

GRADES 7 – 12: CALIFORNIA HEALTHY YOUTH ACT COMPLIANCE EVALUATION CHECKLIST FOR DISTRICTS

CALIFORNIA EDUCATION CODE §§ 51930 – 51939

DISTRICT NAME: _____

SCHOOL NAME: _____

GRADES IN WHICH SEXUAL HEALTH EDUCATION IS TAUGHT (circle all that apply): K 1 2 3 4 5 6 7 8 9 10 11 12

PROGRAMMATIC & CONTENT REQUIREMENTS

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| <input type="checkbox"/> | 1. INSTRUCTION IN MIDDLE SCHOOL AND HIGH SCHOOL | Comprehensive sexual health education and HIV prevention education are taught at least once in junior high or middle school and at least once in high school. California Education Code (EC) § 51934(a). |
| <input type="checkbox"/> | 2. AGE-APPROPRIATE | Instruction and materials are age-appropriate. EC § 51933(a).

“AGE-APPROPRIATE” is defined in EC § 51931(a) as “topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.” |
| <input type="checkbox"/> | 3. MEDICALLY ACCURATE AND OBJECTIVE | All factual information is medically accurate and objective. EC § 51933(b).

“MEDICALLY ACCURATE” is defined in EC § 51931(f) as “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 and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists.” |
| | 4. ALIGNS WITH PURPOSE OF CA HEALTHY YOUTH ACT | All components of comprehensive sexual health education align with and support the purpose of the California Healthy Youth Act. EC § 51933(c). Tone and content is consistent across all instruction and materials, even if individual components are provided by different teachers or by guest speakers or outside consultants. |

PURPOSE OF THE CALIFORNIA HEALTHY YOUTH ACT: EC § 51930(b)

- 1) To provide a pupils with the knowledge and skills necessary to protect their sexual and reproductive health from HIV and other STIs and from unintended pregnancy
- 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
- 3) To promote understanding of sexuality as a normal part of human development
- 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; and
- 5) To provide pupils with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors.

<input type="checkbox"/>	<p>5. KNOWLEDGE AND SKILLS BASED</p>	<p>Instruction and materials include skill-building activities to enable students to:</p> <ul style="list-style-type: none"> • Protect their sexual and reproductive health from HIV and other STIs and from unintended pregnancy; • Develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family; and • Develop healthy, positive, and safe relationships and make healthy decisions. <p>EC §§ 51930(b); 51933(g), (h).</p>
<input type="checkbox"/>	<p>6. ACCESSIBLE TO ENGLISH LEARNERS</p>	<p>Instruction and materials are equally available to students who are English learners. EC § 51933(d)(2).</p> <p>The Education Code allows for the use of alternate curricula to meet the needs of students who are English learners long as the alternate curricula are consistent with existing curriculum requirements and otherwise comply with other requirements in EC §§ 51930-51939.</p>
<input type="checkbox"/>	<p>7. ACCESSIBLE TO STUDENTS WITH DISABILITIES</p>	<p>Instruction and materials are equally accessible to pupils with disabilities. EC § 51933(d)(3).</p> <p>To meet the needs of students with disabilities, instruction may require modified curricula and materials in alternative formats or with auxiliary aids.</p>
<input type="checkbox"/>	<p>8. NOT PROMOTING OF ANY RELIGIOUS DOCTRINE</p>	<p>Instruction and materials do not teach or promote religion. EC § 51933(i).</p>
<input type="checkbox"/>	<p>9. NATURE OF HIV AND OTHER SEXUALLY TRANSMITTED INFECTIONS (STIS)</p>	<p>Covers the nature of HIV, as well as other STIs, and their effects on the human body. EC § 51934(a)(1).</p>

<input type="checkbox"/>	10. TRANSMISSION OF HIV AND OTHER STIS	Covers how HIV and other STIs are and are not transmitted, including relative risks of infection according to specific behaviors. EC §§ 51934(a)(2), (5).
<input type="checkbox"/>	11. HIV AND STI PREVENTION	Provides information on 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 STIs. EC § 51934(a)(4).
<input type="checkbox"/>	12. HIV AND STI TREATMENT	Provides information about the treatment of HIV and other STIs. EC § 51934(6).
<input type="checkbox"/>	13. SOCIAL VIEWS ON HIV AND AIDS	Discusses social views on HIV and AIDS, including stereotypes and myths. Emphasizes 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. EC § 51934(a)(7). NOTE: Must be medically accurate and unbiased. <i>See items 3 and 17.</i>
<input type="checkbox"/>	14. CONTRACEPTION	Provides information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy. EC § 51934(a)(9). FDA-APPROVED CONTRACEPTIVE METHODS INCLUDE, BUT ARE NOT LIMITED TO: Intrauterine devices (IUDs), emergency contraception, the Pill, male and female condoms and other barriers methods, the Ring, the Patch, implants, and the Shot.
<input type="checkbox"/>	15. ABSTINENCE	Provides information that abstinence from sexual activity and injection drug use is the only certain way to prevent HIV and other STIs and abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy. Covers 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. EC § 51934(a)(3).
<input type="checkbox"/>	16. PREGNANCY AND PREGNANCY OUTCOMES	Includes an objective discussion of all legally available pregnancy outcomes, including, but not limited to: <ol style="list-style-type: none"> 1) Parenting, adoption, and abortion; 2) Information about the law on surrendering custody of an infant; and 3) The importance of prenatal care. EC § 51934(a)(9).
<input type="checkbox"/>	17. UNBIASED	Instruction and materials do not reflect or promote bias against any person on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation. EC § 51933(d)(4); <i>see also</i> EC § 220.

