

Sexual Health and HIV/AIDS Prevention Instruction

The Governing Board desires to provide a well-planned, integrated sequence of medically accurate and inclusive instruction on comprehensive sexual health and human immunodeficiency virus (HIV) prevention. The district's educational program 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 risks presented by 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 district's educational program shall also promote the 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 roles, gender, gender identity, gender expression, sexual orientation, relationships, marriage, and family

(cf. 5030) – Student Wellness)  
(cf. 6142.8 - Comprehensive Health Education)  
(cf. 5141.25 – Availability of Condoms)  
(cf. 5146 – Married/Pregnant/Parenting Students)

The district 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)

(cf. 6143 – Courses of Study)

The district'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 content shall consult information related to sexual harassment and violence in the state health curriculum framework. (Education Code 51225.36, 67386)

#### Availability of Condoms

The Board of Education strongly encourages students to abstain from sexual activity. However, the Board also believes it has a responsibility to take steps to prevent pregnancy among minors, Human Immunodeficiency Virus (HIV) infection and Acquired Immune Deficiency Syndrome (AIDS), and other sexually transmitted infections among students who do not abstain from sexual activity.

(cf. 5146 - Married/Pregnant/Parenting Students)  
(cf. 6142.1 - Sexual Health and HIV/AIDS Prevention Instruction)

Condoms, when properly used, may reduce the incidence of pregnancy and transmission of HIV and other sexually transmitted infections. The Board therefore finds it appropriate for condoms to be available to students at high schools.

BP 6142.1

Condoms shall be available, as resources permit and at no cost to the district, to individual high school students at locations identified by the Superintendent or designee. Related information shall be provided at the same locations, and a licensed health care professional shall be available to counsel students.

Condoms shall be provided in their original packaging, along with the manufacturer's instructions. Students shall receive additional information as appropriate and necessary regarding the proper use of condoms and their effectiveness.

Verbal and/or written information shall be provided to students obtaining condoms that emphasizes that abstinence is the only 100% effective method of preventing pregnancy, HIV transmission, and sexually transmitted infections and that does not condone or in any way encourage sexual activity among or with minors.

The Superintendent or designee will appoint a coordinator and an advisory committee regarding the district's condom availability program. This advisory committee shall represent a divergence of viewpoints and will participate in planning, implementing and evaluating the district's condom availability program. The Board shall consider the advisory committee's recommendations when approving the district's program.

The Superintendent or designee shall identify appropriate methods for informing the school community about subjects related to the district's comprehensive sexual health and HIV prevention education, including the availability of condoms at high schools. The 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

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 HIV/AIDS prevention and comprehensive sexual health education. Students so excused by their parents/guardians shall be given an alternative educational activity. (Education Code 51240, 51938, 51939)

(cf. 5022 – Student and Family Privacy Rights)

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

220 Prohibition of discrimination

33544 Inclusion of sexual harassment and violence in health curriculum framework

48980 Notice at beginning of term

49062 Records; establishment, maintenance and destruction

49069 Absolute right to access

49422 Supervision of health and physical development of pupils

51202 Instruction in personal and public health and safety  
51210.8 Health education curriculum  
51225.35 Instruction in sexual harassment and violence; districts that require health education for graduation  
51225.36 Instruction in sexual harassment and violence  
51240 Excuse from instruction due to religious beliefs  
51513 Materials containing questions about beliefs or practices  
51930-51939 California Healthy Youth Act  
67386 Student safety; affirmative consent standard

FAMILY CODE

6925 Prevention or treatment of pregnancy  
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  
288 Lewd or lascivious acts with a child under age 14  
UNITED STATES CODE, TITLE 20  
1232h Protection of student rights  
7906 Sex education; Prohibition against use of federal funds for contraception distribution  
Management Resources:

CSBA PUBLICATIONS

Promoting Healthy Relationships for Adolescents: Board Policy Considerations, Governance Brief, August 2014

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Health Education Content Standards for California Public Schools, Kindergarten Through Grade 12, 2008  
Health Framework for California Public Schools: Kindergarten through Grade 12, 2003

HUMAN RIGHTS CAMPAIGN FOUNDATION PUBLICATIONS

California LGBTQ Youth Report, January 2019

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Sex Education and HIV/STD Instruction: <http://www.cde.ca.gov/ls/he/se>

California Department of Public Health: <http://www.cdph.ca.gov>

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

California Partnership to End Domestic Violence: <http://www.cpedv.org>

California Safe Schools Coalition: <http://www.casafeschools.org>

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

Human Rights Campaign: <http://www.hrc.org/hrc-story/hrc-foundation>

U.S. Food and Drug Administration: <http://www.fda.gov>

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LONG BEACH UNIFIED SCHOOL DISTRICT