



**LOS ANGELES UNIFIED SCHOOL DISTRICT
BULLETIN**

TITLE: Complying with the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act (SB 71)

NUMBER: BUL-1132.2

ISSUER: René Gonzalez, Assistant Superintendent
Student Health and Human Services

DATE: January 25, 2008

ROUTING
Local District
Superintendents
Principals
Administrators

PURPOSE: It is the policy of the District to have all teachers and administrators K–12 comply with all sections of the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act (SB 71), the sections of which are summarized in Attachment A.

MAJOR CHANGES: According to California State Superintendent Jack O’Connell’s clarification of laws pertaining to HIV/AIDS prevention education and sex education, dated May 4, 2006, the LAUSD can only require passive consent (notification) for HIV/AIDS prevention education taught in the classroom. Therefore, Attachment B, sample letter used by schools for notification of HIV/AIDS prevention and sex education, has been revised. The required parent signature has been removed. Two additional attachments have been included: Attachment C, to be used for the District’s *Positively Speaking* program, and Attachment D, to be used for approved outside speakers, both of which are also closely related to REF-3432.0 listed below.

RELATED RESOURCES: Copies of SB 71, which appears as Chapter 5.6 of the California Education Code, may be obtained from the HIV/AIDS Prevention Unit by calling (213) 241-3520 or may be printed from the California Department of Education Web site.

Refer to REF-3432.0, titled “Health Content Used by Outside Speakers Requires LAUSD Approval,” before booking schoolwide or classroom speakers.

ASSISTANCE: For assistance or further information, please contact Ric Loya, HIV/AIDS Prevention Unit, at (213) 241-3520 or Tim Kordic at (213) 241-3519.

LOS ANGELES UNIFIED SCHOOL DISTRICT
Student Health and Human Services

ATTACHMENT A

COMPLYING WITH THE CALIFORNIA COMPREHENSIVE SEXUAL HEALTH
AND
HIV/AIDS PREVENTION EDUCATION ACT

Article 1. General Provisions

Section 51930

Schools are required:

1. To provide students with the knowledge and skills necessary to protect their sexual and reproductive health from unintended pregnancies and sexually transmitted diseases.
2. To encourage all students to develop healthy attitudes about adolescent growth and development, body image, gender roles, sexual orientation, dating, marriage, and family.

Section 51931

Contains definitions that have been incorporated into the sections that follow.

Section 51932

Lists features of textbooks and instructional materials that do not apply to the sections of the Education Code being described here.

Article 2. Authorized Comprehensive Sexual Health Education

Section 51933

(a) School districts may provide comprehensive sexual health education—which means education regarding human development and sexuality, including education on pregnancy, family planning, and sexually transmitted diseases— in Grades K through 12.

(b) School districts may use trained district personnel or outside consultants who know the most recent medically accurate research on human sexuality, pregnancy, and sexually transmitted diseases. The instruction must meet the following requirements:

1. The instruction and the materials used to teach must be suitable for the intellectual, emotional, and behavioral ability of students of the age being taught.
2. All information taught must be medically accurate and objective, meaning it must be verified or supported by research conducted in the scientific method, reviewed by scientific peers, and recognized as accurate and objective by federal agencies and professional organizations with expert knowledge in health matters.

3. Instruction must be available on an equal basis to a student who is an English learner (described in subdivision (a), edc: 306) consistent with the existing curriculum and alternative options for an English learner.
4. Instruction and materials must be appropriate for use with students of all races, genders, sexual orientations, ethnic and cultural background, and students with disabilities.
5. Instruction and materials must be appropriate for students with disabilities through modified curriculum, materials, instructional format, auxiliary aids, and other means.
6. Instruction and materials must encourage students to talk with their parents or guardians about human sexuality.
7. Instruction and materials must teach respect for marriage and committed relationships.
8. Starting in Grade 7, instruction and materials must teach that not having sexual intercourse is the only certain way to prevent sexually transmitted diseases and that not having sexual intercourse has other personal and social benefits as well. Also instruction and materials must provide medically accurate information on other methods of preventing pregnancy and sexually transmitted diseases.
9. Starting in Grade 7, instruction and materials must provide information about sexually transmitted diseases, including how they are and are not transmitted, the effectiveness and safety of all federal Food and Drug Administration (FDA)-approved methods of reducing the risk of contracting sexually transmitted diseases, and information on local sources for testing and medical care for sexually transmitted diseases.
10. Starting in Grade 7, instruction and materials must provide information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy, including emergency contraception, and other approved means.
11. Starting in Grade 7, instruction and materials must provide students with skills for making and carrying out responsible decisions about sexuality.
12. Starting in Grade 7, instruction and materials must provide students with information on the fact that a parent or other person who surrenders physical custody of a baby three-days old or younger at a lawfully identified hospital or “safe-surrender site” will not be prosecuted, as detailed in Section 1255.7 of the Health and Safety Code and Section 271.5 of the Penal Code.

