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# SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair  
2015 - 2016 Regular

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**Bill No:** AB 517  
**Author:** Gallagher  
**Version:** May 6, 2015  
**Urgency:** No  
**Consultant:** Lynn Lorber  
**Hearing Date:** June 17, 2015  
**Fiscal:** Yes

**Subject:** The California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act: educational materials

## SUMMARY

This bill requires school districts to provide time for parents to inspect educational materials used in sexual health education and HIV/AIDS prevention education, authorizes parents to make copies at the school of written materials, and requires existing parental notification to include information about the expertise of any guest speaker or outside consultant in sexual health education and HIV/AIDS prevention education.

## BACKGROUND

Existing law:

- 1) Requires school districts to ensure that all students in grades 7-12 receive HIV/AIDS prevention education, as specified, from instructors trained in the appropriate courses. Each student must receive this instruction at least once in junior high or middle school and at least once in high school. (Education Code § 51934)
- 2) Authorizes school districts to provide comprehensive sexual health education, as specified, consisting of age-appropriate instruction, in any grade, using instructors trained in the appropriate courses. (EC § 51933)
- 3) Requires HIV/AIDS prevention education and comprehensive sexual health education, whether taught by school personnel or outside consultants, to satisfy all of the following criteria:
  - a) Instruction and materials must be age appropriate.
  - b) All factual information presented must be medically accurate and objective.
  - c) Instruction must be made available on an equal basis to a student who is an English learner.
  - d) Instruction and materials must be appropriate for use with students of all races genders, sexual orientations, ethnic and cultural backgrounds, and students with disabilities.

- e) Instruction and materials must be accessible to students with disabilities, including the provision of a modified curriculum, materials and instruction in alternative formats and auxiliary aids.
  - f) Instruction and materials must encourage a student to communicate with his or her parents about human sexuality. (EC § 51933 and § 51934)
- 4) Requires comprehensive sexual health education to meet, in addition to the criteria listed above:
- a) Instruction and materials must reach respect for marriage and committed relationships.
  - b) Beginning in grade 7, instruction and materials must:
    - i) Teach that abstinence is the only certain way to prevent pregnancy and sexually transmitted diseases.
    - ii) Provide information about sexually transmitted diseases.
    - iii) Provide information about the effectiveness and safety of all FDA-approved contraceptive methods.
    - iv) Provide students with skills for making and implementing responsible decisions about sexuality.
    - v) Provide students with information on the law on surrendering physical custody of a minor child who is 72 hours or younger. (EC § 51933)
- 5) Requires school districts to cooperatively plan and conduct in-service training for all school district personnel that provide HIV/AIDS prevention education. Existing law authorizes districts to expend this training to cover comprehensive sexual health education in order for school district personnel who provide sexual health education. (EC § 51935)
- 6) Authorizes school districts to contract with outside consultants with expertise in comprehensive sexual health education or HIV/AIDS prevention education, or both, to deliver the instruction or to provide training for school district personnel. (EC § 51936)
- 7) States Legislative intent to encourage students to communicate with their parents about human sexuality and HIV/AIDS and to respect the rights of parents to supervise their children's education on these subjects. (EC § 51937)
- 8) Provides that parents have the right to excuse their child from all or part of comprehensive sexual health education, HIV/AIDS prevention education, and assessment related to that education. (EC § 51938)
- 9) Requires school districts to notify the parent of each student, at the beginning of the school year or at the student's enrollment, about instruction in sexual health and

HIV/AIDS prevention and research on student health behaviors and risks planned for the coming year. The notice must do all of the following:

- b) Advise the parent that written and audiovisual educational materials are available for inspection.
- c) Advise the parent whether the education will be taught by school district personnel or by outside consultants. If an outside consultant or guest speaker is used, the notice must also 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 to request a copy of specific related sections of law.
- d) Include information explaining the parent's right to request a copy of specific related sections of law.
- e) Advise the parent that the parent may request in writing that his or her child not receive comprehensive sexual health education or HIV/AIDS prevention education. (EC § 51938)

## **ANALYSIS**

This bill requires school districts to provide time for parents to inspect educational materials used in sexual health education and HIV/AIDS prevention education, authorizes parents to make copies of written materials at the school, and requires existing parental notification to include information about the expertise of any guest speaker or outside consultant in sexual health education and HIV/AIDS prevention education. Specifically, this bill:

- 1) Requires school districts to provide a parent or guardian, upon request, ample time to inspect any written or audiovisual educational material used in comprehensive sexual health education and HIV/AIDS prevention education.
- 2) Authorizes a parent or guardian to, make copies of any written educational material that is not copyrighted that has been or will be presented by an outside consultant or guest speaker. The copies may be made at the school during the time the parent is inspecting the material.
- 3) Adds to the existing annual notification to parents that during inspection of educational materials by a parent, the parent may go to the school and make copies of any written educational material that is not copyrighted that has been or will be presented by an outside consultant or guest speaker.
- 4) Adds to the existing annual notification to parents information about the date of instruction, the name of the organization or affiliation relative to an outside consultant (already required for each guest speaker), and adds information about the training in comprehensive sexual health education and HIV/AIDS prevention education of each outside consultant and guest speaker.

**STAFF COMMENTS**

- 1) ***Need for the bill.*** According to the author, “This bill empowers parents in two ways to help them become more informed and able to participate in this important discussion with their children.”
- 2) ***Expansion.*** This bill expands the existing right of parents or guardians to inspect educational materials related to comprehensive sexual health education and HIV/AIDS prevention education to require schools to allow parents or guardians to make copies of written materials, at the expense of the school. This bill expands existing parental notification requirements to include additional information.
- 3) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose unknown Proposition 98/General Fund state mandated reimbursable costs, likely in the low tens of thousands, to provide copies of materials to parents upon request. There are 9,919 schools in California that would be subject to the requirements of this bill. Actual costs will depend on nature of claims submitted by school districts. The Commission on State Mandates determined existing law related to comprehensive sexual education instruction constituted a reimbursable mandate. The state has also included this mandate in the K-12 Mandate Block Grant. If the Commission on State Mandates determines these requirements impose a higher level of service, this could pressure the Legislature to increase funding under the K-12 Mandate Block Grant.
- 4) ***Related and prior legislation.***

***RELATED LEGISLATION***

AB 329 (Weber, 2015) among other things, modifies the authority for schools to provide comprehensive sexual health education to require such instruction. AB 329 is pending referral in the Senate.

***PRIOR LEGISLATION***

AB 1348 (Mansoor, 2011) would have, among other things, prohibited a student from receiving comprehensive sexual health education or HIV/AIDS prevention education without the prior written consent of the parent. AB 1348 was never heard.

**SUPPORT**

California Catholic Conference  
California Right to Life Committee

**OPPOSITION**

None received.

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