



FAQs about the California Healthy Youth Act (Education Code sections 51930-51939)

What is the California Healthy Youth Act?

As amended by Assembly Bill 329 (Stats. 2015, Ch. 398), the California Healthy Youth Act expands on existing laws regarding comprehensive sexual health education and HIV/AIDS prevention education. The Act's legislative purposes include:

- (1) To provide pupils with the knowledge and skills necessary to protect their sexual and reproductive health from HIV and other sexually transmitted infections 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.
- (5) To provide pupils with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors. (Education Code section 51930)

Are schools required to teach comprehensive sexual health education and HIV/AIDS prevention education?

Yes. Under Education Code section 51934, each school district shall ensure that all pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education and HIV prevention education from instructors trained in the appropriate courses. Each pupil shall receive this instruction at least once in junior high or middle school and at least once in high school.

As an option, a school district may provide comprehensive sexual health education or HIV prevention education consisting of age-appropriate instruction earlier than grade 7 using instructors trained in the appropriate courses. A school district that elects to offer comprehensive sexual health education or HIV prevention education earlier than grade 7 may provide age appropriate and medically accurate information on any of the general topics contained in the Healthy Youth Act.

What criteria apply to all comprehensive sexual health education and HIV/AIDS prevention education under the Healthy Youth Act?

Under Education Code section 51933, all comprehensive sexual health education and HIV prevention education, whether taught or supplemented by school district personnel or by outside consultants or guest speakers, shall satisfy all of the following criteria:

- (a) Instruction and materials shall be age appropriate.
- (b) All factual information presented shall be medically accurate and objective.
- (c) All instruction and materials shall align with and support the purposes of this chapter and may not be in conflict with them.



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- (d) (1) Instruction and materials shall be appropriate for use with pupils of all races, genders, sexual orientations, and ethnic and cultural backgrounds, pupils with disabilities, and English learners.
- (2) Instruction and materials shall be made available on an equal basis to a pupil who is an English learner, consistent with the existing curriculum and alternative options for an English learner pupil as otherwise provided in this code.
- (3) Instruction and materials shall be accessible to pupils with disabilities, including, but not limited to, the provision of a modified curriculum, materials and instruction in alternative formats, and auxiliary aids.
- (4) Instruction and materials shall not reflect or promote bias against any person on the basis of any category protected by Section 220.
- (5) Instruction and materials shall affirmatively recognize that people have different sexual orientations and, when discussing or providing examples of relationships and couples, shall be inclusive of same-sex relationships.
- (6) Instruction and materials shall teach pupils about gender, gender expression, gender identity, and explore the harm of negative gender stereotypes.
- (e) Instruction and materials shall encourage a pupil to communicate with his or her parents, guardians, and other trusted adults about human sexuality and provide the knowledge and skills necessary to do so.
- (f) Instruction and materials shall teach the value of and prepare pupils to have and maintain committed relationships such as marriage.
- (g) Instruction and materials shall provide pupils with knowledge and skills they need to form healthy relationships that are based on mutual respect and affection, and are free from violence, coercion, and intimidation.
- (h) Instruction and materials shall provide pupils with knowledge and skills for making and implementing healthy decisions about sexuality, including negotiation and refusal skills to assist pupils in overcoming peer pressure and using effective decisionmaking skills to avoid high-risk activities.
- (i) Instruction and materials may not teach or promote religious doctrine.

What topics must be covered in comprehensive sexual health education and HIV/AIDS prevention education under the Healthy Youth Act?

Under Education Code section 51934, this instruction shall include all of the following:

- (1) Information on the nature of HIV, as well as other sexually transmitted infections, and their effects on the human body.
- (2) Information on the manner in which HIV and other sexually transmitted infections are and are not transmitted, including information on the relative risk of infection according to specific behaviors, including sexual activities and injection drug use.
- (3) Information that abstinence from sexual activity and injection drug use is the only certain way to prevent HIV and other sexually transmitted infections and abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy. Instruction shall provide



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information about 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.

(4) Information about 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 sexually transmitted infections, including use of antiretroviral medication, consistent with the federal Centers for Disease Control and Prevention.

