

Introduced by Senators Mitchell and BlockFebruary 20, 2014

An act to amend Sections 51930, 51931, 51936, 51937, 51938, and 51939 of, to add Section 51902 to, and to add Article 3.5 (commencing with Section 51934.5) to Chapter 5.6 of Part 28 of Division 4 of Title 2 of, the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 1165, as introduced, Mitchell. Pupil instruction: dating violence, sexual abuse, and sex trafficking prevention education.

Existing law requires the Instructional Quality Commission, during the next revision of the publication "Health Framework for California Public Schools," to consider developing, and recommending for adoption by the State Board of Education, a distinct category on mental health, as specified.

This bill would require the commission, during the next revision of that publication, to consider, develop, and recommend for adoption by the state board, a distinct category on dating violence, sexual abuse, and sex trafficking prevention education, as specified.

Existing law, the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act, authorizes school districts to provide comprehensive sexual health education, as defined, in kindergarten and grades 1 to 12, inclusive, and requires school districts to ensure that all pupils in grades 7 to 12, inclusive, receive HIV/AIDS prevention education, unless the pupil is excused, as specified.

This bill would also authorize a school district to provide dating violence, sexual abuse, and sex trafficking prevention education, as defined, and would require a school district that elects to offer this instruction to ensure that each pupil receives the instruction at least

once in junior high or middle school, and at least once in high school. The bill would encourage school districts to collaborate with outside consultants with expertise in dating violence, sexual abuse, and sex trafficking prevention education in order to create school safety plans to address these issues. The bill would make conforming and nonsubstantive changes.

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

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

1 SECTION 1. Section 51902 is added to the Education Code,
2 to read:
3 51902. During the next revision of the publication “Health
4 Framework for California Public Schools” (health framework) the
5 Instructional Quality Commission shall consider, develop, and
6 recommend for adoption by the state board, a distinct category on
7 dating violence, sexual abuse, and sex trafficking prevention
8 education that includes, but is not limited to, all of the following:
9 (a) Information on dating violence and sexual abuse, and
10 discussion of prevention strategies and local resources for potential
11 victims, including how to report an incident.
12 (b) Discussion of healthy boundaries for familial and dating
13 relationships; how to recognize potentially harmful and abusive
14 relationships or dangerous dating situations; development of refusal
15 skills to overcome peer pressure; and effective decisionmaking
16 skills to avoid high-risk activities.
17 (c) Information on sex trafficking, and the recruiting tactics of
18 traffickers and peer recruiters, including recruitment through the
19 Internet.
20 (d) Discussion of legal aspects of sexual violence and sex
21 trafficking under state and federal laws.
22 (e) Discussion of how culture, mass media, and other people
23 influence and desensitize our perceptions of dating violence, sexual
24 abuse, and sex trafficking, including, but not limited to, stereotypes
25 and myths regarding persons who have been abused or trafficked.
26 This instruction shall emphasize compassion for persons who have
27 suffered from abuse or trafficking, and encourage positive reentry
28 experiences for survivors returning to the school system.

1 SEC. 2. Section 51930 of the Education Code is amended to
2 read:

3 51930. (a) This chapter shall be known and may be cited as
4 the California Comprehensive Sexual Health and HIV/AIDS
5 Prevention Education Act.

6 (b) The purposes of this chapter are as follows:

7 (1) To provide a pupil with the knowledge and skills necessary
8 to protect his or her sexual and reproductive health from unintended
9 pregnancy and sexually transmitted diseases.

10 (2) To encourage a pupil to develop healthy attitudes concerning
11 adolescent growth and development, body image, gender roles,
12 sexual orientation, dating, marriage, and family.

