

**Assembly Bill No. 2817**

**CHAPTER 1099**

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

[Approved by Governor September 29, 2002. Filed with Secretary of State September 29, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2817, Maddox. Sex education: course content.

Existing law sets forth specified criteria that 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.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

(8) Advise pupils of the provisions of Section 1255.7 of the Health and Safety Code and Section 271.5 of the Penal Code, 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 prosecution for a violation of certain crimes such as child abandonment. In developing and providing this advice, school districts and public schools may adopt and use for this purpose appropriate information and materials developed by nonprofit organizations with experience in child abandonment. The advice required to be given under this paragraph shall apply only so long as both Section 1255.7 of the Health and Safety Code and Section 271.5 of the Penal Code are in effect.

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



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

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

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

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

