

AMENDED IN ASSEMBLY JULY 2, 2014

AMENDED IN SENATE MAY 27, 2014

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 *add Section 33545 to, to add Article 7 (commencing with Section 49380) to Chapter 8 of Part 27 of Division 4 of Title 2 of, and to add Chapter 5.8 (commencing with Section 51950) to 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: 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,~~ *commission to consider including* a distinct category on sexual abuse and sex trafficking prevention education, ~~as specified.~~ *specified, when the health framework is next revised after January 1, 2015.*

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 sexual abuse and sex trafficking prevention education, as defined. The bill would encourage school districts to collaborate with outside consultants, *including law enforcement*, with expertise in 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~~ 33545 is added to the Education
2 Code, to read:
3 ~~51902.~~
4 33545. ~~During the next revision of the publication~~ *When the*
5 *“Health Framework for California Public Schools” (health*
6 *framework) is next revised after January 1, 2015, the Instructional*
7 *Quality Commission shall consider, develop, and recommend for*
8 *adoption by the state board, commission shall consider including*
9 *a distinct category on sexual abuse and sex trafficking prevention*
10 *education that includes, but is not limited to, all of the following:*
11 (a) Information on different forms of sexual abuse and assault;
12 discussion of prevention strategies; how to report sexual abuse or
13 suspected sexual abuse; and local resources for victims.
14 (b) Discussion of healthy boundaries for relationships; how to
15 recognize potentially harmful and abusive relationships; and refusal
16 skills to overcome peer pressure and to avoid high-risk activities.
17 (c) Information on sex trafficking and risk factors; the recruiting
18 tactics of sex traffickers and peer recruiters, including recruitment
19 through the Internet; how to report sex trafficking or suspected
20 sex trafficking; and local resources for victims.
21 (d) Discussion of legal aspects of sexual abuse and sex
22 trafficking under state and federal laws.

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

8 ~~SEC. 2.—Section 51930 of the Education Code is amended to~~
9 ~~read:~~

10 ~~51930. (a) This chapter shall be known and may be cited as~~
11 ~~the California Comprehensive Sexual Health and HIV/AIDS~~
12 ~~Prevention Education Act.~~

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

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

17 ~~(2) To encourage a pupil to develop healthy attitudes concerning~~
18 ~~adolescent growth and development, body image, gender roles,~~
19 ~~sexual orientation, dating, marriage, and family.~~

20 ~~(3) To provide a pupil with the knowledge and skills necessary~~
21 ~~to protect himself or herself from sexual abuse and sex trafficking.~~

22 ~~SEC. 3.—Section 51931 of the Education Code is amended to~~
23 ~~read:~~

24 ~~51931.—For the purposes of this chapter, the following~~
25 ~~definitions apply:~~

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

30 ~~(b) “Comprehensive sexual health education” means education~~
31 ~~regarding human development and sexuality, including education~~
32 ~~on pregnancy, family planning, and sexually transmitted diseases.~~

33 ~~(c) “Sexual abuse and sex trafficking prevention education”~~
34 ~~means instruction on the prevalence and nature of sexual abuse~~
35 ~~and sex trafficking, strategies to reduce their risk, and how to safely~~
36 ~~report an incident.~~

37 ~~(d) “English learner” means a pupil as described in subdivision~~
38 ~~(a) of Section 306.~~

39 ~~(e) “HIV/AIDS prevention education” means instruction on the~~
40 ~~nature of HIV/AIDS, methods of transmission, strategies to reduce~~

1 the risk of human immunodeficiency virus (HIV) infection, and
 2 social and public health issues related to HIV/AIDS. For purposes
 3 of this chapter, “HIV/AIDS prevention education” is not
 4 comprehensive sexual health education.

5 (f) “Instructors trained in the appropriate courses” means
 6 instructors with knowledge of the most recent medically accurate
 7 research on human sexuality, pregnancy, and sexually transmitted
 8 diseases, and the knowledge of essential concepts on preventing
 9 sexual abuse and sex trafficking.

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

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

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

24
 25 Article 3.5. Sexual Abuse and Sex Trafficking Prevention
 26 Education
 27

28 51934.5. (a) A school district may provide sexual abuse and
 29 sex trafficking prevention education.

30 (b) The department may develop, and make available to school
 31 districts on the department’s Internet Web site, model curricula
 32 on sexual abuse and sex trafficking prevention education. The
 33 department may include a guide for parents on its Internet Web
 34 site.

35 51934.6. (a) A school district is encouraged to collaborate
 36 with outside consultants with expertise in sexual abuse and sex
 37 trafficking prevention education in order to create a school safety
 38 plan to address the threat of sexual abuse and sex trafficking.

