



# AB 320 California Healthy Youth Act

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Presented by

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**CALIFORNIA DEPARTMENT OF EDUCATION**

Tom Torlakson, State Superintendent of Public Instruction



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# California Healthy Youth Act

## Comprehensive Sexual Health Education and HIV Prevention Education

California *Education Code* sections  
51930–51939

<http://leginfo.legislature.ca.gov/>

This presentation is directly quoting the  
California *Education Code (EC)*

# California Healthy Youth Act

## California *Education Code*

### sections 51930–51939



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- **Article 1.** General Provisions
- **Article 2.** **Required** Comprehensive Sexual Health Education and HIV Prevention Education
- **Article 3.** In-service Training
- **Article 4.** Notice and Parental Excuse



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# Purpose of this Act:

- (1) To provide pupils with the **knowledge** and **skills** necessary to protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy.



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## Purpose of this Act:

- (2) To provide pupils with the **knowledge** and **skills** they need to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family.
  
- (2) To promote understanding of sexuality as a normal part of human development.



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## Purpose of this Act:

- (4) To ensure pupils receive integrated, comprehensive, accurate and unbiased sexual health and HIV prevention instruction and provide educators with clear tools and guidance to accomplish that end.



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## Purpose of this Act:

- (5) To provide pupils with the **knowledge** and **skills** necessary to have healthy, positive, and safe relationships and behaviors

*EC Section 51930*



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Comprehensive Sexual Health Education and HIV Prevention Education **are mandated.**

Instruction shall be **at least once** in junior high/middle school and **at least once** in high school

*EC Section 51934*





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# California Healthy Youth Act Terminology

- (a) “Age appropriate”
- (b) “Comprehensive sexual health education”
- (c) “English learner”
- (d) “HIV prevention education”
- (e) “Instructors trained in the appropriate courses”
- (f) “Medically accurate”
- (g) “School district”



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# California Healthy Youth Act Terminology

- (b) “Comprehensive sexual health education” means education regarding human development and sexuality, including education on pregnancy, contraception, and sexuality transmitted infections.



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# California Healthy Youth Act Terminology

(d) “HIV prevention education” means instruction on the nature of human immunodeficiency virus (HIV) and AIDS, methods of transmission, strategies to reduce the risk of HIV infection, and social and public health issues related to HIV and AIDS.



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(f) “Medically accurate” means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations ...

# California Healthy Youth Act

These Organizations Are:

- Centers for Disease Control and Prevention
- The American Public Health Association
- The American Academy of Pediatrics
- The American College of Obstetricians and Gynecologists



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Does Not Apply To:

- (a) ... description or illustration of human reproductive organs that may appear in a textbook ... if the textbook does not include other elements of comprehensive sexual health education or HIV prevention education.

*EC Section 51932*



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Does Not Apply To:

- (b) ... instruction, materials, presentations, or programming that discuss gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and do not discuss human reproductive organs and their functions.

*EC Section 51932*



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## Instruction Shall Not:

- (4) Instruction and materials shall not reflect or promote bias against any person on the basis of any category protected by *EC* Section 220.
  - (i) Instruction and materials may not teach or promote religious doctrine.





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# California *Education Code* Section 220

No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes (as defined in) California Penal Code Section 422.55

# California Penal Code Section 422.55



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“Hate crime” means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- (1) Disability
- (2) Gender
- (3) Nationality
- (4) Race or ethnicity
- (5) Religion
- (6) Sexual orientation
- (7) Association with a person or group with one or more of these actual or perceived characteristics



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# California Healthy Youth Act

## Comprehensive Sexual Health Education and HIV Prevention Education

### Required Criteria:

- (a) Instruction and materials shall be **age appropriate.**
  
- (b) All factual information presented shall be **medically accurate and objective.**

*EC Section 51933*



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# California Healthy Youth Act

## Comprehensive Sexual Health Education and HIV Prevention Education

Required Criteria:

- (c) All instruction and materials shall **align with and support the purposes of this (act) ... and may not be in conflict.**



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## Comprehensive Sexual Health Education and HIV Prevention Education

### Required Criteria (d):

- (1) Instruction and materials shall be appropriate for use with pupils of all races, genders, sexual orientations, and ethnic and cultural backgrounds, pupils with disabilities, and English learners.



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## Comprehensive Sexual Health Education and HIV Prevention Education

### Required Criteria (d):

- (2) Instruction and materials shall be made available on an equal basis to a pupil who is an English learner, consistent with the existing curriculum and alternative options for an English learner pupil as otherwise provided in this code.



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## Comprehensive Sexual Health Education and HIV Prevention Education

### Required Criteria (d):

- (3) Instruction and materials shall be accessible to pupils with disabilities, including, but not limited to, the provision of a modified curriculum, materials and instruction in alternative formats, and auxiliary aids.