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| <input type="checkbox"/> | 18. CULTURALLY INCLUSIVE AND APPROPRIATE | Instruction and materials are appropriate for use with pupils of all races, genders, sexual orientations, ethnic and cultural backgrounds. EC § 51933(d)(1). |
| <input type="checkbox"/> | 19. INCLUSIVE OF DIFFERENT SEXUAL ORIENTATIONS | <p>Instruction and materials recognize that people have different sexual orientations. EC § 51933(d)(5).</p> <p>Instruction and materials that affirmatively recognize that people have different sexual orientations requires necessarily includes instruction that teaches students about different sexual orientations.</p> <p>NOTE: Must be unbiased and appropriate for students of all genders and sexual orientations. <i>See items 17, 18, and 20.</i></p> |
| <input type="checkbox"/> | 20. EXAMPLES INCLUDE SAME-SEX RELATIONSHIPS | <p>Examples of relationships also include same-sex relationships. EC § 51933(d)(5).</p> <p>NOTE: Must be unbiased and appropriate for students of all genders and sexual orientations. <i>See items 17 and 18.</i></p> |
| <input type="checkbox"/> | 21. GENDER, GENDER EXPRESSION, GENDER IDENTITY | <p>Includes instruction on gender, gender expression, gender identity, and explores the harm of negative gender stereotypes. EC § 51933(b)(6).</p> <p>NOTE: Must be unbiased and appropriate for students of all genders and sexual orientations. <i>See items 17 and 18.</i></p> |
| <input type="checkbox"/> | 22. RELATIONSHIPS | Teaches the value of and prepares students to form and maintain healthy, committed relationships that are based on mutual respect and affection, and are free from violence, coercion, and intimidation. EC §§ 51933(f), (g). |
| <input type="checkbox"/> | 23. SEXUAL ABUSE AND VIOLENCE | Includes information about sexual assault, adolescent relationship abuse, and intimate partner violence. EC § 51934(a)(10). |
| <input type="checkbox"/> | 24. SEXUAL HARASSMENT | Includes information about sexual harassment. EC § 51934(a)(10). |
| <input type="checkbox"/> | 25. SEX TRAFFICKING | Includes information about sex trafficking. EC § 51934(a)(10). |
| <input type="checkbox"/> | 26. COMMUNICATION WITH PARENTS AND OTHER TRUSTED ADULTS | Instruction and materials encourage pupils to communicate with their parents, guardians, or other trusted adults about human sexuality and provide knowledge and skills necessary for these discussions. EC § 51933(e). |
| <input type="checkbox"/> | 27. LOCAL RESOURCES | Provides information about local resources and student rights to accessing sexual and reproductive health care and assistance with sexual assault and intimate partner violence. EC § 51934(a)(8). |

CONFIDENTIAL AND SENSITIVE SERVICES MAY INCLUDE, BUT ARE NOT LIMITED TO: HIV or STI testing, mental health or counseling services, drug or alcohol treatment/ counseling, abortion care, obtaining birth control.

PARENTAL NOTIFICATION & OPT-OUT

- 28. NOTIFICATION PROVIDED AT BEGINNING OF THE YEAR** **Parental notification and opportunity to opt-out is provided at the beginning of the school year. EC § 51938(a).**
- 29. PARENTAL NOTIFICATION** **Parents are notified of instruction and given an opportunity to review curriculum. EC § 51938(b).**

 Requiring a signed note from parents acknowledging receipt of this notification can act as a de facto “opt-in” (active consent) for student participation in instruction. As is reflected in the following requirement, schools may not have an “opt-in” policy for comprehensive sexual health education.
- 30. PARENTAL OPT-OUT** **Parents are notified that they may request in writing that their child be excused from participation. EC §§ 51938(a), (b).**

 EC § 51938 explicitly requires that schools have an “opt-out” (passive consent) policy, which means they notify parents and allow them to withdraw their children. They are not allowed to have an “opt-in” (active consent) policy, which requires parents to sign and return a permission slip for their children to participate.

INSTRUCTORS, OUTSIDE CONSULTANTS, & GUEST SPEAKERS

- 31. TRAINED INSTRUCTORS** **Instructors, including outside consultants or guest speakers, are trained in the appropriate courses. EC § 51934(a).**

 “INSTRUCTORS ARE TRAINED IN THE APPROPRIATE COURSES” is defined in EC § 51931(e) as “instructors with knowledge of the most recent medically accurate research on human sexuality, healthy relationships, pregnancy, and HIV and other sexually transmitted infections.”
- 32. OUTSIDE CONSULTANTS AND GUEST SPEAKERS HAVE EXPERTISE IN COMPREHENSIVE SEXUAL HEALTH EDUCATION** **Outside consultants and guest speakers have expertise in comprehensive sexual health education. EC § 51936. They also have knowledge of the most recent medically accurate research on the relevant topic or topics covered in their instruction.**

 NOTE: All instruction provided by outside consultants and guest speakers must comply with items 1 – 27.

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THIS RESOURCE WAS DEVELOPED BY THE ACLU OF CALIFORNIA,
A collaboration of the ACLU of Northern California, the ACLU of Southern California, and the ACLU of San Diego & Imperial Counties
For more information, go to http://www.aclunc.org/sex_ed. If you are concerned that your school is not following the law, contact the ACLU for help.