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

1 ~~(e) In-service training may be conducted periodically to enable~~
2 ~~school district personnel to learn new developments in the~~
3 ~~understanding of sexual abuse and sex trafficking, and to receive~~
4 ~~instruction on current prevention efforts and methods. A school~~
5 ~~district is encouraged to include training on early identification~~
6 ~~and mandated reporting of sexual abuse and sex trafficking of~~
7 ~~pupils and minors.~~

8 ~~SEC. 5. Section 51936 of the Education Code is amended to~~
9 ~~read:~~

10 ~~51936. A school district may contract with outside consultants~~
11 ~~with expertise in comprehensive sexual health education,~~
12 ~~HIV/AIDS prevention education, or sexual abuse and sex~~
13 ~~trafficking prevention education, including those who have~~
14 ~~developed multilingual curricula or curricula accessible to persons~~
15 ~~with disabilities, to deliver the instruction or to provide training~~
16 ~~for school district personnel.~~

17 ~~SEC. 6. Section 51937 of the Education Code is amended to~~
18 ~~read:~~

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

34 ~~SEC. 7. Section 51938 of the Education Code is amended to~~
35 ~~read:~~

36 ~~51938. A parent or guardian of a pupil has the right to excuse~~
37 ~~his or her child from all or part of comprehensive sexual health~~
38 ~~education, HIV/AIDS prevention education, sexual abuse and sex~~
39 ~~trafficking prevention education, and assessments related to that~~
40 ~~education, as follows:~~

1 ~~(a) At the beginning of each school year, or, for a pupil who~~
2 ~~enrolls in a school after the beginning of the school year, at the~~
3 ~~time of that pupil's enrollment, each school district shall notify~~
4 ~~the parent or guardian of each pupil about instruction in~~
5 ~~comprehensive sexual health education, HIV/AIDS prevention~~
6 ~~education, and sexual abuse and sex trafficking prevention~~
7 ~~education, and research on pupil health behaviors and risks planned~~
8 ~~for the coming year. The notice shall do all of the following:~~

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

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

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

28 ~~(4) Advise the parent or guardian that the parent or guardian~~
29 ~~may request in writing that his or her child not receive instruction~~
30 ~~pursuant to this chapter.~~

31 ~~(b) Notwithstanding Section 51513, anonymous, voluntary, and~~
32 ~~confidential research and evaluation tools to measure pupils' health~~
33 ~~behaviors and risks, including tests, questionnaires, and surveys~~
34 ~~containing age-appropriate questions about the pupil's attitudes~~
35 ~~concerning or practices relating to sex may be administered to any~~
36 ~~pupil in grades 7 to 12, inclusive, if the parent or guardian is~~
37 ~~notified in writing that this test, questionnaire, or survey is to be~~
38 ~~administered and the pupil's parent or guardian is given the~~
39 ~~opportunity to review the test, questionnaire, or survey and to~~
40 ~~request in writing that his or her child not participate.~~

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

4 ~~SEC. 8. Section 51939 of the Education Code is amended to~~
5 ~~read:~~

6 ~~51939. (a) A pupil may not attend any class in comprehensive~~
7 ~~sexual education, HIV/AIDS prevention education, or sexual abuse~~
8 ~~and sex trafficking prevention education, or participate in any~~
9 ~~anonymous, voluntary, and confidential test, questionnaire, or~~
10 ~~survey on pupil health behaviors and risks, if the school has~~
11 ~~received a written request from the pupil's parent or guardian~~
12 ~~excusing the pupil from participation.~~

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

18 ~~(c) While instruction pursuant to this chapter or an anonymous,~~
19 ~~voluntary, and confidential test, questionnaire, or survey on pupil~~
20 ~~health behaviors and risks is being administered, an alternative~~
21 ~~educational activity shall be made available to pupils whose parents~~
22 ~~or guardians have requested that they not receive the instruction~~
23 ~~or participate in the test, questionnaire, or survey.~~

24 ~~SEC. 2. Article 7 (commencing with Section 49380) is added~~
25 ~~to Chapter 8 of Part 27 of Division 4 of Title 2 of the Education~~
26 ~~Code, to read:~~

27
28 *Article 7. Sexual Abuse and Sex Trafficking Prevention.*

29
30 *49380. (a) A school district is encouraged to collaborate with*
31 *outside consultants, including law enforcement, with expertise in*
32 *sexual abuse and sex trafficking prevention education in order to*
33 *create a school safety plan to address the threat of sexual abuse*
34 *and sex trafficking.*

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

37 *(c) In-service training may be conducted periodically to enable*
38 *school district personnel to learn about new developments in the*
39 *understanding of sexual abuse and sex trafficking, and to receive*
40 *instruction on current prevention efforts and methods. A school*

1 district is encouraged to include training on early identification
2 of sexual abuse and sex trafficking of pupils and minors.

3 SEC. 3. Chapter 5.8 (commencing with Section 51950) is added
4 to Part 28 of Division 4 of Title 2 of the Education Code, to read:

5

6 CHAPTER 5.8. SEXUAL ABUSE AND SEX TRAFFICKING

7 PREVENTION EDUCATION

8

9 51950. (a) A school district may provide sexual abuse and sex
10 trafficking prevention education.

11 (b) For purposes of this section, “sexual abuse and sex
12 trafficking prevention education” means instruction on the
13 prevalence and nature of sexual abuse and sex trafficking,
14 strategies to reduce their risk, techniques to set healthy boundaries,
15 and how to safely report an incident.

16 (c) A parent or guardian of a pupil has the right to excuse his
17 or her child from all or part of sexual abuse and sex trafficking
18 prevention education, and assessments related to that education.

19 (d) The department may make available on the department’s
20 Internet Web site resources on sexual abuse and sex trafficking
21 prevention for professional learning purposes, and relevant
22 materials for parents and guardians of pupils.

23 (e) A school district is encouraged to collaborate with law
24 enforcement on intervention programs for high-risk pupils and
25 minors.

26 (f) In-service training may be conducted periodically to enable
27 school district personnel to learn about new developments in the
28 understanding of sexual abuse and sex trafficking, and to receive
29 instruction on current prevention efforts and methods. A school
30 district is encouraged to include training on early identification
31 of sexual abuse and sex trafficking of pupils and minors.