(c) School districts that teach comprehensive sexual health education earlier than Grade 7 may provide age-appropriate and medically accurate information on any of the general topics contained in paragraphs 8 through 12 immediately above.

(d) School districts that teach comprehensive sexual health before or at Grade 7 must comply with the following paragraphs:

1. Instruction and materials must not teach or promote religious doctrine.
2. Instruction and materials must not reflect or promote bias against any person on the basis of sex, ethnic group identification, race, national origin, religion, color, mental or physical disability (as listed in Section 220 of the Education Code), or ancestry, gender, or sexual orientation (as further listed in Section 422.6 of the Penal Code).

Article 3. Required HIV/AIDS Prevention Education

Section 51934

(a) School districts must provide students in Grades 7 to 12 with HIV/AIDS-prevention education at least once (5 class periods in LAUSD) in middle school and once (5 class periods in LAUSD) in high school from instructors trained in teaching the subject.

(b) HIV/AIDS-prevention education, whether taught by school district personnel or outside consultants, must meet the requirements stated in paragraphs 1 through 6 of Section 51933 above and paragraphs 1 and 2 at the end of Section 51933 above and must accurately reflect the latest information and recommendations from the United States Surgeon General, the federal Centers for Disease Control and Prevention, and the National Academy of Sciences; and must include the following:

1. Information on the nature of HIV/AIDS and its effect on the human body.
2. Information on the manner in which HIV is and is not transmitted and on activities that present the highest risk of HIV infection.
3. Discussion of methods to reduce the risk of HIV infection and instruction that emphasizes that sexual abstinence, monogamy, avoidance of multiple sexual partners, and avoidance of intravenous drug use are the most effective means of HIV/AIDS prevention and that includes statistics on the latest medical information on the success and failure rates of condoms and other contraceptives in preventing sexually transmitted HIV infection and on methods that may reduce the risk of HIV transmission from intravenous drug use.
4. Discussion of the public health issues associated with HIV/AIDS.
5. Information on local resources for HIV testing and medical care.
6. Instruction on the development of refusal skills to help students overcome peer pressure and use effective decision-making skills to avoid high-risk activities.
7. Discussion about societal views on HIV/AIDS and instruction that emphasizes understanding of stereotypes, myths about people with HIV/AIDS, and compassion for people living with HIV/AIDS.

Article 4 In-Service Training

Section 51935

(a) Through regional planning, joint powers agreements, or contract services with stakeholders in the district community, school districts must plan for and conduct in-service training on HIV/AIDS-prevention education for all their personnel who provide HIV/AIDS prevention education.

(b) School districts must develop and provide in-service training on HIV/AIDS-prevention education jointly with the State Department of Education and the district's teachers who will teach the HIV/AIDS-prevention education.

(c) School districts must conduct in-service training on HIV/AIDS-prevention education periodically to enable personnel to learn new developments in the scientific understanding of HIV/AIDS. Such in-service training should be voluntary for personnel who have demonstrated expertise or have received in-service training from the State Department of Education or the federal Centers for Disease Control and Prevention.

(d) School districts may expand HIV/AIDS in-service training and include personnel who provide comprehensive sexual health education to enable them to learn of new developments in the scientific understanding of sexual health.

Section 51936

School districts may contract with outside consultants who are experts in comprehensive sexual education or HIV/AIDS-prevention education, who have developed multilingual curricula, or who have developed curricula appropriate for persons with disabilities to deliver the instruction or train school district personnel.

Article 5. Notice and Parental Excuse

Section 51937

Schools should encourage students to communicate with their parents or guardians about human sexuality and HIV/AIDS and to respect the rights of parents or guardians to supervise their children's education on these subjects.

Furthermore, schools should establish procedures that make it easy for parents and guardians to review materials and evaluation tools related to comprehensive sexual health education and HIV/AIDS-prevention education so that they can decide whether or not to have their child participate in all or part of the instruction or evaluation. In this regard, schools should honor that parents and guardians have the ultimate responsibility for imparting values regarding human sexuality to their children.

Section 51938

A parent or guardian of a student has the right to have the child participate or not participate in all or part of comprehensive sexual health education, HIV/AIDS-prevention education, and assessments related to that education under the following conditions:

(a) At the beginning of each school year or for a student who enrolls later, schools must notify parents or guardians about instruction in sexual health education and HIV/AIDS-prevention education and research on student health behaviors that will be used in instruction. The notice to parents or guardians must include all of the following information:

1. That the written and audiovisual education materials used in comprehensive sexual health education and HIV/AIDS-prevention education are available for inspection.
2. Whether the comprehensive sexual health education and HIV/AIDS-prevention education will be taught by District personnel or by outside consultants. A school district may have qualified outside consultants teach comprehensive sexual health education and may hold an assembly to present comprehensive sexual health education or HIV/AIDS prevention education by guest speakers, but if using outside consultants or guest speakers for such instruction, the district must notify the parent of the date of the instruction, of the name of the organization or affiliation of each guest speaker, and of the parent's right to request a copy of the section under consideration (Section 51938), Section 61933, and Section 51934. If arrangements for the instruction were made after the beginning of the school year and the parent is being notified by mail or another commonly used method of notification, the notification must be made no fewer than fourteen days before the instruction is delivered.
3. That the parent or guardian has the right to request a copy of Chapter 5.6, California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act.