13 (3) *To provide a pupil with the knowledge and skills necessary*
14 *to protect himself or herself from dating violence, sexual abuse,*
15 *and sex trafficking.*

16 SEC. 3. Section 51931 of the Education Code is amended to
17 read:

18 51931. For the purposes of this chapter, the following
19 definitions apply:

20 (a) “Age appropriate” refers to topics, messages, and teaching
21 methods suitable to particular ages or age groups of children and
22 adolescents, based on developing cognitive, emotional, and
23 behavioral capacity typical for the age or age group.

24 (b) “Comprehensive sexual health education” means education
25 regarding human development and sexuality, including education
26 on pregnancy, family planning, and sexually transmitted diseases.

27 (c) *“Dating violence, sexual abuse, and sex trafficking*
28 *prevention education” means instruction on the prevalence and*
29 *nature of dating violence, sexual abuse, and sex trafficking,*
30 *strategies to reduce their risk, and how to safely report an incident.*

31 ~~(e)~~

32 (d) “English learner” means a pupil as described in subdivision
33 (a) of Section 306.

34 ~~(f)~~

35 (e) “HIV/AIDS prevention education” means instruction on the
36 nature of HIV/AIDS, methods of transmission, strategies to reduce
37 the risk of human immunodeficiency virus (HIV) infection, and
38 social and public health issues related to HIV/AIDS. For ~~the~~
39 purposes of this chapter, “HIV/AIDS prevention education” is not
40 comprehensive sexual health education.

1 (e)
 2 (f) “Instructors trained in the appropriate courses” means
 3 instructors with knowledge of the most recent medically accurate
 4 research on human sexuality, pregnancy, and sexually transmitted
 5 ~~diseases~~. *diseases, and the knowledge of essential concepts on*
 6 *preventing dating violence, sexual abuse, and sex trafficking.*

7 (f)
 8 (g) “Medically accurate” means verified or supported by
 9 research conducted in compliance with scientific methods and
 10 published in peer-reviewed journals, where appropriate, and
 11 recognized as accurate and objective by professional organizations
 12 and agencies with expertise in the relevant field, such as the federal
 13 Centers for Disease Control and Prevention, the American Public
 14 Health Association, the American Academy of Pediatrics, and the
 15 American College of Obstetricians and Gynecologists.

16 (g)
 17 (h) “School district” includes county boards of education, county
 18 superintendents of schools, the California School for the Deaf, and
 19 the California School for the Blind.

20 SEC. 4. Article 3.5 (commencing with Section 51934.5) is
 21 added to Chapter 5.6 of Part 28 of Division 4 of Title 2 of the
 22 Education Code, to read:

23
 24 Article 3.5. Dating Violence, Sexual Abuse, and Sex Trafficking
 25 Prevention Education
 26

27 51934.5. (a) A school district may provide dating violence,
 28 sexual abuse, and sex trafficking prevention education.

29 (b) If a school district provides dating violence, sexual abuse,
 30 and sex trafficking prevention education, it shall ensure that the
 31 education is from instructors trained in the appropriate courses.
 32 The school district shall also ensure that each pupil receives this
 33 instruction at least once in junior high or middle school, and at
 34 least once in high school.

35 (c) Dating violence, sexual abuse, and sex trafficking prevention
 36 education, whether taught by school district personnel or outside
 37 consultants, shall satisfy all of the criteria set forth in paragraphs
 38 (1) through (6), inclusive, of subdivision (b) of, and paragraphs
 39 (1) and (2) of subdivision (d) of, Section 51933.

40 (d) Instruction and materials shall include the following:

1 (1) Information on dating violence and sexual abuse, and
2 discussion of prevention strategies and local resources for potential
3 victims, including how to report an incident.

4 (2) Discussion of healthy boundaries for familial and dating
5 relationships; how to recognize potentially harmful and abusive
6 relationships or dangerous dating situations; development of refusal
7 skills to overcome peer pressure; and effective decisionmaking
8 skills to avoid high-risk activities.

9 (3) Information on sex trafficking, and the recruiting tactics of
10 traffickers and peer recruiters, including recruitment through the
11 Internet.