(5) Information about the effectiveness and safety of reducing the risk of HIV transmission as a result of injection drug use by decreasing needle use and needle sharing.

(6) Information about the treatment of HIV and other sexually transmitted infections, including how antiretroviral therapy can dramatically prolong the lives of many people living with HIV and reduce the likelihood of transmitting HIV to others.

(7) Discussion about social views on HIV and AIDS, including addressing unfounded stereotypes and myths regarding HIV and AIDS and people living with HIV. This instruction shall emphasize 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.

(8) Information about local resources, how to access local resources, and pupils' legal rights to access local resources for sexual and reproductive health care such as testing and medical care for HIV and other sexually transmitted infections and pregnancy prevention and care, as well as local resources for assistance with sexual assault and intimate partner violence.

(9) Information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception. Instruction on pregnancy shall include an objective discussion of all legally available pregnancy outcomes, including, but not limited to, all of the following:

(A) Parenting, adoption, and abortion.

(B) Information on the law on surrendering physical custody of a minor child 72 hours of age or younger, pursuant to Section 1255.7 of the Health and Safety Code and Section 271.5 of the Penal Code.

(C) The importance of prenatal care.

(10) Information about sexual harassment, sexual assault, adolescent relationship abuse, intimate partner violence, and sex trafficking.

Under the Healthy Youth Act, at what grade level(s) must comprehensive sexual health education and HIV/AIDS prevention education be taught?

Under Education Code section 51934, each school district shall ensure that all pupils in grades 7 to 12 receive comprehensive sexual health education and HIV prevention education at least once in junior high or middle school and at least once in high school. A school district may provide comprehensive sexual health education or HIV prevention education consisting of age-appropriate instruction earlier than grade 7 using instructors trained in the appropriate courses.



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What does the Education Code say about providing this instruction to LGBTQ students?

Under Education Code section 51933 (d) (1), this instruction and materials shall be appropriate for use with pupils of all races, genders, sexual orientations, and ethnic and cultural backgrounds, pupils with disabilities, and English learners. Section (d) further provides that instruction and materials shall not reflect or promote bias against any person on the basis of any category protected by Section 220, shall affirmatively recognize that people have different sexual orientations and, when discussing or providing examples of relationships and couples, shall be inclusive of same-sex relationships, and shall teach pupils about gender, gender expression, gender identity, and explore the harm of negative gender stereotypes.

What does the Education Code say about providing this instruction to students with disabilities?

Under Education Code section 51933 (d) (1), this instruction and materials shall be appropriate for use with pupils of all races, genders, sexual orientations, and ethnic and cultural backgrounds, pupils with disabilities, and English learners. Section (d) further provides that this instruction and materials shall be accessible to pupils with disabilities, including, but not limited to, the provision of a modified curriculum, materials and instruction in alternative formats, and auxiliary aids and shall not reflect or promote bias against any person on the basis of any category protected by Section 220.

What does the Education Code say about providing this instruction to English learners?

Under Education Code section 51933 (d) (1), this instruction and materials shall be appropriate for use with pupils of all races, genders, sexual orientations, and ethnic and cultural backgrounds, pupils with disabilities, and English learners. Section (d) further provides that this instruction and materials shall be made available on an equal basis to a pupil who is an English learner, consistent with the existing curriculum and alternative options for an English learner pupil and shall not reflect or promote bias against any person on the basis of any category protected by Section 220.

What does the Education Code say about abstinence?

Under Education Code section 51934, this instruction shall provide information that abstinence from sexual activity and injection drug use is the only certain way to prevent HIV and other sexually transmitted infections and abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy. Instruction shall provide information about 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.

Do parents/guardians need to be informed about comprehensive sexual health education?

Yes. Education Code section 51938 provides that at the beginning of each school year or at the time of that pupil's enrollment, each school district shall notify the parent or guardian of each pupil about instruction in comprehensive sexual health education and HIV prevention education and research on pupil health behaviors and risks planned for the coming year. The notice shall do all of the following: (1) Advise the parent or guardian that written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education are available for inspection.



