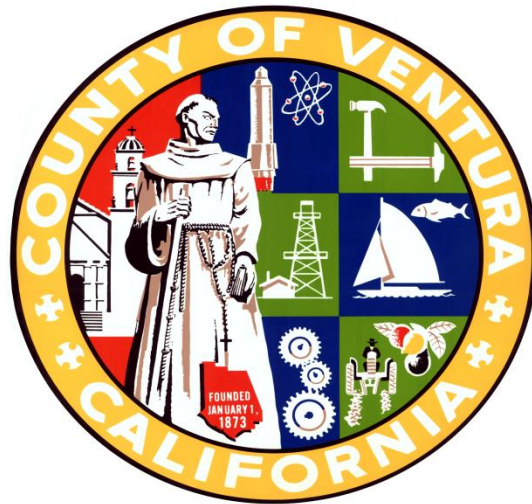


2019 – 2020 Ventura County Grand Jury



Final Report

Charter School Implementation of State Mandated Sex Education – AB 329

April 2, 2020

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Charter School Implementation of State Mandated Sex Education – AB 329

Summary

The 2019-2020 Ventura County Grand Jury (Grand Jury) surveyed eleven charter schools authorized either by a school district located in Ventura County (County) or by the Ventura County Office of Education (VCOE), concerning policies and procedures for implementation of curriculum on sexual health. All findings, conclusions and recommendations are based on responses to that survey.

The California Healthy Youth Act (AB 329) requires parents/guardians of students in grades 7 through 12 be given written notice that the school will be providing mandated sexual health curriculum. The Grand Jury inquired by written survey:

- If the opt out provisions are being implemented in accordance with AB 329
- If each charter school’s parent/guardian notification advised that no penalty would attach, and an alternative curriculum would be provided should a parent/guardian opt their child out of the instruction
- If the Charter School included information on human trafficking in the sexual health curriculum as mandated by the Human Trafficking Prevention Education Act (AB 1227)

Ten of the 11 charter schools surveyed reported they had students subject to the requirements of AB 329 and AB 1227. Those schools are referenced in this report as “Required Charter Schools.” The Grand Jury concluded that while some of the Required Charter Schools had complied with portions of the sexual health curriculum and notification requirements mandated by AB 329 and AB 1227, none had fully complied.

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.

The Grand Jury recommends greater clarity in Required Charter Schools’ notifications explaining the rights and options of parents/guardians and the details of the curriculum and surveys to be given, making it easier for parents/guardians to state their preferences as recognized by the intent of the legislature.

The Grand Jury further recommends the Required Charter Schools provide a pre-written opt out form allowing parents/guardians to exclude their child from all or part of the sexual health curriculum.

Background

On October 1, 2015, the California Governor signed AB 329 into law amending California Education Code Sections 51930-51939. The law requires school districts ensure all pupils in grades 7 through 12, receive comprehensive sexual health and HIV/AIDS prevention education. (Ref-01) Pursuant to AB 1227, information regarding human trafficking is required to be included in the curriculum on comprehensive sexual health instruction. (Ref-03)

Charter schools are authorized in California by the Charter Schools Act of 1992, including amendments effective February 20, 2007. (Ref-04) On September 18, 2018, the California Governor signed into law Assembly Bill 2601 extending the requirements of AB 329 to charter schools. The requirement for provision of comprehensive sexual health on the part of charter schools was effective for the 2019-2020 school year. (Ref-02)

The legislature recognized that “parents and guardians have the ultimate responsibility for imparting values regarding human sexuality to their children.” (Ref-05) Nevertheless, AB 329 states that at the beginning of each school year, each school district shall notify the parent/guardian of each enrolled child about any instruction to be given as part of sexual health education and HIV/AIDS prevention, as well as 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-06)

AB 329 states that at the beginning of the school year or the beginning of their child’s enrollment, parents/guardians shall be notified of their right to review any and all materials to be utilized in instruction of comprehensive sexual health and HIV/AIDS prevention, as well as the content of any surveys of sexual behavior to be taken. Parents/guardians must submit a request in writing if they wish to exclude their child from participation in all or part of the comprehensive sexual health and HIV/AIDS prevention curriculum. Otherwise, the law provides that a child will receive the entire sexual health education curriculum and will be asked to participate in all surveys of sexual practices given by the school. (Ref-06)

Further, AB 329 states that any child who is excluded from comprehensive sexual health education by parent/guardian request may not be subject to academic penalty, disciplinary action or other sanctions. (Ref-07)

An alternative educational activity must be made available to a child whose parent/guardian has requested that their child not receive the instruction or participate in the test, questionnaire or surveys. (Ref-07) That educational activity should implement the legislature's intent that instruction and materials provide pupils with the knowledge and skills for making healthy decisions including negotiation and refusal skills. (Ref-08)

The purpose of this report is to determine to what extent the Required Charter Schools have implemented the requirements of AB 329 and AB 1227. There are charter schools in the County that are not authorized by a County school district or the VCOE and these were not surveyed. The Grand Jury's conclusions and recommendations in this report pertain only to the Required Charter Schools.