12 (4) Discussion of legal aspects of sexual violence and sex
13 trafficking under state and federal laws.

14 (5) Discussion of how culture, mass media, and other people
15 influence and desensitize our perceptions of dating violence, sexual
16 abuse, and sex trafficking, including, but not limited to, stereotypes
17 and myths regarding persons who have been abused or trafficked.
18 This instruction shall emphasize compassion for persons who have
19 suffered from abuse or trafficking, and encourage positive reentry
20 experiences for survivors returning to the school system.

21 (e) The department may develop model curricula on dating
22 violence, sexual abuse, and sex trafficking prevention education
23 available to school districts on the department's Internet Web site.

24 51934.6. (a) A school district is encouraged to collaborate
25 with outside consultants with expertise in dating violence, sexual
26 abuse, and sex trafficking prevention education in order to create
27 a school safety plan to address the threat of dating violence, sexual
28 abuse, and sex trafficking.

29 (b) A school district is encouraged to collaborate with law
30 enforcement on a referral protocol for high-risk pupils and minors.

31 (c) In-service training may be conducted periodically to enable
32 school district personnel to learn new developments in the
33 understanding of dating violence, sexual abuse, and sex trafficking,
34 and to receive instruction on current prevention efforts and
35 methods. A school district is encouraged to include training on
36 early identification and mandated reporting of dating violence,
37 sexual abuse, and sex trafficking of pupils and minors.

38 SEC. 5. Section 51936 of the Education Code is amended to
39 read:

1 51936. ~~School districts~~—A *school district* may contract with
 2 outside consultants with expertise in comprehensive sexual health
 3 ~~education or education~~, HIV/AIDS prevention education, or ~~both~~,
 4 *dating violence, sexual abuse, and sex trafficking prevention*
 5 *education*, including those who have developed multilingual
 6 curricula or curricula accessible to persons with disabilities, to
 7 deliver the instruction or to provide training for school district
 8 personnel.

9 SEC. 6. Section 51937 of the Education Code is amended to
 10 read:

11 51937. It is the intent of the Legislature to encourage pupils
 12 to communicate with their parents or guardians about human
 13 ~~sexuality and sexuality~~, HIV/AIDS, *and dating violence, sexual*
 14 *abuse, and sex trafficking*, and to respect the rights of parents or
 15 guardians to supervise their children’s education on these subjects.
 16 The Legislature intends to create a streamlined process to make it
 17 easier for parents and guardians to review materials and evaluation
 18 tools related to comprehensive sexual health ~~education and~~
 19 *education, HIV/AIDS prevention education, and dating violence,*
 20 *sexual abuse, and sex trafficking prevention education*, and, if they
 21 wish, to excuse their children from participation in all or part of
 22 that instruction or evaluation. The Legislature recognizes that while
 23 parents and guardians overwhelmingly support medically accurate,
 24 comprehensive sex education, parents and guardians have the
 25 ultimate responsibility for imparting values regarding human
 26 sexuality to their children.

27 SEC. 7. Section 51938 of the Education Code is amended to
 28 read:

29 51938. A parent or guardian of a pupil has the right to excuse
 30 their child from all or part of comprehensive sexual health
 31 education, HIV/AIDS prevention education, *dating violence, sexual*
 32 *abuse, and sex trafficking prevention education*, and assessments
 33 related to that education, as follows:

34 (a) At the beginning of each school year, or, for a pupil who
 35 enrolls in a school after the beginning of the school year, at the
 36 time of that pupil’s enrollment, each school district shall notify
 37 the parent or guardian of each pupil about instruction in
 38 comprehensive sexual health ~~education and education~~, HIV/AIDS
 39 prevention education, *and dating violence, sexual abuse, and sex*
 40 *trafficking prevention education*, and research on pupil health

1 behaviors and risks planned for the coming year. The notice shall
2 do all of the following:

3 (1) Advise the parent or guardian that *the* written and audiovisual
4 educational materials used ~~in comprehensive sexual health~~
5 ~~education and HIV/AIDS prevention education~~ are available for
6 inspection.

