupil about any instruction to be given as part of comprehensive sexual-health education, HIV/AIDS prevention, and any research surveys that may be conducted regarding student health behaviors and risks. The notice must be given at the beginning of each school year or, for students who enroll after that date, at the time of the student’s enrollment. (Ref-03)

The 2018-2019 Ventura County Grand Jury (Grand Jury) investigated 18 Ventura County school districts and County-operated schools concerning the implementation of those provisions of AB 329 that pertain to the notification of parents or guardians, including the requirement to provide written requests to excuse, or opt-out, students from mandated sex-education and HIV/AIDS protection curriculum and surveys. (Ref-03)

The Grand Jury found that all but one of the districts investigated had enacted policies and procedures implementing AB 329. However, these districts did not provide information to parents or guardians that no penalty would be imposed on their children if they opted-out of the sex-education curriculum, or related surveys. Most did not provide information that an alternative curriculum would be provided to students who opted-out. (Ref-05)

Additionally, 15 districts did not provide notice to parents or guardians that they had the right to opt-out their children from only part of the sex-education curriculum while participating in other parts of the curriculum. (Ref-03)

The Grand Jury understands the potentially sensitive and difficult nature of implementing AB 329. However, the Grand Jury recommends greater clarity in school district notifications that explain the rights and options of parents or guardians. This should include the details of the curriculum and student surveys, making it easier for parents or guardians to state their preferences as recognized by the intent of the Legislature. (Ref 03)

### **Background**

With the passage of AB 329, parents or guardians are required to request in writing that their children be opted-out from participation in all or part of the comprehensive sexual-health and HIV/AIDS prevention programs. (Ref-03)

The law states that at the beginning of the school year or at the beginning of their child’s enrollment, parents or guardians shall be notified of their right to review any and all materials to be utilized in the instruction of sexual-health and HIV/AIDS prevention, as well as the content of any surveys of sexual behavior. (Ref-04)

If parents or guardians fail to provide a written opt-out, the law mandates that a student will receive the entire sexual-health education curriculum and will be asked to participate in all surveys of sexual practices given by the district. (Ref-05)

Further, AB 329 states that any student who is by parental request excluded from sexual-health education may not be subject to academic penalty, disciplinary action or other sanctions.

Additionally, an alternative educational activity must be made available to students whose parents or guardians have requested that their children not receive the instruction or participate in questionnaires or surveys. (Ref-06)

The Grand Jury’s investigation focused on the extent to which the school districts have implemented AB 329. The Grand Jury’s conclusions and recommendations only pertain to school districts’ compliance and best practices with the requirements of AB 329 as currently written.

## **Methodology**

The Grand Jury sent surveys to 18 school districts in Ventura County (County) and the schools administered by the Ventura County Office of Education (VCOE), inquiring as to the policies and practices implementing the requirements of AB 329. Additionally, the Grand Jury performed internet searches, reviewed websites and conducted interviews. This report excludes Briggs Elementary School District, as it is not subject to the requirements of AB 329.

## **Facts**

- FA-01.** The Grand Jury found of the County’s 17 school districts surveyed and the schools administered by the VCOE, all have implemented various policies, practices and procedures in keeping with AB 329 except Conejo Valley Unified School District (Conejo), which was still developing policies at the time of the Grand Jury’s survey.
- FA-02.** The Grand Jury found that Conejo, Moorpark Unified School District (Moorpark) and Mupu Unified School District (Mupu) are the only districts to establish and describe what the alternative educational activity would be for students opting-out of the sex-education curriculum. All the other districts did not specify an alternate educational activity in the materials sent to parents or guardians.
- FA-03.** The Grand Jury found that only Mupu provided information to the parents or guardians that their children could be excused from participation in all or in part of the sex-education instruction.
- FA-04.** The Grand Jury found that only Mupu, Oxnard Union High School District (Oxnard Union), Oak Park Unified School District (Oak Park), Simi Valley

Unified School District (Simi) and Moorpark notified parents or guardians that any student who opted-out of the sex-education program will not be subject to academic penalty or disciplinary action.

- FA-05.** The Grand Jury found that in their annual handbook to parents or guardians, only Conejo, Port Hueneme Unified School District (Port Hueneme), Oxnard Union and Mupu informed parents or guardians of their right to review any and all materials to be utilized in instruction of the sex-education classes at the beginning of the school year or the beginning of a child’s enrollment. Only Oxnard Union provided a website to conveniently review the curriculum.
- FA-06.** The Grand Jury found that information regarding sex-education curricula and surveys sent to parents or guardians in the schools’ general handbooks were not easily found.
- FA-07.** The Grand Jury found that only Oxnard, Ventura Unified School District (Ventura), Somis, Ojai School District (Ojai) and Port Hueneme provided a form that could be returned to the district enabling a parent or guardian to conveniently provide a written request that the child opt-out from the sexual-education instruction or surveys concerning sexual behaviors.

