

AMENDED IN SENATE APRIL 3, 2014

SENATE BILL

No. 1165

Introduced by Senators Mitchell and Block

February 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 amended, Mitchell. Pupil instruction: ~~dating violence, sexual abuse,~~ *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,~~ *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,~~ *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,~~ *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,~~ *sexual abuse* and sex trafficking
8 prevention education that includes, but is not limited to, all of the
9 following:
10 (a) Information on ~~dating violence and sexual abuse, and~~
11 *different forms of sexual abuse and assault*; discussion of
12 prevention ~~strategies~~ *strategies*; *how to report sexual abuse or*
13 *suspected sexual abuse*; and local resources for ~~potential victims,~~
14 ~~including how to report an incident.~~ *victims*.
15 (b) Discussion of healthy boundaries for ~~familial and dating~~
16 *relationships*; how to recognize potentially harmful and abusive
17 ~~relationships or dangerous dating situations; development of~~
18 *relationships*; and refusal skills to overcome peer ~~pressure; and~~
19 ~~effective decisionmaking skills~~ *pressure* and to avoid high-risk
20 activities.
21 (c) Information on sex ~~trafficking, and trafficking and risk~~
22 *factors*; the recruiting tactics of *sex traffickers* and peer recruiters,
23 including recruitment through the ~~Internet.~~ *Internet*; *how to report*
24 *sex trafficking or suspected sex trafficking*; and local resources
25 *for victims*.
26 (d) Discussion of legal aspects of ~~sexual violence abuse~~ and
27 sex trafficking under state and federal laws.

1 (e) Discussion of how ~~culture, mass media, and other people~~
2 *culture and mass media* influence and desensitize our perceptions
3 of ~~dating violence, sexual abuse, abuse~~ and sex trafficking,
4 including, but not limited to, stereotypes and myths ~~regarding~~
5 ~~persons who have been abused or trafficked.~~ *about the victims and*
6 *abusers, victim blaming, and the role of language.* This instruction
7 shall emphasize compassion for ~~persons~~ *people* who have suffered
8 from *sexual* abuse or *sex* trafficking, and ~~encourage support~~
9 positive reentry experiences for survivors returning to ~~the school~~
10 ~~system.~~ *school.*

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

13 51930. (a) This chapter shall be known and may be cited as
14 the California Comprehensive Sexual Health and HIV/AIDS
15 Prevention Education Act.

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

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

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

23 (3) To provide a pupil with the knowledge and skills necessary
24 to protect himself or herself from ~~dating violence, sexual abuse,~~
25 ~~abuse~~ and sex trafficking.

26 SEC. 3. Section 51931 of the Education Code is amended to
27 read:

28 51931. For the purposes of this chapter, the following
29 definitions apply:

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

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

37 (c) ~~“Dating violence, sexual abuse,”~~ “*Sexual abuse* and sex
38 trafficking prevention education” means instruction on the
39 prevalence and nature of ~~dating violence, sexual abuse, abuse~~ and

1 sex trafficking, strategies to reduce their risk, and how to safely
2 report an incident.

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

5 (e) “HIV/AIDS prevention education” means instruction on the
6 nature of HIV/AIDS, methods of transmission, strategies to reduce
7 the risk of human immunodeficiency virus (HIV) infection, and
8 social and public health issues related to HIV/AIDS. For purposes
9 of this chapter, “HIV/AIDS prevention education” is not
10 comprehensive sexual health education.

11 (f) “Instructors trained in the appropriate courses” means
12 instructors with knowledge of the most recent medically accurate
13 research on human sexuality, pregnancy, and sexually transmitted
14 diseases, and the knowledge of essential concepts on preventing
15 ~~dating violence~~, ~~sexual abuse~~, *abuse* and sex trafficking.

16 (g) “Medically accurate” means verified or supported by
17 research conducted in compliance with scientific methods and
18 published in peer-reviewed journals, where appropriate, and
19 recognized as accurate and objective by professional organizations
20 and agencies with expertise in the relevant field, such as the federal
21 Centers for Disease Control and Prevention, the American Public
22 Health Association, the American Academy of Pediatrics, and the
23 American College of Obstetricians and Gynecologists.

24 (h) “School district” includes county boards of education, county
25 superintendents of schools, the California School for the Deaf, and
26 the California School for the Blind.

