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Response to Grand Jury Report Form

Ventura County
Grand Jury

Report Title: School Implementation of Sex Education Programs

Response by: Micheline G. Miglis

Title: Assistant Superintendent, Education Services

FINDINGS

- I (we) agree with the findings numbered: N/A
- I (we) disagree wholly or partially with the findings numbered: N/A
*(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: October 30, 2019

Signed: 

Number of pages attached, including this one: 4

Attachments:

- 1) Fillmore Unified School District Board Policy 6142.1
- 2) Fillmore Unified School District Annual Notification of Parent or Guardian 2019-2020

RESPONSE TO GRAND JURY REPORT

School Implementation of Sex Education Programs

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 Fillmore Unified School District provides initial notification to parents in the form of an Annual Notification of Parent or Guardian. Furthermore, prior to instruction begins in the Spring of each year, parent notification letters are distributed to affected students/grades. 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.

Fillmore Unified School District Board Policy 6142.1 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."*

While Fillmore Unified School District complies with the 'may' provision in California Education Code 51938(4)(c) through its Annual Notification of Parent or Guardian (pg. 3), Fillmore Unified School District *does not* administer sexual behavior surveys to students.

Per Fillmore Unified School District's Annual Notification of Parent or Guardian: *"The Fillmore Unified School District may administer to students in grades 7 through 12 anonymous, voluntary, and confidential research and evaluation instruments, including tests and surveys, containing age appropriate questions about their attitudes or practices relating to sex. Prior to administering such a research and evaluation instrument, parents/guardians shall be provided written notice of the administration. **Parents/guardians shall be given an opportunity to review the research instrument and to request in writing that their child not participate**" (pg. 3)*

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.

Fillmore Unified School District uses the Positive Prevention PLUS curriculum to address sexual health. This curriculum has been 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."

Per Fillmore Unified School District Board Policy 6142.1, *"Annually, 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."*

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 Fillmore Unified School District's Board Policy 6142.1, *"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 the annual Parent Notification Letter prior to beginning instruction, Fillmore Unified School District 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."*

While Fillmore Unified School District complies with the 'may' provision in California Education Code 51938(4)(c) through the Annual Notification of Parent or Guardian, Fillmore Unified School District *does not* administer sexual behavior surveys to students.

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.

Fillmore Unified School District is compliant with Education Code 51938 and does facilitate the opt-out process for parents.

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."*

While Fillmore Unified School District complies with the 'may' provision in California Education Code 51938(4)(c) through the Annual Notification of Parent or Guardian Fillmore Unified School District *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.

While Fillmore Unified School District complies with the 'may' provision in California Education Code 51938(4)(c) through the Annual Notification of Parent or Guardian, Fillmore Unified School District *does not* administer sexual behavior surveys to students.

Fillmore USD | BP 6142.1 Instruction

Sexual Health And Hiv/Aids Prevention Instruction

The Board of Education 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 provide students with the knowledge and skills necessary to protect them from sexually transmitted infections and unintended pregnancy and to have healthy, positive, and safe relationships and behaviors. The district's educational program shall also promote understanding of sexuality as a normal part of human development and the development of healthy attitudes and behaviors concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family.

(cf. 5030 - Student Wellness)

(cf. 6142.8 - Comprehensive Health Education)

Comprehensive sexual health education and HIV prevention education shall be offered to all students in grades 7-12, including at least once in junior high or middle school and at least once in high school. (Education Code 51934)

The district's curriculum shall support the purposes of the California Healthy Youth Act as specified in Education Code 51930-51939, be unbiased and inclusive of all students in the classroom, and be aligned with the state's content standards. 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.

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.25 - Availability of Condoms)

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

(cf. 6143 - Courses of Study)

The Superintendent or designee may appoint a coordinator and/or an advisory committee regarding the district's comprehensive sexual health program and HIV prevention curriculum. The advisory committee shall represent a divergence of viewpoints and may participate in planning, implementing, and evaluating the district's program.

(cf. 1220 - Citizen Advisory Committees)

Parent/Guardian Consent

Annually, 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)

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

51202 Instruction in personal and public health and safety

51210.8 Health education curriculum

51225.35 Instruction in sexual harassment and violence; districts that require health education for graduation

51240 Excuse from instruction due to religious beliefs

51513 Materials containing questions about beliefs or practices

51930-51939 California Healthy Youth Act

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

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

WEB SITES

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

California Department of Education, Sex Education and HIV/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 Safe Schools Coalition: <http://www.casafeschools.org>

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

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

Policy FILLMORE UNIFIED SCHOOL DISTRICT

adopted: November 20, 2018 Fillmore, California