

ASSEMBLY BILL

No. 1925

Introduced by Assembly Member Haynes

February 10, 2004

An act to amend Section 51938 of the Education Code, relating to instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 1925, as introduced, Haynes. Comprehensive sexual health and HIV/AIDS prevention instruction.

The existing California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act, authorizes school districts to provide comprehensive sexual health education, as defined, in any kindergarten to grade 12, inclusive, and ensures that all pupils in grades 7 to 12, inclusive, receive HIV/AIDS prevention education, as defined. Existing law requires a school district to notify the parent or guardian of a pupil about instruction in comprehensive sexual health education and HIV/AIDS prevention and empowers a parent or guardian to excuse his or her pupil from all or part of that instruction.

This bill would require, if the instruction in comprehensive sexual health education and HIV/AIDS prevention will be taught by outside consultants, or if that instruction is to be given in an assembly, a school district to notify the parent or guardian of a pupil about that instruction, as specified, no fewer than 10, and no more than 15 days in advance of the instruction.

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

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

1 SECTION 1. Section 51938 of the Education Code is
2 amended to read:

3 51938. A parent or guardian of a pupil has the right to excuse
4 their child from all or part of comprehensive sexual health
5 education, HIV/AIDS prevention education, and assessments
6 related to that education, as follows:

7 (a) At the beginning of each school year, or, for a pupil who
8 enrolls in a school after the beginning of the school year, at the time
9 of that pupil’s enrollment, each school district shall notify the
10 parent or guardian of each pupil about instruction in
11 comprehensive sexual health education and HIV/AIDS prevention
12 education and research on pupil health behaviors and risks planned
13 for the coming year. The notice shall ~~include~~ *do* all of the
14 following:

15 (1) Advise the parent or guardian that written and audio visual
16 educational materials used in comprehensive sexual health
17 education and HIV/AIDS prevention education are available for
18 inspection.

19 (2) Advise the parent or guardian whether the comprehensive
20 sexual health education or HIV/AIDS prevention education will
21 be taught by school district personnel or by outside consultants. *If*
22 *comprehensive sexual health education or HIV/AIDS prevention*
23 *education will be taught by outside consultants, or if an assembly*
24 *will be held to deliver comprehensive sexual health education or*
25 *HIV/AIDS prevention education, the notice shall include the date*
26 *of the instruction, the name of the organization or affiliation of*
27 *each guest speaker, and information stating the right of the parent*
28 *or guardian to request a copy of this section, Section 51933, and*
29 *Section 51934. The governing board of each school district, each*
30 *county board of education, and each county superintendent of*
31 *schools, as applicable, shall keep on file copies of this section,*
32 *Section 51933, and Section 51934. If arrangements for this*
33 *instruction are made after the beginning of the school year, notice*
34 *shall be made no fewer than 10, and no more than 15, days before*
35 *the instruction is delivered.*

36 (3) ~~Information~~ *Include information* explaining the parent’s or
37 guardian’s right to request a copy of this chapter.



1 (4) Advise the parent or guardian that the parent or guardian
2 may request in writing that his or her child not receive
3 comprehensive sexual health education or HIV/AIDS prevention
4 education.

5 (b) Notwithstanding Section 51513, anonymous, voluntary,
6 and confidential research and evaluation tools to measure pupils'
7 health behaviors and risks, including tests, questionnaires, and
8 surveys containing age appropriate questions about the pupil's
9 attitudes concerning or practices relating to sex may be
10 administered to any pupil in grades 7 to 12, inclusive, if the parent
11 or guardian is notified in writing that this test, questionnaire, or
12 survey is to be administered and the pupil's parent or guardian is
13 given the opportunity to review the test, questionnaire, or survey
14 and to request in writing that his or her child not participate.