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## Comprehensive Sexual Health Education and HIV Prevention Education

Required Criteria (d):

- (4) Instruction and materials **shall not reflect or promote bias** against any person on the basis of any category protected by Section 220.





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## Comprehensive Sexual Health Education and HIV Prevention Education

Required Criteria (d):

- (5) Instruction and materials shall **affirmatively recognize that people have different sexual orientations** and, when discussing or providing **examples of relationships or couples, shall be inclusive of same-sex relationships.**



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## Comprehensive Sexual Health Education and HIV Prevention Education

Required Criteria (d):

**(6) Instruction and materials shall teach pupils about gender, gender expression, gender identity, and explore the harm of negative gender stereotypes.**

*EC Section 51933*



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## Comprehensive Sexual Health Education and HIV Prevention Education

### Required Criteria:

- (e) Instruction and materials shall **encourage a pupil to communicate with his or her parents, guardians, and other trusted adults** about human sexuality and provide the knowledge and skills necessary to do so.

*EC Section 51933*



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## Comprehensive Sexual Health Education and HIV Prevention Education

### Required Criteria:

- (f) Instruction and materials shall teach the **value of and prepare pupils to have and maintain committed relationships such as marriage.**



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## Comprehensive Sexual Health Education and HIV Prevention Education

### Required Criteria:

- (g) Instruction and materials shall provide pupils with knowledge and skills they need to form healthy relationships that are based on **mutual respect and affection, and are free from violence, coercion, and intimidation.**



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## Comprehensive Sexual Health Education and HIV Prevention Education

### Required Criteria:

- (h) Instruction and materials shall provide pupils with knowledge and skills for making and implementing **healthy decisions about sexuality, including negotiation and refusal skills to assist pupils in overcoming peer pressure and using effective decision making skills to avoid high-risk activities.**
- (i) Instruction and materials may not teach or promote religious doctrine.



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## Comprehensive Sexual Health Education and HIV Prevention Education

Required Instruction for grades 7 through 12:

- (1) Information on the nature of HIV, as well as other sexually transmitted infections, and their effects on the human body.



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## Comprehensive Sexual Health Education and HIV Prevention Education

Required Instruction for grades 7 through 12:

- (2) Information on the manner in which HIV and other STI's are and are not transmitted, including information on the **relative risk** of infection according to specific behaviors, including sexual activities and **injection drug use**.

*EC Section 51934*





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## Comprehensive Sexual Health Education and HIV Prevention Education

Required Instruction for grades 7 through 12:

- (3) Information that **abstinence from sexual activity and injection drug use** is the only certain way to prevent HIV and other STI's and abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy. Instruction **shall provide** information about the value of delaying sexual activity **while also providing** medically accurate information on other methods of preventing HIV and other sexually transmitted infections and pregnancy.



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## Comprehensive Sexual Health Education and HIV Prevention Education

Required Instruction for grades 7 through 12:

- (4) Information about the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods that prevent or reduce the risk of contracting HIV and other STI's, **including use of antiretroviral medication**, consistent with the federal Centers for Disease Control and Prevention.



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## Comprehensive Sexual Health Education and HIV Prevention Education

Required Instruction for grades 7 through 12:

- (5) Information about the effectiveness and safety of reducing the risk of HIV transmission as a result of injection drug use by **decreasing needle use and needle sharing.**



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## Comprehensive Sexual Health Education and HIV Prevention Education

Required Instruction for grades 7 through 12:

- (6) Information about the treatment of HIV and other STI's, including how antiretroviral therapy can dramatically prolong the lives of many people living with HIV and **reduce the likelihood of transmitting HIV to others.**



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## Comprehensive Sexual Health Education and HIV Prevention Education

Required Instruction for grades 7 through 12:

- (7) Discussion about social views on HIV and AIDS, including addressing unfounded stereotypes and myths regarding HIV and AIDS and people living with HIV. This instruction shall emphasize that successfully treated HIV-positive individuals have a normal life expectancy, **all people are at some risk of contracting HIV**, and the only way to know if one is HIV-positive is to get tested.

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## Comprehensive Sexual Health Education and HIV Prevention Education



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Required Instruction for grades 7 through 12:

- (8) Information about local resources, how to access local resources, and **pupils' legal rights to access local resources** for sexual and reproductive health care such as testing and medical care for HIV and other STI's and pregnancy prevention and care, as well as local resources for assistance with sexual assault and intimate partner violence.

