

# Calexico USD

## Board Policy

### Sexual Health And HIV/AIDS Prevention Instruction

BP 6142.1

#### Instruction

~~The Board of Education recognizes that the purpose of the district's sexual health and HIV/AIDS prevention instruction is to provide students with the knowledge and skills necessary to protect them from unintended pregnancy and sexually transmitted diseases and to encourage students to develop healthy attitudes concerning adolescent growth and development, body image, gender roles, sexual orientation, dating, marriage, and family. The Board therefore desires to provide a well-planned sequence of instruction on comprehensive sexual health and HIV/AIDS prevention.~~

\*\*\*Note: The following policy is for use by districts that offer any of grades 7-12. Education Code 51934 requires districts to provide comprehensive sexual health education and HIV prevention education to students in grades 7-12. See the accompanying administrative regulation for definitions and program requirements.\*\*\*

\*\*\*Note: Education Code 51934 also authorizes, but does not require, districts to provide age-appropriate comprehensive sexual health education prior to grade 7 on any of the topics specified in Education Code 51934. Districts that choose to provide such instruction prior to grade 7 may revise the following policy and administrative regulation accordingly.\*\*\*

\*\*\*Note: Sexual health education taught at any grade level must comply with the requirements of Education Code 51933.\*\*\*

The Governing Board 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 address the goals of the California Healthy Youth Act pursuant to Education Code 51930-51939, including providing students with the knowledge and skills necessary to protect them from risks presented by sexually transmitted infections, unintended pregnancy, sexual harassment, sexual assault, sexual abuse, and human trafficking and to have healthy, positive, and safe relationships and behaviors. The district's educational program shall also promote students' understanding of sexuality as a normal part of human development and their development of healthy attitudes and behaviors concerning adolescent growth and development, body image, gender, gender identity, gender expression, sexual orientation, relationships, marriage, and family.

(cf. 5030 - Student Wellness)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.25 - Availability of Condoms)

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

(cf. 6142.8 - Comprehensive Health Education)

~~(cf. 6143—Courses of Study)~~

~~\*\*\*Note: The following paragraph may be revised to reflect the grade levels offered by the district.\*\*\*~~

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

~~(cf. 6143 - Courses of Study)~~

~~\*\*\*Note: The following paragraph is for use by districts that require completion of a health education course for graduation from high school, and may be adapted for use by other districts. Pursuant to Education Code 51225.36, any district that has a health education course requirement for graduation from high school must include instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard pursuant to Education Code 67386. Also see AR 6146.1 - High School Graduation Requirements.\*\*\*~~

~~The district's comprehensive sexual health education program shall include information on the affirmative consent standard. Affirmative consent is defined as affirmative, conscious, and voluntary agreement to engage in sexual activity. Teachers delivering such instruction shall consult information related to sexual harassment and violence in the state health curriculum framework. (Education Code 51225.36, 67386)~~

~~\*\*\*Note: Education Code 49381, as added by SB 1104 (Ch. 848, Statutes of 2018), requires districts that offer any of grades 6-12 to identify the most appropriate methods of informing parents/guardians of human trafficking prevention resources, and to provide such information through the identified methods by January 1, 2020. The following paragraph is for use by districts that maintain grades 6-12 and may be modified for districts that serve students in grades K-5.\*\*\*~~

~~The Superintendent or designee may appoint a coordinator and/or an advisory committee regarding the district's comprehensive sexual health program. The advisory committee shall represent a divergence of viewpoints and may participate in planning, implementing, and evaluating the district's comprehensive sexual health education program. The Board shall consider the advisory committee's recommendations when approving the district's program. (cf. 1220—Citizen Advisory Committees)~~

~~The Superintendent or designee shall identify appropriate methods for informing the school community about subjects related to the district's comprehensive sexual health and HIV prevention education. The Superintendent or designee shall use such identified methods to inform parents/guardians of students in grades 6-12 about human trafficking prevention resources, as required pursuant to Education Code 49381.~~

~~Parent/Guardian Consent~~

~~\*\*\*Note: Education Code 51938 requires districts to notify parents/guardians about instruction~~

in sexual health and HIV prevention and of their right to request that their child not receive the instruction. See the accompanying administrative regulation for details of the required notice.\*\*\*

\*\*\*Note: Pursuant to Education Code 51938, districts must use a "passive consent" or "opt-out" process regarding sexual health and HIV prevention education and any assessments related to that instruction. Thus, each student must receive the instruction unless the parent/guardian notifies the district in writing that the student should not receive the instruction.\*\*\*

\*\*\*Note: In addition, Education Code 51938 requires districts to use a passive consent or opt-out process to obtain parent/guardian consent when administering an anonymous, voluntary, and confidential research and evaluation tool to measure students' health behaviors and risks, including a test, questionnaire, or survey containing age-appropriate questions about sexual attitudes or practices. However, for any such research and evaluation tool administered prior to grade 7, Education Code 51513 requires that parents/guardians give permission before the instrument is administered to their child (i.e., "active consent").\*\*\*

\*\*\*Note: 20 USC 1232h mandates districts to adopt a policy regarding the district's arrangements to protect student privacy when such a survey is administered to any student, regardless of their grade level. See BP/AR 5022 - Student and Family Privacy Rights for language implementing this requirement.\*\*\*

At the beginning of each school year or at the time of a student's enrollment, 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

49381 Human trafficking prevention resources

51202 Instruction in personal and public health and safety

51210.8 Health education curriculum

51225.36 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~~

51513 Test, questionnaire, survey, or examination containing questions about beliefs or

## practices

~~51930-51939 Comprehensive Sexual Health and HIV/AIDS Prevention Education Act~~

**51930-51939 California Healthy Youth Act**

51950 Abuse, sexual abuse, and human trafficking prevention education

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~~

**7906 Sex education requirements and prohibited use of funds**

## 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

## HUMAN RIGHTS CAMPAIGN FOUNDATION PUBLICATIONS

**California LGBTQ Youth Report, January 2019**

## WEB SITES

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

~~American Academy of Pediatrics: <http://www.aap.org>~~

~~American College of Obstetricians and Gynecologists: <http://www.acog.org>~~

~~American Public Health Association: <http://www.apha.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 Partnership to End Domestic Violence: <http://www.cpedv.org>**

California Safe Schools Coalition: <http://www.casafeschools.org>

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

~~National Academy of Sciences: <http://www.nationalacademies.org>~~

~~U.S. Department of Health and Human Services, Office of the Surgeon General: <http://www.hhs.gov>~~

~~<http://www.surgeongeneral.gov>~~

Human Rights Campaign: <http://www.hrc.org/hrc-story/hrc-foundation>

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

Policy CALEXICO UNIFIED SCHOOL DISTRICT

~~adopted: July 15, 2010~~ Calexico, California

~~adopted:~~