Methodology

In December, 2019, the Grand Jury sent written surveys to 11 charter schools authorized by the County school districts or VCOE inquiring regarding their policies and practices implementing the requirements of AB 329 and AB 1227. The questions included in the survey are set forth in Attachment 01 to this report.

The following charter schools were surveyed:

- Valley Oak Charter School
- River Oaks Academy
- Bridges Charter School
- Meadows Arts and Technology Elementary School (MATES)
- Ventura Charter School of Arts and Global Education
- Vista Real Charter High School
- Architecture, Construction and Engineering Charter School
- Peak Prep Charter School
- Camarillo Academy of Progressive Education (CAPE)
- University Preparation Charter School at CSU at Channel Islands
- Ivey Tech Charter School

MATES is through 5th grade only and does not fall within the requirements of AB 329 and is not addressed in this report.

The Grand Jury performed internet research, reviewed websites, reviewed selected school curricula on sexual health and interviewed representatives of some Required Charter Schools.

Facts

FA-01. Required Charter Schools must comply with the requirements of AB 329 and AB 1227. (Ref-01, Ref-02, Ref-03)

- FA-02.** Five of the Required Charter Schools have implemented policies and procedures in keeping with AB 329. At the time of the survey, the governing boards of two of the schools were in the process of developing and approving a set of policies and procedures.
- FA-03.** Nine of the Required Charter Schools have a curriculum that meets the requirements of AB 329, but only three are introducing information concerning human trafficking as required by AB 1227.
- FA-04.** Three Required Charter Schools give notice to parents that no academic penalty will be imposed and that an alternative curriculum will be provided to a student whose parent/guardian opts their child out of the curriculum on sexual health and human trafficking.
- FA-05.** One of the Required Charter Schools provided information to the parents/guardians that their child could be excused from participation in part of the curriculum on sexual health and human trafficking, while participating in the rest of the curriculum.
- FA-06.** All Required Charter Schools provide the sexual health and human trafficking curriculum opt out notification to parents/guardians and the opportunity to review the curriculum prior to child participation.
- FA-07.** Two of the Required Charter Schools providing the sexual health and human trafficking curriculum opt out notification to parents/guardians, also provide an easily signed and returned form for a child to be excused.
- FA-08.** One of the Required Charter Schools gave notice that surveys of sexual behaviors by students may be taken and the opportunity for parents/guardians to excuse their child from participation in the survey by written submittal.

Conclusions

- C-01.** The Grand Jury concluded that none of the Required Charter Schools fully implemented the requirements of AB 329 and AB 1227. (FA-01, FA-02, FA-03, FA-04, FA-05, FA-06, FA-07, FA-08)
- C-02.** 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. (FA-02, FA-03, FA-04, FA-05, FA-07, FA-08)

- C-03.** 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. (FA-07)

Recommendations

- R-01.** 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. (C-01)
- R-02.** The Grand Jury recommends the Required Charter Schools 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. (C-03)
- R-03.** The Grand Jury recommends 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. (C-01, C-02)
- R-04.** 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. (C-01, C-02)
- R-05.** 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. (C-01, C-02)
- R-06.** 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." (C-01, C-02) (Ref-08)
- R-07.** 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. (C-01, C-02)

Responses

Responses Required From:

Ventura County Superintendent of Schools (C-01, C-02, C-03) (R-01, R-02, R-03, R-04, R-05, R-06, R-07)

Oxnard Union High School District (C-01, C-02, C-03) (R-01, R-02, R-03, R-04, R-05, R-06, R-07)

Mesa Union School District (C-01, C-02, C-03) (R-01, R-02, R-03, R-04, R-05, R-06, R-07)

Moorpark Unified School District (C-01, C-02, C-03) (R-01, R-02, R-03, R-04, R-05, R-06, R-07)

Ojai Unified School District (C-01, C-02, C-03) (R-01, R-02, R-03, R-04, R-05, R-06, R-07)

