

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1249

Introduced by Assembly Member Silva

February 23, 2007

An act to add Section 51213 to the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1249, as amended, Silva. Schools.

(1) The California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act authorizes school districts to provide comprehensive sexual health education consisting of age-appropriate instruction in any kindergarten or any of grades 1 to 12, inclusive, using instructors trained in appropriate courses. The purpose of the act is to encourage a pupil to develop healthy attitudes concerning adolescent growth and development, body image, gender roles, sexual orientation, dating, marriage, and family. A school district is required to provide notice to parents and guardians regarding instruction that will be given on this topic and a parent or guardian has the right to excuse his or her child from all or part of comprehensive sexual health education and assessments related to that education.

Existing law prohibits a person from being subjected to discrimination on the basis of sexual orientation, among other characteristics, and encourages each teacher to create and foster an environment that is free from discriminatory attitudes, practices, events, or activities, in order to prevent acts of hate violence, as defined.

~~This bill would state the intent of the Legislature to enact legislation to require the notification of the parent or guardian of a pupil regarding~~

teacher initiated discussions on sexual orientation issues and to provide parents and guardians with rights regarding these matters require a school district to adopt a policy regarding teacher-led discussions in kindergarten and grades 1 to 6, inclusive, about human sexuality and sexual orientation in curricular areas other than those in which comprehensive sexual health education is provided and would encourage school districts to adopt a policy that those discussions occur at home. A school district would be required to provide notice containing specified information to parents and guardians 14 days before a teacher-led discussion in kindergarten and grades 1 to 6, inclusive, about human sexuality and sexual orientation may take place in curricular areas other than those in which comprehensive sexual health education is provided. These new requirements would impose a state-mandated local program on school districts.

(2) 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.

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: ~~no~~-yes.
 State-mandated local program: ~~no~~-yes.

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

- 1 SECTION 1. Section 51213 is added to the Education Code,
- 2 to read:
- 3 51213. (a) A school district shall adopt a policy regarding
- 4 teacher-led discussions in kindergarten and grades 1 to 6,
- 5 inclusive, about human sexuality and sexual orientation in
- 6 curricular areas other than those in which comprehensive sexual
- 7 health education is provided.
- 8 (b) The Legislature encourages school districts to adopt a policy
- 9 that provides that discussions regarding human sexuality and
- 10 sexual orientation in curricular areas other than those in which
- 11 comprehensive sexual health education is provided should occur
- 12 at home.

1 (c) Fourteen days before a teacher-led discussion in
2 kindergarten and grades 1 to 6, inclusive, about human sexuality
3 and sexual orientation may take place in curricular areas other
4 than those in which comprehensive sexual health education is
5 provided, the school district shall provide notice to the parent or
6 guardian of a pupil enrolled in a class where the discussion is to
7 occur. The notice shall be made by mail or another commonly
8 used method of notification currently used by the school district.
9 The notice shall contain the specific topic to be discussed, the class
10 or subject area in which the topic will be discussed, and the name
11 of the teacher who will lead the discussion.

12 SEC. 2. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.

17 ~~SECTION 1. It is the intent of the Legislature to enact~~
18 ~~legislation to require the notification of the parent or guardian of~~
19 ~~a pupil regarding teacher initiated discussions on sexual orientation~~
20 ~~issues and to provide parents and guardians with rights regarding~~
21 ~~these matters.~~