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Simi Valley
School District

Ventura County
Grand Jury

Grand Jury
800 South Victoria Avenue
Ventura, CA 93009
(805) 477-1600
Fax: (805) 658-4523

county of ventura

grandjury.countyofventura.org

Response to Grand Jury Report Form

Report Title: School Implementation of Sex-Education Programs

Report Date: April 10, 2019

Response by: Sean Goldman Title: Assistant Superintendent, Student Support

FINDINGS / CONCLUSIONS

- I (we) agree with the findings / conclusions numbered: C-01, C-03, C-04
- I (we) disagree wholly or partially with the Findings / Conclusions numbered:
C-02, C-05
(Attach a statement specifying any portions of the Findings / Conclusions that are disputed; include an explanation of the reasons.)

RECOMMENDATIONS

- Recommendations numbered R-02, R-05, R-06 have been implemented.
(Attach a summary describing the implemented actions and date completed.)
- Recommendations number N/A have not yet been implemented, but will be implemented in the future.
(Attach a time frame for the implementation.)
- Recommendations numbered N/A require further analysis.
- Recommendations numbered R-01, R-03, R-04, R-07 will not be implemented because they are not warranted or are not reasonable.

Date: 8/11/19

Signed: 

Number of pages attached: 6

Response to Grand Jury Report
School Implementation of Sex-Education Programs
Report Date: April 10, 2019

Findings/Conclusions:

C-02 The District disagrees with the findings in C-02. Education Code section 51938(c) states: "Parents or guardians shall be notified in writing that this test, questionnaire, or survey is to be administered, given the opportunity to review the test, questionnaire, or survey if they wish, notified of their right to excuse their child from the test, questionnaire, or survey, and informed that in order to excuse their child they must state their request in writing to the school district." Therefore, the law does not require a detailed notice of sexual behavior surveys, but rather allows parents to inspect the survey materials directly. The District complies with the requirement in Education Code 51938 (c) by providing parent preview opportunities so that parents may review the sexual health curriculum and surveys prior to the instruction of such material. Parents also have an opportunity to opt out of this instruction prior to the instruction being delivered.

C-05 The District disagrees with the findings in C-05. Education Code section 51938(b) does not require a "separate" notice to parents related to sexual education classes and/or sexual behavior surveys. Rather, the notice must be provided at the beginning of each school year, or when a student enrolls in the District. Therefore, nothing in the law requires the District to implement this Recommendation. The Simi Valley Unified School District complies with Education Code 51938 (b) by providing notice to parents at the beginning of the school year as part of the parent handbook.

Recommendations:

R-01 – The Grand Jury recommends that school districts provide a separate informational notice describing the sexual education curriculum and content of sexual-behavior surveys.

Education Code section 51938(b) does not require a "separate" notice to parents related to sexual education classes and/or sexual behavior surveys. Rather, the notice must be provided at the beginning of each school year, or when a student enrolls in the District. Therefore, nothing in the law requires the District to implement this Recommendation. The Simi Valley Unified

School District complies with Education Code 51938 (b) by providing notice to parents at the beginning of the school year as part of the parent handbook.

R-02 The Grand Jury recommends that school districts provide notice to parents or guardians that states no academic penalty will attach from a parent or guardian excluding a child from sexual-education classes or surveys.

Education Code section 51939(b) states: "A pupil may not be subject to disciplinary action, academic penalty, or other sanction if the pupil's parent or guardian declines to permit the pupil to receive comprehensive sexual health education or HIV prevention education or to participate in anonymous, voluntary, and confidential tests, questionnaires, or surveys on pupil health behaviors and risks." However, this information is not required to be included in the notice to parents. (Education Code section 51938(b).) Therefore, nothing in the law would require the District to implement this Recommendation.

Note, the Grand Jury found that the District already provides this information in its notice.

R-03 – The Grand Jury recommends that school districts provide an alternative educational curriculum that aligns with Legislature's intent that "instruction and materials shall provide pupils with knowledge and skill for making and implementing healthy decisions . . . including negotiation and refusal skills . . ." for pupils who opt out. The details of the alternative curriculum should be included in the notice to parents or guardians.

Under Education Code section 51939(c), if a parent opts a student out of a sexual health education program and/or a test, questionnaire or survey of pupil health behaviors, the District must make "an alternative educational activity" available to these students. However, the nature of the alternative educational activity is not specified. Rather, the Report's recommended standard for the alternative educational activity is partially quoted from one of the law's many requirements for sexual health education and HIV prevention education. (Education Code section 51933(h).) Similarly, Education Code section 51938(b) does not require the District to provide any details about the content of alternative educational activity in its annual notice, nor provide for parent inspection of any alternative education activities under Education Code section 51938(b)(1). Therefore, nothing in the law would require the District to implement this Recommendation. The Simi Valley Unified School District provide alternative curriculum for students who have been opted out of the sexual health curriculum by their parents/guardians.

R-04 – The Grand Jury recommends that school districts provide a more detailed explanation of the sexual education curriculum and sexual behavior surveys in an easily accessible format.

Education Code section 51938(b) requires that the District provide notice to parents "about instruction in comprehensive sexual health education and HIV prevention education and research on pupil health behaviors and risks planned for the coming year" and of the parents' ability to inspect materials related to these programs. As such, the law does not require a detailed notice, but rather allows parents to inspect the materials directly. Therefore, nothing in the law would require the District to comply with this Recommendation. The Simi Valley Unified School District complies with Education Code 51938 (b) by providing notice to parents at the beginning of the school year as part of the parent handbook.

