

Instruction

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. This 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 District's 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. 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)

The Superintendent or designee may appoint a coordinator and an advisory committee regarding the District's comprehensive sexual health program. This advisory committee shall represent a divergence of viewpoints and shall 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.

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, 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.

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3. The parents/guardians have a right to request a copy of Education Code 51930-51938.
4. Whether the comprehensive sexual health or HIV/AIDS prevention education will be taught by District personnel or outside consultants.

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)

The District may administer to students in Grades 7 and 8 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 from 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)

(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 parent/guardian shall be given an alternative educational activity. (Education Code 51240, 51939)

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SEXUAL HEALTH AND HIV/AIDS PREVENTION INSTRUCTION (continued)

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
- 51550 - Sex education courses
- 51553 - Sex education
- 51820 - Venereal disease instruction; written notification to parent; inspection of instructional material; consensual pupil participation
- 51930-51939 - Comprehensive Sexual Health and HIV/AIDS Prevention Education Act

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 PUBLICATIONS

Health Framework for California Public Schools, 2003

CSBA PUBLICATIONS

Saving Lives: AIDS Issues for California Schools, 1994

WEB SITES

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

CDE: <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.californiahealthlykids.org>

California Healthy Kids Resource Center: <http://www.californiahealthlykids.org>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

Policy

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CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California