

AMENDED IN SENATE AUGUST 19, 2002
AMENDED IN SENATE AUGUST 5, 2002
AMENDED IN SENATE JUNE 19, 2002
AMENDED IN ASSEMBLY MAY 23, 2002
AMENDED IN ASSEMBLY APRIL 29, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2817

Introduced by Assembly Member Maddox

February 25, 2002

An act to amend Section 51553 of the Education Code, relating to sex education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2817, as amended, Maddox. Sex education: course content.

Existing law sets forth specified criteria that ~~is~~ *are* required to be included in the content of sex education courses *if those courses are offered*.

This bill would require, as an additional course criteria, sex education classes to advise pupils of specified provisions of law relating to parents and others who voluntarily surrender physical custody of a minor child 72 hours old or younger at a hospital emergency room or other designated location without being subject to criminal prosecution for certain crimes. ~~By requiring this additional course criteria, the bill would impose a state-mandated local program. The bill would state the~~

~~intent of the Legislature that the requirement be implemented using existing resources.~~

~~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 no*.

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

1 SECTION 1. Section 51553 of the Education Code is
2 amended to read:

3 51553. (a) All public elementary, junior high, and senior
4 high school classes that teach sex education and discuss sexual
5 intercourse shall emphasize that abstinence from sexual
6 intercourse is the only protection that is 100 percent effective
7 against unwanted teenage pregnancy, sexually transmitted
8 diseases, and acquired immune deficiency syndrome (AIDS)
9 when transmitted sexually. All material and instruction in classes
10 that teach sex education and discuss sexual intercourse shall be age
11 appropriate.

12 (b) All sex education courses that discuss sexual intercourse
13 shall also satisfy the following criteria:

14 (1) (A) Factual information presented in course material and
15 instruction shall be medically accurate and objective.

16 (B) For purposes of this section, the following definitions
17 apply:

18 (i) "Factual information" includes, but is not limited to,
19 medical, psychiatric, psychological, empirical, and statistical
20 statements.

21 (ii) "Medically accurate" means verified or supported by
22 research conducted in compliance with scientific methods and



1 published in peer-review journals, where appropriate, and
2 recognized as accurate and objective by professional organizations
3 and agencies with expertise in the relevant field, such as the
4 Centers for Disease Control and Prevention.

5 (2) Course material and instruction shall stress that abstinence
6 is the only contraceptive method which is 100 percent effective,
7 and that all other methods of contraception carry a risk of failure
8 in preventing unwanted teenage pregnancy. Statistics based on the
9 latest medical information shall be provided to pupils citing the
10 failure and success rates of condoms and other contraceptives in
11 preventing pregnancy.

12 (3) Course material and instruction shall stress that sexually
13 transmitted diseases are serious possible hazards of sexual
14 intercourse. Pupils shall be provided with statistics based on the
15 latest medical information citing the failure and success rates of
16 condoms in preventing AIDS and other sexually transmitted
17 diseases.

18 (4) Course material and instruction shall include a discussion
19 of the possible emotional and psychological consequences of
20 preadolescent and adolescent sexual intercourse outside of
21 marriage and the consequences of unwanted adolescent
22 pregnancy.

23 (5) Course material and instruction shall stress that pupils
24 should abstain from sexual intercourse until they are ready for
25 marriage.

26 (6) Course material and instruction shall teach honor and
27 respect for monogamous heterosexual marriage.

28 (7) Course material and instruction shall advise pupils of the
29 laws pertaining to their financial responsibility to children born in
30 and out of wedlock.

31 (8) Advise pupils of the provisions of Section 1255.7 of the
32 Health and Safety Code and Section 271.5 of the Penal Code,
33 relating to parents and others who voluntarily surrender physical
34 custody of a minor child 72 hours old or younger at a hospital
35 emergency room or other designated location without being
36 subject to prosecution for a violation of certain crimes such as
37 child abandonment. In developing and providing this advice,
38 school districts and public schools may adopt and use for this
39 purpose appropriate information and materials developed by
40 nonprofit organizations with experience in child abandonment.



1 The advice required to be given under this paragraph shall apply
2 only so long as both Section 1255.7 of the Health and Safety Code
3 and Section 271.5 of the Penal Code are in effect.

4 (9) Course material and instruction shall advise pupils that it is
5 unlawful for males or females of any age to have sexual
6 intercourse with males or females under the age of 18 years to
7 whom they are not married, pursuant to Section 261.5 of the Penal
8 Code.

9 (10) Course material and instruction shall emphasize that the
10 pupil has the power to control personal behavior. Pupils shall be
11 encouraged to base their actions on reasoning, self-discipline,
12 sense of responsibility, self-control, and ethical considerations,
13 such as respect for oneself and others.

14 (11) Course material and instruction shall teach pupils to not
15 make unwanted physical and verbal sexual advances, how to say
16 “no” to unwanted sexual advances, and shall include information
17 about sexual assault, verbal, physical, and visual, including, but
18 not limited to, nonconsensual sexual advances, nonconsensual
19 physical sexual contact, and rape by an acquaintance, commonly
20 referred to as “date rape.” This course material and instruction
21 shall contain methods of preventing sexual assault by an
22 acquaintance, including exercising good judgment and avoiding
23 behavior that impairs good judgment, and shall also encourage
24 youth to resist negative peer pressure. This course material and
25 instruction also shall inform pupils of the potential legal
26 consequences of sexual assault by an acquaintance. Specifically,
27 pupils shall be advised that it is unlawful to touch an intimate part
28 of another person, as specified in subdivision (d) of Section 243.4
29 of the Penal Code.

30 (12) Course materials and instruction shall be free of racial,
31 ethnic, and gender biases.

32 (c) All sex education courses that discuss sexual intercourse
33 shall teach pupils that it is wrong to take advantage of, or to exploit,
34 another person.

35 ~~(d) It is the intent of the Legislature that this section be
36 implemented using existing resources.~~

37 ~~SEC. 2. Notwithstanding Section 17610 of the Government
38 Code, if the Commission on State Mandates determines that this
39 act contains costs mandated by the state, reimbursement to local
40 agencies and school districts for those costs shall be made pursuant~~



1 to Part 7 (commencing with Section 17500) of Division 4 of Title
2 2 of the Government Code. If the statewide cost of the claim for
3 reimbursement does not exceed one million dollars (\$1,000,000);
4 reimbursement shall be made from the State Mandates Claims
5 Fund.

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