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

30

31 Article 3.5. ~~Dating Violence, Sexual Abuse, Abuse~~ and Sex
32 Trafficking Prevention Education

33

34 51934.5. (a) A school district may provide ~~dating violence~~,
35 ~~sexual abuse~~, *abuse* and sex trafficking prevention education.

36 (b) If a school district provides ~~dating violence~~, ~~sexual abuse~~,
37 *abuse* and sex trafficking prevention education, it shall ensure that
38 the education is from instructors trained in the appropriate courses.
39 The school district shall also ensure that each pupil receives this

1 instruction at least once in junior high or middle school, and at
2 least once in high school.

3 (c) ~~Dating violence, sexual abuse, Sexual abuse~~ and sex
4 trafficking prevention education, whether taught by school district
5 personnel or outside consultants, shall satisfy all of the criteria set
6 forth in paragraphs (1) ~~through to~~ (6), inclusive, of subdivision (b)
7 of, and paragraphs (1) and (2) of subdivision (d) of, Section 51933.

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

9 (1) ~~Information on dating violence and sexual abuse, and on~~
10 *different forms of sexual abuse and assault*; discussion of
11 ~~prevention strategies~~ *strategies*; *how to report sexual abuse or*
12 *suspected sexual abuse*; and local resources for ~~potential victims,~~
13 ~~including how to report an incident.~~ *victims*.

14 (2) Discussion of healthy boundaries for ~~familial and dating~~
15 *relationships*; how to recognize potentially harmful and abusive
16 ~~relationships or dangerous dating situations; development of~~
17 *relationships*; and refusal skills to overcome peer ~~pressure; and~~
18 ~~effective decisionmaking skills~~ *pressure* and to avoid high-risk
19 activities.

20 (3) Information on sex ~~trafficking, and trafficking and risk~~
21 *factors*; the recruiting tactics of *sex* traffickers and peer recruiters,
22 including recruitment through the ~~Internet.~~ *Internet*; *how to report*
23 *sex trafficking or suspected sex trafficking*; and local resources
24 *for victims*.

25 (4) Discussion of legal aspects of ~~sexual violence~~ *abuse* and
26 sex trafficking under state and federal laws.

27 (5) Discussion of how ~~culture, mass media, and other people~~
28 *culture and mass media* influence and desensitize our perceptions
29 of ~~dating violence, sexual abuse, abuse~~ and sex trafficking,
30 including, but not limited to, stereotypes and myths ~~regarding~~
31 ~~persons who have been abused or trafficked.~~ *about the victims and*
32 *abusers, victim blaming, and the role of language*. This instruction
33 shall emphasize compassion for ~~persons~~ *people* who have suffered
34 from *sexual* abuse or *sex* trafficking, and ~~encourage support~~
35 positive reentry experiences for survivors returning to ~~the school~~
36 ~~system.~~ *school*.

37 (e) The department may develop model curricula on ~~dating~~
38 ~~violence, sexual abuse, abuse~~ and sex trafficking prevention
39 education available to school districts on the department's Internet

1 Web site. *The department may include a guide for parents on its*
2 *Internet Web site.*

3 51934.6. (a) A school district is encouraged to collaborate
4 with outside consultants with expertise in ~~dating violence, sexual~~
5 ~~abuse, sexual abuse~~ and sex trafficking prevention education in
6 order to create a school safety plan to address the threat of ~~dating~~
7 ~~violence, sexual abuse, sexual abuse~~ and sex trafficking.

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

10 (c) In-service training may be conducted periodically to enable
11 school district personnel to learn new developments in the
12 understanding of ~~dating violence, sexual abuse, abuse~~ and sex
13 trafficking, and to receive instruction on current prevention efforts
14 and methods. A school district is encouraged to include training
15 on early identification and mandated reporting of ~~dating violence,~~
16 ~~sexual abuse, abuse~~ and sex trafficking of pupils and minors.

17 SEC. 5. Section 51936 of the Education Code is amended to
18 read:

19 51936. A school district may contract with outside consultants
20 with expertise in comprehensive sexual health education,
21 HIV/AIDS prevention education, or ~~dating violence, sexual abuse,~~
22 ~~sexual abuse~~ and sex trafficking prevention education, including
23 those who have developed multilingual curricula or curricula
24 accessible to persons with disabilities, to deliver the instruction or
25 to provide training for school district personnel.