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(2) Advise the parent or guardian whether the comprehensive sexual health education or HIV prevention education will be taught by school district personnel or by outside consultants. A school district may provide comprehensive sexual health education or HIV prevention education, to be taught by outside consultants, and may hold an assembly to deliver comprehensive sexual health education or HIV prevention education by guest speakers, but if it elects to provide comprehensive sexual health education or HIV prevention education in either of these manners, the notice shall include the date of the instruction, the name of the organization or affiliation of each guest speaker, and information stating the right of the parent or guardian to request a copy of this section, Section 51933, and Section 51934. If arrangements for this instruction are made after the beginning of the school year, notice shall be made by mail or another commonly used method of notification, no fewer than 14 days before the instruction is delivered.

(3) Include information explaining the parent's or guardian's right to request a copy of this chapter.

(4) Advise the parent or guardian that the parent or guardian has the right to excuse their child from comprehensive sexual health education and HIV prevention education and that in order to excuse their child they must state their request in writing to the school district.

Do school districts have to have active parental consent for anonymous, voluntary, and confidential research and evaluation tools to measure pupils' health behaviors and risks?

No. Under Education Code section 51938, anonymous, voluntary, and confidential research and evaluation tools to measure pupils' health behaviors and risks, including tests, questionnaires, and surveys containing age-appropriate questions about the pupil's attitudes concerning or practices relating to sex, may be administered by a school district without active parental consent to any pupil in grades 7 to 12, inclusive.

A parent or guardian has the right to excuse their child from the test, questionnaire, or survey through a passive consent ("opt-out") process. A school district shall not require active parental consent ("opt-in") for these tests, questionnaires, or surveys in grades 7 to 12, inclusive. Parents or guardians shall be notified in writing that this test, questionnaire, or survey is to be administered, given the opportunity to review the test, questionnaire, or survey if they wish, notified of their right to excuse their child from the test, questionnaire, or survey, and informed that in order to excuse their child they must state their request in writing to the school district.

Can a student opt out of participation in comprehensive sexual health education, HIV/AIDS prevention education, and/or any anonymous voluntary and confidential test, questionnaire or survey on pupil health behaviors and risks?

Yes. Under Education Code section 51939, if the school has received a written request from the student's parent or guardian excusing the pupil from participation in any or all of these activities, the student shall not participate. Furthermore, the student may not be subject to disciplinary action, academic penalty, or other sanction if the pupil's parent or guardian opts out of the student's participation in these activities. For students who are opted out, while comprehensive sexual health education, HIV prevention education, or anonymous, voluntary, and confidential test, questionnaire, or



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survey on pupil health behaviors and risks is being administered, an alternative educational activity shall be made available.

Who typically provides this instruction?

Individuals assigned to provide comprehensive sexual health education and HIV/AIDS prevention education are selected locally and typically include regular classroom teachers, health education teachers, school nurses, and trainers from community based organizations qualified to provide this instruction.

Under Education Code section 51935, school districts shall cooperatively plan and conduct in-service training for all school district personnel that provide HIV prevention education, through regional planning, joint powers agreements, or contract services. In developing and providing in-service training, a school district shall cooperate and collaborate with the teachers of the district who provide HIV prevention education and with the department. In-service training shall be conducted periodically to enable school district personnel to learn new developments in the scientific understanding of HIV. In-service training shall be voluntary for school district personnel who have demonstrated expertise or received in-service training from the department or federal Centers for Disease Control and Prevention. A school district may expand HIV in-service training to cover the topic of comprehensive sexual health education in order for school district personnel who provide comprehensive sexual health education to learn new developments in the scientific understanding of sexual health.

Can school districts use outside consultants to provide this instruction?

Yes. Under Education Code section 51936, school districts may contract with outside consultants or guest speakers, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver comprehensive sexual health education and HIV prevention education or to provide training for school district personnel. All outside consultants and guest speakers shall 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.

For more information, tools and resources regarding the CA Healthy Youth Act and Comprehensive Sexual Health Education please visit <http://OCDE.us/HealthySchools>.