4. That the parent or guardian may request in writing that his or her child not receive comprehensive sexual health education or HIV/AIDS-prevention education.

(b) Despite edc: 51513 which requires that no questionnaire, survey, or examination containing any questions about the student's personal beliefs or practices in sex, family life, morality, or religion or any questions about the student's parents' or guardians' beliefs and practices in sex, family life, morality, and religion can be administered to any student in Grades 7–12 unless the parent or guardian of the student is notified in writing that this test, questionnaire, survey, or examination is to be administered and the parent or guardian of the pupil gives written permission for the student to participate in the activity, schools may, according to this Act, administer in Grades K–12 anonymous, voluntary, and confidential research and evaluation tools to measure students' health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the students' attitudes concerning or practices relating to sex if the parent or guardian is notified in writing that this test, questionnaire, or survey is to be administered and the parent or guardian is given the opportunity to review the material and to request in writing that his or her child not participate.

(c) A school district may use qualified outside consultants or guest speakers as specified in paragraph 2 above.

Section 51939

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

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

(c) While comprehensive sexual health education, HIV/AIDS-prevention education, or an anonymous, voluntary, and confidential test, questionnaire, or survey on student health behaviors and risks is being administered, an alternative educational activity must be made available to students whose parent or guardian has requested that they not receive the instruction or participate in the test, questionnaire, or survey.

LOS ANGELES UNIFIED SCHOOL DISTRICT
Student Health and Human Services

ATTACHMENT B
Sex Education & HIV/AIDS
Draft Sample Letter

SCHOOL LETTERHEAD

Date

Dear Parent or Guardian:

Your son/daughter is enrolled in a health course at our school. This course will include one or more class sessions in which the human reproductive organs may be described, illustrated, or discussed within the context of the study of human growth, maturation, reproduction, or family planning. Also, one or more class sessions will include the causes, symptoms, and complications and treatment of sexually transmitted diseases (STDs), including HIV/AIDS, within the context of the study of disease and disorders. A speaker from the District's Positive Speaking program or approved outside speakers may also speak to the class about HIV/AIDS.

The California Education Code requires that instructional materials which are to be used in these classes be made available for inspection by parents or guardians. Please contact your son's/daughter's health teacher should you wish to review those materials.

Copies of Education Code Sections 51930-51939, related to sex education and AIDS education are available from you son's/daughter's health teacher as well.

Sincerely,

Principal

(Rev. 1/25/2008)

LOS ANGELES UNIFIED SCHOOL DISTRICT
Student Health and Human Services

ATTACHMENT C
Positively Speaking
Draft Sample Letter

SCHOOL LETTERHEAD

Date

Dear Parent or Guardian:

Your son/daughter is enrolled in a health course at our school. This course will include one or more class sessions in which the human reproductive organs may be described, illustrated, or discussed within the context of the study of human growth, maturation, reproduction, or family planning. Also, one or more class sessions will include the causes, symptoms, and complications and treatment of sexually transmitted diseases (STDs), including HIV/AIDS, within the context of the study of disease and disorders. A speaker from the District's *Positive Speaking* program may also speak to the class about HIV/AIDS on _____.

The California Education Code requires that instructional materials which are to be used in these classes be made available for inspection by parents or guardians. Please contact your son's/daughter's health teacher should you wish to review those materials.

Copies of Education Code Sections 51930-51939, related to sex education and AIDS education are available from you son's/daughter's health teacher as well.

Sincerely,

Principal

(Rev. 1/25/2008)

LOS ANGELES UNIFIED SCHOOL DISTRICT
Student Health and Human Services

ATTACHMENT D
Approved Outside Agency
Draft Sample Letter

SCHOOL LETTERHEAD

Date

Dear Parent or Guardian:

Your son/daughter is enrolled in a health course at our school. This course will include one or more class sessions in which the human reproductive organs may be described, illustrated, or discussed within the context of the study of human growth, maturation, reproduction, or family planning. Also, one or more class sessions will include the causes, symptoms, and complications and treatment of sexually transmitted diseases (STDs), including HIV/AIDS, within the context of the study of disease and disorders. A speaker from _____ will be speaking on _____.

The California Education Code requires that instructional materials which are to be used in these classes be made available for inspection by parents or guardians. Please contact your son's/daughter's health teacher should you wish to review those materials.

Copies of Education Code Sections 51930-51939, related to sex education and AIDS education are available from you son's/daughter's health teacher as well.

Sincerely,

Principal

(Rev. 1/25/2008)