R-05 – The Grand Jury recommends that school districts provide "a single form" to facilitate the opt-out process for parents to excuse their child from the comprehensive sexual health and HIV prevention education.

Education Code section 51938(b)(4) requires that the District, in its annual notice, "advise" parents that they may opt out of sexual health education and surveys, and that their request to opt out must be made in writing. The law does not require the District to provide a form. Therefore, nothing in the law would require the District to comply with this Recommendation. However, the District has developed an Opt out form that will be implemented starting in the 2019-2020 school year (See Exhibit A).

R-06 – The Grand Jury recommends clarification to the parents and guardians that they may opt out their child of any part of sexual-education classes or surveys, while allowing them to attend or participate in others.

Education Code section 51938(a) specifies that "[a] parent or guardian of a pupil has the right to excuse their child from all or part" of sexual education programs or surveys. (Emphasis added.) The District policy has always included an opt out option for parents who want to opt their children out of the sexual health curriculum. The District will clarify this right by providing parents an easily accessible "opt out" form that will be implemented in paper and online formats starting in the 2019-2020 school year (See Exhibit A).

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.

Education Code section 51938(c) states: "Parents or guardians shall be notified in writing that this test, questionnaire, or survey is to be administered, given the opportunity to review the test, questionnaire, or survey if they wish, notified of their right to excuse their child from the test, questionnaire, or survey, and informed that in order to excuse their child they must state their request in writing to the school district." Therefore, the law does not require a detailed notice of sexual behavior surveys, but rather allows parents to inspect the survey materials directly. Therefore, nothing in the law would require the District to comply with this Recommendation.



THE CALIFORNIA HEALTHY YOUTH ACT
PARENT OPT-OUT LETTER FOR GRADES 7-12

Dear Parent or Guardian:

The California Healthy Youth Act now mandates that schools teach explicit sex-education programs at least once in middle school or junior high school beginning in grade 7. The Simi Valley Unified School District (SVUSD), in accordance with California Education Code and the “California Healthy Youth Act” teaches a unit of study on Sexual Health in 7th and 9th grades. SVUSD will be using Positive Prevention PLUS materials for this unit. These materials were written expressly in alignment with CA Education Code 51930-51939, and the “California Healthy Youth Act”, which states that comprehensive sexual health education instruction is mandatory. The Family Life/Sex Education unit teaches that abstinence is the only 100% effective protection, and is designed to provide the students with the information necessary to encourage thoughtful and responsible behavior. The course will also cover various subjects including reproductive anatomy and physiology, masculinity and femininity and sex roles, gender identity, gender stereotypes, HIV/AIDS, decision making within relationships, pregnancy, labor & delivery, family planning, sexually transmitted diseases, sexual orientation, teenage pregnancy, sexual abuse, and self-protection.

Parents may request that their students opt out of this mandate in favor of an alternative educational activity. In order for your student to be enrolled in the alternative program, **parents must return the attached written request in order to opt-out.**

Under the mandate, students who are not opted out, must receive the sex-ed program, detailed in full here: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB329.

Here is a partial list of the sex-ed requirements which students who are not opted-out will receive. The full list of requirements is in the link above. The sex-education program must:

- Teach students to affirmatively recognize that people have different sexual orientations.
- Provide discussion and examples of same-sex relationships.
- Teach students about gender, gender expression, gender identity and explore the harm of negative gender stereotypes.
- Teach students all twenty FDA approved contraceptive methods including the controversial method referred to as “emergency contraception.”
- Teach students about “all legally available pregnancy outcomes including...abortion.”
- Teach students about sexual harassment, sexual assault, adolescent relationship abuse.
- Teach students about intimate partner violence and sex trafficking.
- Additionally, unless opted-out, students may be required to complete explicit questionnaires or surveys relating to their personal sexual involvement and experience or intentions.

Alternative Education Activity

For parents who do not wish for their children to participate in the sex-education program, or sex-ed survey, the law 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.”

Parents or Guardians who wish for their students to receive the alternative educational activity must make this request in writing. Only the attached form needs to be submitted to the school.



The California Healthy Youth Act Opt-Out Letter:

- Pursuant to the requirements of the California Healthy Youth Act, I wish for my student(s) to be opted-out of the Comprehensive Sexual Health Education program, HIV Prevention Education program, and any associated anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks.

- Parents may choose to opt out of portions of the Comprehensive Sexual Health Education program. Please list which portions of the curriculum you want to opt out of: _____

- Pursuant to the requirements of the California Healthy Youth Act, I wish for my student(s) to be provided with an Alternative Educational Activity.

Date: _____

• Parent or Guardian Printed Name(s): _____

• Parent or Guardian Signature: _____

• Student(s): _____

The California Healthy Youth Act: SEC. 15. Section 51939 (State Requirements for Opt-Out)

- (a) A pupil may not attend any class in comprehensive sexual health education or HIV prevention education, or participate in any anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks, **if the school has received a written request from the pupil's parent or guardian excusing the pupil from participation.**

- (b) A pupil may not be subject to disciplinary action, academic penalty, or other sanction if the pupil's parent or guardian declines to permit the pupil to receive comprehensive sexual health education or HIV prevention education or to participate in anonymous, voluntary, and confidential tests, questionnaires, or surveys on pupil health behaviors and risks.

- (c) While comprehensive sexual health education, HIV prevention education, or anonymous, voluntary, and confidential test, questionnaire, or survey on pupil health behaviors and risks is being administered, **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.**