
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: SB 1435
Author: Jackson
Version: February 19, 2016
Urgency: No
Consultant: Lynn Lorber
Hearing Date: March 30, 2016
Fiscal: Yes

Subject: School curriculum: health education: healthy relationships

SUMMARY

This bill requires the next revision to the Health framework to include comprehensive information, for grades 1-8, on the development of healthy relationships, and modifies the existing requirement regarding the inclusion of comprehensive information, for grades 9-12, on sexual harassment and violence.

BACKGROUND

Existing law requires the Instructional Quality Commission to *consider* including in the next revision of the Health framework:

- 1) Comprehensive information for grades 9-12 on sexual harassment and violence. (Education Code § 33544)
- 2) A distinct category on sexual abuse and sex trafficking prevention education that includes, among other things, a discussion of healthy boundaries for relationships, how to recognize potentially harmful and abusive relationships, and refusal skills to overcome peer pressure and to avoid high-risk activities. (EC § 33545)

Existing law requires schools to provide comprehensive sexual health education in grades 7-12, and states that the purpose of this instruction, among other things, is to:

- 1) Provide students 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.
- 2) Provide students with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors. (EC § 51930)

Existing law requires all comprehensive sexual health education to meet specified criteria, including:

- 1) Instruction and materials shall teach the value of and prepare students to have and maintain committed relationships such as marriage.

- 2) Instruction and materials shall provide students 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. (EC § 51933)

ANALYSIS

This bill requires the next revision to the Health framework to include comprehensive information, for grades 1-8, on the development of healthy relationships, and modifies the existing requirement regarding the inclusion of comprehensive information, for grades 9-12, on sexual harassment and violence. Specifically, this bill:

- 1) Requires the Instructional Quality Commission (IQC) to include comprehensive information, for grades 1-8, on the development of healthy relationships in the next revision to the Health framework.
- 2) Requires the information to be age and developmentally appropriate.
- 3) Modifies existing law to require the IQC to include, rather than require the IQC to *consider* including, comprehensive information, for grades 9-12, on sexual harassment and violence in the next revision of the Health framework.
- 4) Requires the IQC to comply with both of the following when including information in the Health framework:
 - a) Ensure information is research-based and appropriate for students of all races, genders, sexual orientations, gender identities, and ethnic and cultural backgrounds.
 - b) Consult with secondary health teachers and experts in sexual harassment and violence curriculum.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “SB 1435 is the third in a series of measures to help proactively address incidences of sexual harassment and assault among children, adolescent teens, and young adults. In 2014, Senators De León and Jackson joint authored SB 967 to establish an affirmative consent standard among California’s colleges and universities. In 2015, the state adopted SB 695 (De León and Jackson), which required that sexual harassment and sexual assault be taught in high schools that require health as a requirement for graduation. However, in the development of SB 695, it became clear that starting earlier by providing opportunities in elementary and middle school is needed to help children learn how to develop healthy relationships; to help them understand the virtue of treating one another with respect and dignity.”
- 2) ***Healthy relationships.*** This bill does not define “healthy relationships” or include parameters, such as healthy *dating* relationships. The purpose of this bill is to address all types of relationships.

Existing law requires the Instructional Quality Commission (IQC) to consider including in the next revision of the Health framework information relative to healthy boundaries for relationships, how to recognize potentially harmful and abusive relationships, and refusal skills to overcome peer pressure and to avoid high-risk activities. This information is to be included in a distinct category on sexual abuse and sex trafficking prevention.

Staff recommends an amendment to create a new section in the Education code specifically related to the inclusion of information on the development of healthy relationships in the Health framework for grades K-8, and to clarify that this information is to be separate and apart from the distinct category on sexual abuse and sex trafficking prevention, from information for grades 9-12 on sexual harassment and violence, and from comprehensive sexual health education. This amendment would leave intact the existing requirement that the IQC *consider* including information for grades 9-12 on sexual harassment and violence.

