

**SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION**

The Governing Board recognizes that accurate information about family life and human sexuality may contribute to a decreased risk for sexually transmitted diseases or unintended pregnancies. The Board also recognizes that Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) pose a public health crisis and that education is a necessary component for helping to slow the spread of this disease. The Board, therefore, desires to provide a well-planned sequence of instruction on comprehensive sexual health and HIV/AIDS prevention.

*(cf. 6142.8 - Comprehensive Health Education)*

The district's comprehensive health education curriculum shall be based on medically accurate and factual information and shall help students understand the biological, psychological, social, moral, and ethical aspects of human sexuality. So long as the curriculum is provided by the district, it shall comply with the requirements of law and administrative regulation and 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. 6142.8 - Comprehensive Health Education)*  
*(cf. 6143 - Courses of Study)*

The Superintendent or designee may appoint a coordinator and an advisory committee regarding the district's family life comprehensive sexual health program. This advisory committee shall represent a divergence of viewpoints and may participate in planning, implementing, and evaluating the district's family life 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)*

**Parent/Guardian Notification and Excuse**

At the beginning of each school year, or at the time of a student's enrollment, parents/guardians shall be notified about instruction in comprehensive sexual health education and HIV/AIDS prevention education planned for the coming year. The notice shall advise parents/guardians: (Education Code 48980, 51938)

1. That written and audiovisual educational materials to be used in comprehensive sexual health and HIV/AIDS prevention education are available for inspection

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2. That parents/guardians may request in writing that their child not receive comprehensive sexual health or HIV/AIDS prevention education
3. That parents/guardians have a right to request a copy of Education Code 51930-51939
4. The comprehensive sexual health or HIV/AIDS prevention education will be taught by district personnel or outside consultants

*(cf. 5145.6 - Parental Notifications)*

The district may administer to students in grades 7-12 anonymous, voluntary, and confidential research and evaluation instruments, including tests and surveys, containing age-appropriate questions about their attitudes or practices relating to health. 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. (Education Code 51938, 51939)

*(cf. 5022 - Student and Family Privacy Rights)*

Upon written request, a parent/guardian may excuse his/her child from participating in comprehensive sexual health or HIV/AIDS prevention education or from participating in questionnaires or surveys regarding health behaviors and risks. Students so excused by their parents/guardians shall be given a reasonable alternative educational activity. (Education Code 51240, 51939)

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

48980 Notice at beginning of term

51202 Instruction in personal and public health and safety

51240 Excuse from instruction due to religious beliefs

51513 Materials containing questions about beliefs or practices

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

HEALTH AND SAFETY CODE

1255.7 Parents surrendering physical custody of a baby

**SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION** (continued)

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:*

CDE PUBLICATIONS

*Health Framework for California Public Schools, 2003*

WEB SITES

*California Department of Education, Sex Education and HIV/STD Instruction:*

*<http://www.cde.ca.gov/ls/he/se/>*

*California Department of Health Services: <http://www.dhs.ca.gov>*

*California Department of Social Services: <http://www.dss.cahwnet.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>*