*EC Section 51934*

Regarding students legal right to access local resources:

*EC Section 46010.1 Confidential Medical Services*

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## Comprehensive Sexual Health Education and HIV Prevention Education



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Required Instruction for grades 7 through 12:

- (9) Information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception. Instruction on pregnancy shall include an **objective discussion of all legally available pregnancy outcomes**, including, but not limited to, all of the following:
  - (A) Parenting, adoption, and abortion.
  - (B) Information on the law on surrendering physical custody of a minor child 72 hours of age or younger.
  - (C) The importance of prenatal care.

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## Comprehensive Sexual Health Education and HIV Prevention Education

Required Instruction for grades 7 through 12:

- (10) Information about sexual harassment, sexual assault, adolescent relationship abuse, intimate partner violence, sexual abuse, and human trafficking. Information on human trafficking shall include information on the prevalence, nature, and strategies to reduce the risk of human trafficking, techniques to set healthy boundaries, and how to safely seek assistance.





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## Comprehensive Sexual Health Education and HIV Prevention Education

Required Instruction for grades 7 through 12:

- (11) Information about adolescent relationship abuse and intimate partner violence, including the early warning signs thereof.



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## Comprehensive Sexual Health Education and HIV Prevention Education

### In-Service Training:

- (a) A school district shall cooperatively plan and conduct in-service training for all school district personnel that provide HIV prevention education...



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## Comprehensive Sexual Health Education and HIV Prevention Education

### In-Service Training:

- (b) In developing and providing in-service training, a school district shall cooperate and collaborate with the teachers of the district who provide HIV prevention education and with the department.
- (c) In-service training shall be conducted **periodically** to enable school district personnel to learn new developments in the scientific understanding of HIV.



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## Comprehensive Sexual Health Education and HIV Prevention Education

### In-Service Training:

- (d) A school district **may** expand HIV in-service training to cover the topic of comprehensive sexual health education in order for school district personnel who provide comprehensive sexual health education to learn new developments in the scientific understanding of sexual health.



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## Comprehensive Sexual Health Education and HIV Prevention Education

### Outside Consultants:

School districts may contract with outside consultants or guest speakers ... All outside consultants and guest speakers shall have expertise in comprehensive sexual health education and HIV prevention education and have knowledge of the most recent medically accurate research on the relevant topic or topics covered in their instruction.



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## Comprehensive Sexual Health Education and HIV Prevention Education

### Notice and Parental Excuse:

- (a) A parent or guardian of a pupil has the right to excuse their child from all or part of comprehensive sexual health education, HIV prevention education, and assessments related to that education through a passive consent (“opt-out”) process. A school district **shall not** require active parental consent (“opt-in”) for comprehensive sexual health education and HIV prevention education.



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## Comprehensive Sexual Health Education and HIV Prevention Education

### Notice and Parental Excuse:

- (4) Advise the parent or guardian that the parent or guardian has the right to excuse their child from comprehensive sexual health education and HIV prevention education and that in order to excuse their child they **must state their request in writing** to the school district.



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## Comprehensive Sexual Health Education and HIV Prevention Education

### Notice and Parental Excuse:

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

*EC Section 51939*





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# Resources

## California Law:

<http://leginfo.legislature.ca.gov/>

## Curriculum Review: California Healthy Youth Act

<http://ashwg.org/resources/>

## Centers for Disease Control and Prevention

- Sexually Transmitted Disease Information:  
<http://www.cdc.gov/std/dstdp/>
- Human Immunodeficiency Virus Information:  
<https://www.cdc.gov/hiv/>



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# Resources

## Centers for Disease Control and Prevention

- Sexually Transmitted Disease Fact Sheets for Youth (English, Spanish and others):

[http://www.cdc.gov/std/HealthComm/fact\\_sheets.htm](http://www.cdc.gov/std/HealthComm/fact_sheets.htm)

## California Department of Public Health Sexually Transmitted Diseases Data

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/STD-Data.aspx>



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# Resources

## California Healthy Youth Act Resources:

<http://ashwg.org/wp-content/uploads/2017/09/ASHWGResourceList-9.22.17.pdf>

## Comprehensive Sex Education Resources:

Guidelines for Comprehensive Sexuality Education for Grades kindergarten through twelfth—including specific age-appropriate messaging on all sexual health topics:

[http://www.siecus.org/\\_data/global/images/guidelines.pdf](http://www.siecus.org/_data/global/images/guidelines.pdf)



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# Resources

## **Comprehensive Sex Education Resources:**

National Sexuality Education Standards (2012)

<http://futureofsexed.org/documents/josh-fose-standards-web.pdf>

## **Sample School Board Policies:**

(membership required)

California School Board Association

<http://www.csba.org>

## **Minor Consent and Confidentiality Laws:**

<http://www.cmhshealth.org/wp-content/uploads/2018/06/MinorConsentConfidentiality.pdf>



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**If you have any questions regarding  
the California Healthy Youth Act,  
Please Contact:**

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