

FACTS ABOUT THE CALIFORNIA HEALTHY YOUTH ACT IN GRADES K-6

In January 2016, California adopted a new law covering comprehensive sexual health education and HIV prevention education in public schools, the California Healthy Youth Act (Education Code §§ 51930-51939). Here are some facts about the law and how it pertains to grades K-6.

General Information

- The California Healthy Youth Act requires school districts to provide students with integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention education. While it must be taught in grades 7-12, at least once in middle school and once in high school, it may also be taught in any grade K-6, inclusive. Any time it is taught in grades K-6, sexual health and HIV prevention education must meet all requirements of the law other than the specific content requirements for grades 7-12.
- Regardless of whether schools call it puberty education, family life education, or another name, any “education regarding human development and sexuality, including education on pregnancy, contraception, and sexually transmitted infections” (EC § 51931(b)) is by definition comprehensive sexual health education and must meet the requirements of the law. HIV prevention education is defined as “instruction on the nature of human immunodeficiency virus (HIV) and AIDS, methods of transmission, strategies to reduce the risk of HIV infection, and social and public health issues related to HIV and AIDS” (EC § 51931(d)).

Instruction and Content Requirements in Grades K-12:

As in grades 7-12, all sexual health and HIV prevention instruction in grades K-6 must:

- Be age-appropriate, medically accurate (as defined in Education Code § 51931(f)), and objective;
- Align with and support the purposes of the California Healthy Youth Act;
- Be appropriate for use with pupils of all races, genders, sexual orientations, ethnic and cultural backgrounds;
- Be appropriate for and equally available to English language learners;
- Be appropriate for and accessible to pupils with disabilities;
- Affirmatively recognize different sexual orientations and be inclusive of same-sex relationships in discussions and examples;
- Teach about gender, gender expression, gender identity, and the harm of negative gender stereotypes;
- Encourage students to communicate with their parents/guardians and other trusted adults about human sexuality, and provide skills for doing so;
- Teach respect and skills for committed relationships such as marriage;
- Provide knowledge and skills for forming healthy relationships that are free from violence, coercion, and intimidation;
- Provide knowledge and skills for making and implementing healthy decisions about sexuality;
- Be free of religious doctrine;
- Be free of bias based on actual or perceived disability, gender, gender identity, gender expression, race or ethnicity, nationality, religion, or sexual orientation, or any other category protected by the non-discrimination policy codified in Education Code § 220.

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 and resources, 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.

Additional Content that May Be Taught in K-6

In grades K-6, schools may teach, in an age-appropriate way, content that is required in grades 7-12 including:

- Information about HIV and other sexually transmitted infections (STIs), including transmission, FDA approved methods to prevent HIV and STIs, and treatment;
- Information that abstinence is the only certain way to prevent unintended pregnancy and HIV and other STIs, and information about value of delaying sexual activity while also providing information on other methods of prevention;
- Discussion about social views of HIV and AIDS;
- Information about accessing resources for sexual and reproductive health care;
- Information about pregnancy, including FDA-approved prevention methods, pregnancy outcomes, prenatal care, and the newborn safe surrender law;
- Information about sexual harassment, sexual assault, sex trafficking, and other threats to healthy relationships and reproductive health.

See ACLU fact sheet [Questions and Answers for School Districts or Education Code § 51934](#) for complete list.

Parental Notification and Consent Requirements for K-6

- In all grades, K-12, districts must notify parents of the instruction and provide them with an opportunity to view the curriculum and other instructional materials. The school district must also inform parents/guardians about whether the instruction will be provided by district personnel or outside consultants. If instruction will be provided by outside consultants, the notice must include the name and organizational affiliation of the outside consultant and the date of the instruction. The notice must also inform parents/guardians of their right to request copies of Education Code §§ 51933, 51934, and 51938.
- In all grades, K-12, parents give passive consent for sexual health education instruction, meaning students receive instruction unless parents “opt-out” via a written request. Districts may not require active consent (“opt-in”) by requiring that students return a permission slip in order to receive the instruction; this applies to all grades, including K-6.
- Parents must be notified of any planned surveys or questionnaires and, in grades K-6, parents must give active consent (“opt-in”) for their child to participate in the survey or questionnaire. This is different than in grades 7-12, where parents must give passive consent for participation in surveys and questionnaires.

Required Teacher and Outside Speaker Training

- Teachers or outside speakers in grades K-6 and in later grades must have training in and knowledge of the most recent medically accurate research on the topic. Districts must also periodically provide training to all district personnel who provide HIV prevention instruction and may expand the training to include personnel who provide comprehensive sexual health education. Outside organizations or speakers must also follow all laws when they present.

General Guidelines and Curricula Development Resources

- National Sexuality Education Standards (2012), Future of Sex Education (FoSE), <http://www.futureofsexeducation.org/documents/josh-fose-standards-web.pdf>
- It’s All One – Population Council, <http://www.popcouncil.org/research/its-all-one-curriculum-guidelines-and-activities-for-a-unified-approach-to->
- WISE Toolkit – Working to Institutionalize Sex Ed, <http://www.wisetoolkit.org>
- Tools for Educators – Planned Parenthood, <https://www.plannedparenthood.org/educators>

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