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 provide students with the knowledge and skills necessary to protect them from sexually transmitted infections and unintended pregnancy and to have healthy, positive, and safe relationships and behaviors. The district's educational program shall also promote 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, sexual orientation, relationships, marriage, and family.

(cf. 5030 - Student Wellness)
(cf. 6142.2 - AIDS Prevention Instruction)
(cf. 6142.8 - Comprehensive Health Education)

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)

The district's curriculum shall support the purposes of the California Healthy Youth Act as specified in Education Code 51930-51939, be unbiased and inclusive of all students in the classroom, and be aligned with the state's content standards. The district program shall 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)
(cf. 5141.25 - Availability of Condoms)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6143 - Courses of study)

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

(cf.1220 - Citizen Advisory Committees)

Parent/Guardian Notification and Excuse

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

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 comprehensive sexual health and HIV/AIDS prevention education. Students so excused by their parents/guardians shall be given an alternative educational activity. The notice shall advise parents/guardians:

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
3. That parents/guardians have a right to request a copy of Education Code 51930-51939
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)

(cf. 5145.6 - Parental Notifications)

The district may administer to students in grades 7-12 anonymous, voluntary, and confidential research and evaluation instruments, including tests and surveys, containing age-appropriate questions about their attitudes or practices related to sex. Prior to administering such a research and evaluation instrument, parents/guardians shall be provided written notice of 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).

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 parents/guardians shall be given an alternative educational activity. (Education Code 51240, 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)

Fresno Unified School District does not harass, intimidate, or discriminate on the basis of race, color, ethnicity, national origin, ancestry, age, creed, religion, political affiliation, gender, gender identity or expression or genetic information, mental or physical disability, sex, sexual orientation, parental or marital status, military veteran status, or any other basis protected by law or regulation, in its educational program(s) or employment.

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
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
51240 Excuse from instruction due to religious beliefs
51513 Materials containing questions about beliefs or practices
51930-51939 Comprehensive Sexual Health and HIV/AIDS Prevention Education Act
67386 Student safety; affirmative consent standard

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
WEB SITES
California Department of Education, Sex Education and HIV/STD Instruction: http://www.cde.ca.gov/ls/he/se/
California Department of Health Services: http://www.cdph.ca.gov
California Healthy Kids Resource Center: http://www.californiahealthykids.org
California Safe Schools Coalition: http://www.casafeschools.org
Centers for Disease Control and Prevention: http://www.cdc.gov
National Academy of Sciences: http://www.nationalacademies.org
U.S. Food and Drug Administration: http://www.fda.gov

Policy FRESNO UNIFIED SCHOOL DISTRICT

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