

**ASSEMBLY BILL**

**No. 2768**

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**Introduced by Assembly Member Longville**

February 25, 2002

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An act to amend Section 51201.5 of the Education Code, relating to instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 2768, as introduced, Longville. Education: AIDS prevention instruction.

Under existing law, school districts are required to ensure that all pupils in grades 7 to 12, inclusive, or the equivalent thereof, except as specified, receive AIDS prevention instruction from adequately trained instructors in appropriate courses. Existing law requires each pupil to receive that instruction at least once in junior high or middle school and once in high school.

This bill would require each pupil to receive that instruction for at least 4 hours in junior high or middle school and 4 hours in high school, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 51201.5 of the Education Code is  
2 amended to read:

3 51201.5. (a) Commencing in the 1992–93 school year,  
4 school districts shall ensure that all pupils in grades 7 to 12,  
5 inclusive, or the equivalent thereof, except as otherwise provided  
6 in subdivision (c), receive AIDS prevention instruction from  
7 adequately trained instructors in appropriate courses. Each pupil  
8 shall receive ~~the~~ *at least four hours of instruction at least once* in  
9 junior high or middle school and ~~once~~ *at least four hours of*  
10 *instruction* in high school. For purposes of this subdivision,  
11 “school district” includes county boards of education, county  
12 superintendents of schools, and the State Schools for the  
13 Handicapped.

14 (b) The required AIDS prevention instruction shall accurately  
15 reflect the latest information and recommendations from the  
16 United States Surgeon General, federal Centers for Disease  
17 Control, and the National Academy of Sciences, and shall include  
18 the following:

19 (1) Information on the nature of AIDS and its effects on the  
20 human body.

21 (2) Information on how the human immunodeficiency virus  
22 (HIV) is and is not transmitted, including information on activities  
23 that present the highest risk of HIV infection.

24 (3) Discussion of methods to reduce the risk of HIV infection.  
25 This instruction shall emphasize that sexual abstinence,  
26 monogamy, the avoidance of multiple sexual partners, and  
27 abstinence from intravenous drug use are the most effective means  
28 for AIDS prevention, but shall also include statistics based upon  
29 the latest medical information citing the failure and success rates  
30 of condoms and other contraceptives in preventing sexually  
31 transmitted HIV infection and information on other methods that  
32 may reduce the risk of HIV transmission from intravenous drug



1 use. Nothing in this section shall be construed to supersede Section  
2 51553.

3 (4) Discussion of the public health issues associated with  
4 AIDS.

5 (5) Information on local resources for HIV testing and medical  
6 care.

7 (6) Development of refusal skills to assist pupils in overcoming  
8 peer pressure and using effective decisionmaking skills to avoid  
9 high-risk activities.

10 (7) Discussion about societal views on AIDS, including  
11 stereotypes and myths regarding persons with AIDS. This  
12 instruction shall emphasize compassion for persons suffering from  
13 debilitating handicaps and terminal diseases, such as AIDS.

14 (c) AIDS prevention instruction may not be conducted in a  
15 manner that advocates drug use, a particular sexual practice, or  
16 sexual activities. AIDS prevention instruction shall be consistent  
17 with Section 51553.

18 (d) At the beginning of each school year or, for a pupil who  
19 enrolls in a school after the beginning of the school year, at the time  
20 of that pupil's enrollment, the governing board of each school  
21 district, each county board of education, and each county  
22 superintendent of schools, as applicable, shall provide the parent  
23 or guardian of each pupil in grades 7 to 12, inclusive, or the  
24 equivalent thereof, with written notice explaining the purpose of  
25 the AIDS prevention instruction and information stating the  
26 parent's or guardian's right to request a copy of this section and  
27 Section 51553, related to AIDS prevention instruction. The  
28 governing board of each school district, each county board of  
29 education, and each county superintendent of schools, as  
30 applicable, shall keep on file copies of this section and Section  
31 51553. The Superintendent of Public Instruction shall provide the  
32 parent or guardian of each pupil in grades 7 to 12, inclusive, or the  
33 equivalent thereof, in the State Schools for the Handicapped with  
34 written notice explaining the purpose of the AIDS prevention  
35 instruction.

36 (1) The notice shall specify that any parent or guardian may  
37 request that his or her child or ward not receive instruction in AIDS  
38 prevention. No pupil shall attend the AIDS prevention instruction  
39 if a written request that he or she not attend has been received by  
40 the school. For the governing boards of school districts, this



1 notification shall accompany the reporting of rights and  
2 responsibilities required by Section 48980.

3 (2) If authorized by the school district governing board, a  
4 school district may require parental consent prior to providing  
5 instruction on AIDS prevention to any minor pupil.

6 (3) At any time that an outside organization or guest speaker is  
7 scheduled to deliver AIDS prevention instruction, or anytime an  
8 assembly is held to deliver AIDS prevention instruction,  
9 notification shall be sent to the pupils' parents or legal guardians  
10 through regular United States mail, or any other method that the  
11 school district, county board of education, or county  
12 superintendent of schools, as applicable, commonly uses to  
13 communicate individually in writing to all parents or guardians, at  
14 the beginning of the school year or, with respect to a pupil who  
15 enrolls in a school after the beginning of the school year, at the time  
16 of that pupil's enrollment. If arrangements for this instruction are  
17 made after these occurrences, notice shall be mailed, or provided  
18 by the alternative method of notification otherwise commonly  
19 used, no fewer than 10, and no more than 15, days before the  
20 instruction is delivered. Notification sent pursuant to this  
21 paragraph shall include the date of the instruction, the name of the  
22 organization or affiliation of each guest speaker, and information  
23 stating the parent's or guardian's right to request a copy of this  
24 section and Section 51553, related to AIDS prevention instruction.  
25 The governing board of each school district, each county board of  
26 education, and each county superintendent of schools, as  
27 applicable, shall keep on file copies of this section and Section  
28 51553.

29 (e) All school districts shall ensure all of the following:

30 (1) That instructional materials related to this instruction are  
31 available.

32 (2) That these instructional materials are appropriate for use  
33 with pupils of various ages and learning abilities.

34 (3) That these instructional materials may be used effectively  
35 with pupils from a variety of ethnic, cultural, and linguistic  
36 backgrounds, and pupils with special needs.

37 (f) A pupil shall not be subject to disciplinary action, academic  
38 penalty, or other sanction if the pupil's parent or guardian declines  
39 to permit the pupil to receive the instruction described in  
40 subdivision (a) and the pupil does not receive the instruction.



1 (g) While the instruction described in subdivision (a) is being  
2 delivered, an alternative educational activity shall be made  
3 available to pupils whose parents or guardians have requested that  
4 they not receive the instruction described in subdivision (a).

5 SEC. 2. Notwithstanding Section 17610 of the Government  
6 Code, if the Commission on State Mandates determines that this  
7 act contains costs mandated by the state, reimbursement to local  
8 agencies and school districts for those costs shall be made pursuant  
9 to Part 7 (commencing with Section 17500) of Division 4 of Title  
10 2 of the Government Code. If the statewide cost of the claim for  
11 reimbursement does not exceed one million dollars (\$1,000,000),  
12 reimbursement shall be made from the State Mandates Claims  
13 Fund.  
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