

Duarte USD

Board Policy

Sexual Health And HIV/AIDS Prevention Instruction

BP 6142.1

Instruction

~~The Board of Education 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.~~

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 provide students with the knowledge and skills necessary to protect them from sexually transmitted infections and unintended pregnancy and to have healthy, positive, and safe relationships and behaviors. The district's educational program shall also promote understanding of sexuality as a normal part of human development and the development of healthy attitudes and behaviors concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family.

(cf. 5030 - Student Wellness)

(cf. 6142.8 - Comprehensive Health Education)

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

~~The district's curriculum shall support the purposes of the California Healthy Youth Act as specified in Education Code 51930-51939, be unbiased and inclusive of all students in the classroom, and be aligned with the state's content standards. be based on medically accurate and factual information and shall help students understand the biological, psychological, social, moral, and ethical aspects of human sexuality. The district's program 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/or an advisory committee regarding the district's comprehensive sexual health **and HIV prevention curriculum** ~~program~~. ~~The~~ **This** 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)

Parent/Guardian Notification and **Excuse Consent**

Annually, 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)

~~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, as well as research on student health behaviors and risks, 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~~
- ~~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. If the district chooses to use outside consultants or to hold an assembly with guest speakers to teach the comprehensive sexual health or HIV/AIDS prevention education, the notification shall include: (Education Code 51938)~~
 - ~~a. The date of the instruction~~

b. ~~—The name of the organization or affiliation of each guest speaker~~

c. ~~—Information stating the right of the parent/guardian to request a copy of Education Code 51933-51934~~

~~If the arrangements for instruction by outside consultants or guest speakers are made after the beginning of the school year, the district shall notify parents/guardians by mail or another commonly used method of notification no fewer than 14 days before the instruction is given.— (Education Code 51938)~~

~~(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 sex.— 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)~~

~~Parents/guardians shall be asked to sign and return to the school an acknowledgment that they have received the notification.~~

~~(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 an 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

220 Prohibition of discrimination

33544 Inclusion of sexual harassment and violence in health curriculum framework

48980 Notice at beginning of term

51202 Instruction in personal and public health and safety

51210.8 Health education curriculum

51225.35 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
51930-51939 **California Healthy Youth Act** ~~Comprehensive Sexual Health and HIV/AIDS-
Prevention Education Act~~

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

Management Resources:

~~CDE~~ **CSBA PUBLICATIONS**

~~Health Framework for California Public Schools, 2003~~

**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

WEB SITES

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

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

Policy DUARTE UNIFIED SCHOOL DISTRICT

adopted: October 9, 2008 Duarte, California

revised: **June 30, 2016 Duarte, California**