



INSTRUCTION

BOARD POLICY – **SEXUAL HEALTH AND HIV/AIDS PREVENTION** **INSTRUCTION**

BP 6142.1

The County Board of Education (County Board) and the County Superintendent of Schools (County Superintendent) desire to provide a well-planned, integrated sequence of medically accurate and inclusive instruction on comprehensive sexual health and human immunodeficiency virus (HIV) prevention. The Santa Barbara County Education Office's (SBCEO) county-operated programs 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 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 SBCEO's county-operated programs shall also promote students' 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.

The SBCEO 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.

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)

SBCEO'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)

The County Superintendent or designee shall identify appropriate methods for informing the school community about subjects related to the SBCEO county-operated program's comprehensive sexual health and HIV prevention education. The County 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

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 this required notice.

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.

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").

20 USC 1232h mandates districts to adopt a policy regarding the arrangements to protect student privacy when such a survey is administered to any student, regardless of their grade level.

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)

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)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal 20 USC 1232h 20 USC 7906	Description Protection of student rights Sex education requirements and prohibited use of funds
Management Resources California Department of Education Publication California Department of Education	Description Health Framework for California Public Schools: Kindergarten through Grade 12, 2003 Health Education Content Standards for California Public

Publication	Schools, Kindergarten Through Grade 12, 2008
CSBA Publication	Promoting Healthy Relationships for Adolescents: Board Policy Considerations, Governance Brief, August 2014
Human Rights Campaign Foundation Publication	California LGBTQ Youth Report, January 2019
Website	U.S. Food and Drug Administration
Website	Human Rights Campaign
Website	CSBA
Website	Centers for Disease Control and Prevention
Website	California Safe Schools Coalition
Website	California Partnership to End Domestic Violence
Website	California Healthy Kids Resource Center
Website	California Department of Public Health
Website	California Department of Education, Sex Education and HIV/AIDS/STD Instruction

State	Description
Ed. Code 220	Prohibition of discrimination
Ed. Code 33544	Inclusion of sexual harassment and violence in health curriculum framework
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49381	Human trafficking prevention resources
Ed. Code 51202	Instruction in personal and public health and safety
Ed. Code 51210.8	Health education curriculum
Ed. Code 51225.36	Instruction in sexual harassment and violence; districts that require health education for graduation
Ed. Code 51240	Excuse from instruction due to religious beliefs
Ed. Code 51513	Test, questionnaire, survey, or examination containing questions about beliefs or practices
Ed. Code 51930-51939	California Healthy Youth Act
Ed. Code 51950	Abuse, sexual abuse, and human trafficking prevention education
H&S Code 1255.7	Parents surrendering physical custody of a baby
Pen. Code 243.4	Sexual battery
Pen. Code 261.5	Unlawful sexual intercourse
Pen. Code 271.5	Parents voluntarily surrendering custody of a baby

APPROVED BY COUNTY BOARD:
REVISED:

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