Staff further recommends an amendment to expand the grade levels affected by this bill to include kindergarten, in recognition that curricular frameworks include kindergarten.

- 3) **Health framework.** The 2003 Health framework is outdated and no longer current. It does not reflect the Health Education Content Standards adopted by the State Board of Education (SBE) in March 2008. The Health framework was scheduled for revision in 2009-10, with adoption expected in 2011. Statute was enacted on July 28, 2009 that halted the revision process due to severe budget constraints. According to the IQC website, their 2016 goals include plans to revise the Health framework for adoption by the SBE in 2019.

The Health standards and framework currently include limited references to healthy relationships. Specifically, instruction in grades 9-12 is to include discussion of the characteristics of healthy relationships, dating, committed relationships, and marriage; instruction in grades 7-8 is to use a decision-making process to examine risky social and dating situations, and apply a decision-making process to avoid potentially dangerous situations, such as violence in dating; instruction in grades 4-6 is to help students understand and demonstrate how to promote positive health practices within the school and community, including how to cultivate positive relationships with their peers. This bill applies to the Health framework for grades 1-8.

- 4) **Different approach.** This bill requires the IQC to include specific information in the next revision of the Health framework. This Committee has passed numerous bills related to adding specified information or instruction to the various curricular frameworks; all measures have required the IQC to *consider* including specified information. Consistent with prior practice, should this bill be amended require the IQC to *consider* including comprehensive information on the development of healthy relationships for grades K-8?

- 5) **Related legislation.** SCR 103 (Leyva) proclaims the month of February 2016 as Teen Dating Violence Awareness and Prevention Month. SCR 103 is pending on the Senate Floor.
- 6) **Prior legislation.** SB 592 (Leyva, 2015) requires school districts to provide educational programs that promote healthy relationships and prevent adolescent relationship abuse to students in grades 6-12, requires the Superintendent of Public Instruction (SPI) to provide information for use by schools, and requires school safety plans to include procedures and policies to prevent and respond to adolescent relationship abuse. SB 592 was held on the Senate Appropriations Committee's suspense file.

AB 1857 (Fong, 2012) authorized school districts to provide education programs to promote healthy relationships and prevent teen dating abuse to pupils in grades 7-12, and required the SPI to provide model curriculum. AB 1857 was held in the Assembly Appropriations Committee.

AB 1880 (Lara, 2012) required middle and high school safety plans to include policies and procedures to prevent and respond to teen dating abuse in grades 6-12. AB 1880 was held in the Assembly Appropriations Committee.

AB 1373 (Fong, 2011) authorized school districts or the county office of education to provide education programs to promote healthy relationships and prevent teen dating violence to pupils in grades 7-12, and required the SPI to provide information to schools about model programs. SB 1373 was held in the Assembly Appropriations Committee.

SB 13 (Correa, 2011) and SB 1300 (Correa, 2010) would have required schools that elect to provide teen dating violence prevention education to ensure that the instruction meets certain criteria, and requires the State Board of Education to incorporate teen dating violence and sexual violence curriculum into the health curriculum framework. This instruction would have included components about, inappropriate sexual behavior, sexual harassment, sexual violence, and sexual assault. Both bills included parental notification and opt-out provisions. Concerns were raised about blending violence prevention education with sexual health education, and the ability of parents to opt-out of violence prevention education. SB 13 failed passage in this Committee, and SB 1300 failed passage in the Assembly Education Committee.

ACR 29 (Bonilla, Ch. 30, 2011) proclaimed the month of February 2011 as Teen Dating Violence Awareness and Prevention Month.

ACR 101 (Lara, Ch. 81, 2012) proclaimed the month of February 2012 as Teen Dating Violence Awareness and Prevention Month.

SUPPORT

American Academy of Pediatrics
American Civil Liberties Union
California Partnership to End Domestic Violence
Equality California
National Association of Social Workers, California Chapter
Planned Parenthood Affiliates of California

OPPOSITION

None received.

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