## **Conclusions**

- C-01.** The Grand Jury concluded that all school districts surveyed, except Conejo, have implemented policies, practices and procedures regarding the implementation of AB 329. (FA-01)
- C-02.** 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. (FA-01, FA-02, FA-03, FA-04, FA-05, FA-06, FA-07)
- C-03.** 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. (FA-02)
- C-04.** 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. (FA-04)
- C-05.** 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. (FA-07)

## **Recommendations**

- R-01.** 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)
- R-02.** 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. (C-04)
- R-03.** 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 healthy 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. (C-02, C-03, Ref-07)
- R-04.** 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. (C-02)
- R-05.** 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-education instruction and surveys. (C-02)
- R-06.** 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. (C-02, FA-03)
- R-07.** 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. (C-02)

## **Responses**

### Responses Required From:

Conejo Unified School District  
Fillmore Unified School District  
Mesa Unified School District  
Moorpark Unified School District  
Mupu Unified School District  
Oak Park Unified School District  
Ocean View Unified School District

Ojai Unified School District  
Oxnard Elementary School District  
Oxnard Union High School District  
Pleasant Valley Unified School District  
Port Hueneme Unified School District  
Rio Unified School District  
Santa Paula Unified School District  
Simi Valley Unified School District  
Somis Unified School District  
Ventura County Office of Education  
Ventura County Unified School District

**References**

**Ref-01.** California Healthy Youth Act (AB 329)

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id201520160AB329](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id201520160AB329)

Accessed April 3, 2019

**Ref-02.** The following School Districts were surveyed:

Briggs Elementary School District  
Conejo Valley Unified School District  
Fillmore Unified School District  
Mesa Unified School District  
Moorpark Unified School District  
Mupu Unified School District  
Oak Park Unified School District  
Ocean View Unified School District  
Ojai Unified School District  
Oxnard Elementary School District  
Oxnard Union High School District  
Pleasant Valley Unified School District  
Port Hueneme Unified School District  
Rio Unified School District  
Santa Clara Unified School District  
Santa Paula Unified School District  
Simi Valley Unified School District  
Somis Unified School District  
Ventura County Office of Education

Ventura County Unified School District

**Ref-03.** California Education Code Sections 51937, 51938 (b)

[http://leginfo.legislature.ca.gov/faces/codes\\_displayexpandedbranch.xhtml?tocCode=EDC&division=4.&title=2.&part=28.&chapter=5.6.&article=3](http://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=EDC&division=4.&title=2.&part=28.&chapter=5.6.&article=3)

Accessed April 3, 2019

**Ref-04.** California Education Code Sections 51938

[http://leginfo.legislature.ca.gov/faces/codes\\_displayexpandedbranch.xhtml?tocCode=EDC&division=4.&title=2.&part=28.&chapter=5.6.&article=3](http://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=EDC&division=4.&title=2.&part=28.&chapter=5.6.&article=3)

Accessed April 3, 2019

**Ref-05.** California Education Code Sections, 51939

[http://leginfo.legislature.ca.gov/faces/codes\\_displayexpandedbranch.xhtml?tocCode=EDC&division=4.&title=2.&part=28.&chapter=5.6.&article=3](http://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=EDC&division=4.&title=2.&part=28.&chapter=5.6.&article=3)

Accessed April 3, 2019

**Ref-06.** California Education Code Sections 51937, 51939

[http://leginfo.legislature.ca.gov/faces/codes\\_displayexpandedbranch.xhtml?tocCode=EDC&division=4.&title=2.&part=28.&chapter=5.6.&article=3](http://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=EDC&division=4.&title=2.&part=28.&chapter=5.6.&article=3)

Accessed April 3, 2019

**Ref-07.** California Education Code Section 51933(h)

[http://leginfo.legislature.ca.gov/faces/codes\\_displayexpandedbranch.xhtml?tocCode=EDC&division=4.&title=2.&part=28.&chapter=5.6.&article=3](http://leginfo.legislature.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=EDC&division=4.&title=2.&part=28.&chapter=5.6.&article=3)

Accessed April 3, 2019

## **Glossary**

**TERM**

**DEFINITION**

AB 329

California Healthy Youth Act

Conejo

Conejo Valley Unified School District

Grand Jury

2018-2019 Ventura Grand Jury

Mupu

Mupu Unified School District

Oak Park

Oak Park Unified School District

Ojai

Ojai Unified School District

Oxnard Union

Oxnard Union High School District

Port Hueneme

Port Hueneme Unified School District

Somis

Somis Unified School District

Simi

Simi Valley Unified School District

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