7 (2) Advise the parent or guardian whether the comprehensive
8 sexual health ~~education or education~~, HIV/AIDS prevention
9 education, *or dating violence, sexual abuse, and sex trafficking*
10 *prevention education* will be taught by school district personnel
11 or by outside consultants. A school district may provide
12 ~~comprehensive sexual health education or HIV/AIDS prevention~~
13 ~~education, to be taught by this instruction through~~ outside
14 consultants, and may hold an assembly to deliver ~~comprehensive~~
15 ~~sexual health education or HIV/AIDS prevention education~~ *this*
16 *instruction* by guest speakers, but if ~~it~~ *the school district* elects to
17 provide ~~comprehensive sexual health education or HIV/AIDS~~
18 ~~prevention education~~ *this instruction* in ~~either~~ any of these manners,
19 the notice shall include the date of the instruction, the name of the
20 organization or affiliation of each guest speaker, and information
21 stating the right of the parent or guardian to request a copy of this
22 section, Section 51933, ~~and Section 51934. 51934, and Section~~
23 ~~51934.5~~. If arrangements for this instruction are made after the
24 beginning of the school year, notice shall be made by mail or
25 another commonly used method of notification, no fewer than 14
26 days before the instruction is delivered.

27 (3) Include information explaining the parent's or guardian's
28 right to request a copy of this chapter.

29 (4) Advise the parent or guardian that the parent or guardian
30 may request in writing that his or her child not receive
31 ~~comprehensive sexual health education or HIV/AIDS prevention~~
32 ~~education~~ *instruction pursuant to this chapter*.

33 (b) Notwithstanding Section 51513, anonymous, voluntary, and
34 confidential research and evaluation tools to measure pupils' health
35 behaviors and risks, including tests, questionnaires, and surveys
36 containing age-appropriate questions about the pupil's attitudes
37 concerning or practices relating to sex may be administered to any
38 pupil in grades 7 to 12, inclusive, if the parent or guardian is
39 notified in writing that this test, questionnaire, or survey is to be
40 administered and the pupil's parent or guardian is given the

1 opportunity to review the test, questionnaire, or survey and to
2 request in writing that his or her child not participate.

3 (c) The use of outside consultants or guest speakers as described
4 in paragraph (2) of subdivision (a) is within the discretion of the
5 school district.

6 SEC. 8. Section 51939 of the Education Code is amended to
7 read:

8 51939. (a) A pupil may not attend any class in comprehensive
9 ~~sexual education or education~~, HIV/AIDS prevention education,
10 *or dating violence, sexual abuse, and sex trafficking prevention*
11 *education*, or participate in any anonymous, voluntary, and
12 confidential test, questionnaire, or survey on pupil health behaviors
13 and risks, if the school has received a written request from the
14 pupil's parent or guardian excusing the pupil from participation.

15 (b) A pupil may not be subject to disciplinary action, academic
16 penalty, or other sanction if the pupil's parent or guardian declines
17 to permit the pupil to receive ~~comprehensive sexual health~~
18 ~~education or HIV/AIDS prevention education~~ *instruction pursuant*
19 *to this chapter*; or to participate in anonymous, voluntary, and
20 confidential tests, questionnaires, or surveys on pupil health
21 behaviors and risks.

22 (c) While ~~comprehensive sexual health education, HIV/AIDS~~
23 ~~prevention education~~, *instruction pursuant to this chapter*, or
24 anonymous, voluntary, and confidential test, questionnaire, or
25 survey on pupil health behaviors and risks is being administered,
26 an alternative educational activity shall be made available to pupils
27 whose parents or guardians have requested that they not receive
28 the instruction or participate in the test, questionnaire, or survey.