

# California Healthy Youth Act (CA Education Code Sections 51930-51939) Frequently Asked Questions

*Responses prepared by the California Sexual Health Education Roundtable including the ACLU of Northern California, California Latinas for Reproductive Justice, and Planned Parenthood Affiliates of California*

## **What is the California Healthy Youth Act?**

The California Healthy Youth Act, which took effect in January 2016, requires school districts to provide students with integrated, comprehensive, accurate, and unbiased comprehensive sexual health and HIV prevention education at least once in middle school and once in high school.

The law is intended to ensure that students develop the knowledge and skills necessary to 1) protect their sexual and reproductive health from HIV, other sexually transmitted infections, and unintended pregnancy; 2) develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family; and 3) have healthy, positive, and safe relationships and behaviors. It promotes understanding of sexuality as a normal part of human development.

## **Wasn't comprehensive sexual health education already required?**

Previously, districts were required to provide only HIV prevention education once in middle school and once in high school. Districts that elected to also provide sexual health education were required to do so in a way that was comprehensive, medically accurate, and age appropriate.

## **What is different about the new law?**

In addition to requiring that students receive comprehensive sexual health education at least twice—(at least once in middle school and (at least) once in high school—the California Healthy Youth Act includes new language about adolescent relationship abuse and sex trafficking and reinforces a focus on healthy attitudes, healthy behaviors, and healthy relationships. It also strengthened previous requirements that instruction and materials be appropriate for students of all sexual orientations and genders and ensures that sexual health education does not promote outdated gender norms. The law also updated the existing HIV prevention education mandate to reflect the developments made in our understanding of and ability to treat and prevent HIV over the last 20 years.

## **What are the baseline requirements for sexual health education and HIV prevention education?**

*All instruction in all grades* (including elementary) must be age-appropriate, medically accurate, and appropriate for students with disabilities, students who are English language learners, and for students of all races, ethnic and cultural backgrounds, genders, and sexual orientations. Instruction may not promote religious doctrine.

Instruction must affirmatively recognize different sexual orientations, and be inclusive of same-sex relationships when providing examples of couples or relationships. It must also teach about gender, gender expression, gender identity, and explore the harm of negative gender stereotypes.

Comprehensive sexual health education must encourage students to communicate with their parents or other trusted adults, and must provide students with the knowledge and skills to develop healthy relationships and make healthy decisions about sexuality.

## **What are the additional content requirements for grades 7-12?**

Instruction provided in grades 7-12, in addition to meeting the baseline requirements above, must include *all of the following content*:

- Information on the nature and transmission of HIV and other sexually transmitted infections (STIs);
- Information about all FDA-approved methods of reducing the risk of transmission of HIV and other STIs, including antiretroviral treatment, and information about treatment of HIV and STIs;

- Information about reducing the risk of HIV transmission as a result of injection drug use by decreasing needle use and needle sharing;
- Discussion about social views of HIV and AIDS, emphasizing that all people are at some risk of contracting HIV and that the only way to know one's HIV status is by being tested;
- Information about accessing resources for sexual and reproductive health care and assistance with sexual assault and intimate partner violence, as well as students' legal rights to access these resources;
- Information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy (including emergency contraception);
- Information that abstinence is the only certain way to prevent unintended pregnancy and HIV and other STIs; information about value of delaying sexual activity must be included and must be accompanied by information about other methods for preventing pregnancy and STIs;
- Information about pregnancy, including 1) the importance of prenatal care; 2) all legally available pregnancy outcomes, including parenting, adoption, and abortion; and 3) California's newborn safe surrender law;
- Information about sexual harassment, sexual assault, adolescent relationship abuse, intimate partner violence, and sex trafficking.

### **Does the law allow abstinence-only education?**

"Abstinence-only" sex education, which offers abstinence as the only option for preventing STIs and unintended pregnancy, is not permitted in California public schools.

### **What does the law say about parental notification and consent?**

Districts must notify parents of the instruction and provide them with opportunities to view the curriculum and other instructional materials. Districts must also allow parents to remove their student from instruction if they so choose, using a passive consent ("opt-out") process in which parents must request in writing that their student not receive the instruction. Districts may not require active consent ("opt-in") by requiring that students return a permission slip in order to receive the instruction.

### **How can I ensure that my district is complying with the new law?**

The California Healthy Youth Act took effect on January 1, 2016, and districts should be taking steps now to ensure compliance. Districts need to ensure that their board policies, parental notification forms, and curricula all comply with the requirements of the law.

The ACLU of California has created additional implementation resources for school districts, including fact sheets, a sample parent notification letter, a curriculum checklist, and information about curricular resources. You can access these materials at [www.aclunc.org/sex\\_ed](http://www.aclunc.org/sex_ed).

### **How do districts ensure that teachers are prepared to deliver this instruction?**

Districts must provide in-service training for all teachers who provide HIV prevention education and may expand that training to cover the topic of comprehensive sexual health education.

### **Can my district contract with an outside consultant to provide this instruction?**

School districts may contract with outside consultants or guest speakers to deliver instruction or to provide training for school district personnel. All outside consultants and guest speakers must 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. Instruction provided by outside consultants or guest speakers meet all of the law's requirements and must be aligned with other instruction.