Pleasant Valley School District (C-01, C-02, C-03) (R-01, R-02, R-03, R-04, R-05, R-06, R-07)

Responses Requested From:

Valley Oak Charter School (C-01, C-02, C-03) (R-01, R-02, R-03, R-04, R-05, R-06, R-07)

River Oaks Academy (C-01, C-02, C-03) (R-01, R-02, R-03, R-04, R-05, R-06, R-07)

Bridges Charter School (C-01, C-02, C-03) (R-01, R-02, R-03, R-04, R-05, R-06, R-07)

Ventura Charter School of Arts and Global Education (C-01, C-02, C-03) (R-01, R-02, R-03, R-04, R-05, R-06, R-07)

Vista Real Charter High School (C-01, C-02, C-03) (R-01, R-02, R-03, R-04, R-05, R-06, R-07)

Architecture, Construction and Engineering Charter School (C-01, C-02, C-03) (R-01, R-02, R-03, R-04, R-05, R-06, R-07)

Peak Prep Charter School (C-01, C-02, C-03) (R-01, R-02, R-03, R-04, R-05, R-06, R-07)

Camarillo Academy of Progressive Education (CAPE) (C-01, C-02, C-03) (R-01, R-02, R-03, R-04, R-05, R-06, R-07)

University Prep Charter School at CSU at Channel Islands (C-01, C-02, C-03) (R-01, R-02, R-03, R-04, R-05, R-06, R-07)

Ivey Tech Charter School (C-01, C-02, C-03) (R-01, R-02, R-03, R-04, R-05, R-06, R-07)

References

- Ref-01.** California Healthy Youth Act, California AB 329
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB329
Accessed April 2, 2020
- Ref-02.** Public Instruction: Sexual Health Education: Charter Schools, California AB 2601
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2601
Accessed April 2, 2020
- Ref-03.** Human Trafficking Prevention Education, California AB 1227
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1227
Accessed April 14, 2020
- Ref-04.** California Charter Schools Act of 1992
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB406
Accessed April 14, 2020
- Ref-05.** California Education Code Section 51937
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB329
Accessed April 2, 2020
- Ref-06.** California Education Code Section 51938
<https://codes.findlaw.com/ca/education-code/edc-sect-51938.html>
Accessed April 2, 2020
- Ref-07.** California Education Code Section 51939
<https://codes.findlaw.com/ca/education-code/edc-sect-51939.html>
Accessed April 2, 2020
- Ref-08.** California Education Code Section 51933(h)
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=51933.&lawCode=EDC
Accessed April 2, 2020

Attachment

- Att-01.** Questions for Charter Schools

Glossary

TERM

DEFINITION

AB 329

California Healthy Youth Act

AB 1227

Human Trafficking Prevention Education

County

Ventura County

Grand Jury

2019-2020 Ventura County Grand Jury

Required Charter School

Charter school having students in any of grades 7 through 12

VCOE

Ventura County Office of Education

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Attachment 01

Questions for Charter Schools

Questions for Charter School

1. Has the Charter School drafted a written policy and procedure to implement AB 329, the California Healthy Youth Act, including information on human trafficking as required by AB 1227? If so, when was the policy distributed? Please provide a copy of the written policy and procedure?
2. Has the Charter School drafted curriculum that meets the requirements of AB 329 and AB 1227, concerning The California Healthy Youth Act and Human Trafficking? Please provide a copy of the curriculum.
3. Please provide the methods implemented for giving notification to parents or guardians of students that the student will be introduced to curriculum required by AB 329. Please provide a copy of the notice given to parents or guardians of students advising of instruction required by AB 329.
4. What methods are followed for verification that parents or guardians have received actual notice of the fact the sexual health curriculum required by AB 329 will be given to the student and the substance of that curriculum. If a written document acknowledging receipt is returned, please provide a copy of the document returned.
5. Does the notification of sexual health curriculum given to parents or guardians of a student include notice of the option of the parent or guardian of the student to have the student excluded from presentation of the curriculum concerning sexual health?
6. Does that notification advise that for the student, if excluded from the curriculum concerning sexual health, substantial education materials or experience will be substituted? Please provide a copy of the alternative curriculum to be provided to any student whose parents or guardians have opted out of the sexual health curriculum.
7. Does that notification advise that for the student, if excluded from the curriculum concerning sexual health, no academic penalty will attach to the exercise of the option to be excluded? Please provide a copy of the notification given to the parents or guardians of the student.

END