26 SEC. 6. Section 51937 of the Education Code is amended to
27 read:

28 51937. It is the intent of the Legislature to encourage pupils
29 to communicate with their parents or guardians about human
30 sexuality, HIV/AIDS, ~~and dating violence,~~ sexual abuse, and sex
31 trafficking, and to respect the rights of parents or guardians to
32 supervise their children's education on these subjects. The
33 Legislature intends to create a streamlined process to make it easier
34 for parents and guardians to review materials and evaluation tools
35 related to comprehensive sexual health education, HIV/AIDS
36 prevention education, and ~~dating violence, sexual abuse, abuse~~
37 and sex trafficking prevention education, and, if they wish, to
38 excuse their children from participation in all or part of that
39 instruction or evaluation. The Legislature recognizes that while
40 parents and guardians overwhelmingly support medically accurate,

1 comprehensive sex education, parents and guardians have the
2 ultimate responsibility for imparting values regarding human
3 sexuality to their children.

4 SEC. 7. Section 51938 of the Education Code is amended to
5 read:

6 51938. A parent or guardian of a pupil has the right to excuse
7 their child from all or part of comprehensive sexual health
8 education, HIV/AIDS prevention education, ~~dating violence~~, sexual
9 ~~abuse~~, *abuse* and sex trafficking prevention education, and
10 assessments related to that education, as follows:

11 (a) At the beginning of each school year, or, for a pupil who
12 enrolls in a school after the beginning of the school year, at the
13 time of that pupil's enrollment, each school district shall notify
14 the parent or guardian of each pupil about instruction in
15 comprehensive sexual health education, HIV/AIDS prevention
16 education, and ~~dating violence~~, ~~sexual abuse~~, *sexual abuse* and
17 sex trafficking prevention education, and research on pupil health
18 behaviors and risks planned for the coming year. The notice shall
19 do all of the following:

20 (1) Advise the parent or guardian that the written and audiovisual
21 educational materials used are available for inspection.

22 (2) Advise the parent or guardian whether the comprehensive
23 sexual health education, HIV/AIDS prevention education, or ~~dating~~
24 ~~violence~~, ~~sexual abuse~~, *sexual abuse* and sex trafficking prevention
25 education will be taught by school district personnel or by outside
26 consultants. A school district may provide this instruction through
27 outside consultants, and may hold an assembly to deliver this
28 instruction by guest speakers, but if the school district elects to
29 provide this instruction in any of these manners, the notice shall
30 include the date of the instruction, the name of the organization
31 or affiliation of each guest speaker, and information stating the
32 right of the parent or guardian to request a copy of this section,
33 ~~Section 51933, Section and Sections 51933, 51934, and Section~~
34 ~~51934.5~~. If arrangements for this instruction are made after the
35 beginning of the school year, notice shall be made by mail or
36 another commonly used method of notification, no fewer than 14
37 days before the instruction is delivered.

38 (3) Include information explaining the parent's or guardian's
39 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 instruction
3 pursuant to this chapter.

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

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

17 SEC. 8. Section 51939 of the Education Code is amended to
18 read:

19 51939. (a) A pupil may not attend any class in comprehensive
20 sexual education, HIV/AIDS prevention education, or ~~dating~~
21 ~~violence, sexual abuse, sexual abuse~~ and sex trafficking prevention
22 education, or participate in any anonymous, voluntary, and
23 confidential test, questionnaire, or survey on pupil health behaviors
24 and risks, if the school has received a written request from the
25 pupil's parent or guardian excusing the pupil from participation.

26 (b) A pupil may not be subject to disciplinary action, academic
27 penalty, or other sanction if the pupil's parent or guardian declines
28 to permit the pupil to receive instruction pursuant to this chapter,
29 or to participate in anonymous, voluntary, and confidential tests,
30 questionnaires, or surveys on pupil health behaviors and risks.

31 (c) While instruction pursuant to this chapter, or anonymous,
32 voluntary, and confidential test, questionnaire, or survey on pupil
33 health behaviors and risks is being administered, an alternative
34 educational activity shall be made available to pupils whose parents
35 or guardians have requested that they not receive the instruction
36 or participate in the test, questionnaire, or survey.