

AMENDED IN SENATE AUGUST 17, 2015

AMENDED IN ASSEMBLY MAY 6, 2015

AMENDED IN ASSEMBLY APRIL 22, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 517

Introduced by Assembly Member Gallagher

February 23, 2015

An act to amend Section 51938 of the Education Code, relating to sexual health education.

LEGISLATIVE COUNSEL'S DIGEST

AB 517, as amended, Gallagher. The California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act: educational materials.

Existing law, 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 of 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, as specified. Existing law requires each school district to notify parents and guardians about its plan to provide this instruction for the upcoming year and to inform them, among other things, that written and audiovisual educational materials used in this instruction are available for inspection and of the name of the organization or affiliation of any guest speaker.

This bill would require a school district to provide a parent or guardian with ample time to inspect any written or audiovisual educational material used in comprehensive sexual health education and HIV/AIDS

prevention education and would authorize a parent or guardian to make copies of any such written educational material that *will be distributed to students, if it is not copyrighted and has been or will be presented by an outside consultant or guest speaker. The bill would authorize a school to charge up to \$0.10 per page if a parent or guardian elects to make copies of this written educational material.* The bill would also require a school district to inform parents and guardians of their right to make these copies and of the training in comprehensive sexual health education and HIV/AIDS prevention education of each outside consultant or guest speaker providing this instruction. *Because the bill would require local educational agencies to perform additional duties, the bill would impose a state-mandated local program.*

~~Because this bill would require local educational agencies to perform additional duties, this bill would impose a state-mandated local program.~~

~~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.~~

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

- 1 SECTION 1. Section 51938 of the Education Code is amended
- 2 to read:
- 3 51938. A parent or guardian of a pupil has the right to excuse
- 4 ~~their~~ *his or her* child from all or part of comprehensive sexual

1 health education, HIV/AIDS prevention education, and assessments
2 related to that education, as follows:

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

10 (1) Advise the parent or guardian that written and audiovisual
11 educational materials used in comprehensive sexual health
12 education and HIV/AIDS prevention education are available for
13 inspection and that during this inspection a parent or guardian may
14 make copies at the parent's or guardian's pupil's school of any
15 written educational material that *will be distributed to students, if*
16 *it is not copyrighted* ~~that~~ *and* has been or will be presented by an
17 outside consultant or guest speaker.

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

5 (b) A school district shall provide a parent or guardian, upon
6 request, ample time to inspect any written or audiovisual
7 educational material used in comprehensive sexual health education
8 and HIV/AIDS prevention education. A parent or guardian may,
9 during inspection, make copies at the parent's or guardian's pupil's
10 school of any written educational material that *will be distributed*
11 *to students, if it is not copyrighted—that and has been or will be*
12 *presented by an outside consultant or guest speaker. If a parent or*
13 *guardian elects to make copies, the school may charge up to ten*
14 *cents (\$0.10) per page.*

15 (c) Notwithstanding Section 51513, anonymous, voluntary, and
16 confidential research and evaluation tools to measure pupils' health
17 behaviors and risks, including tests, questionnaires, and surveys
18 containing age-appropriate questions about the pupil's attitudes
19 concerning or practices relating to sex may be administered to any
20 pupil in grades 7 to 12, inclusive, if the parent or guardian is
21 notified in writing that this test, questionnaire, or survey is to be
22 administered and the pupil's parent or guardian is given the
23 opportunity to review the test, questionnaire, or survey and to
24 request in writing that his or her child not participate.

25 (d) The use of outside consultants or guest speakers as described
26 in paragraph (2) of subdivision (a) is within the discretion of the
27 school district.

28 ~~SEC. 2. If the Commission on State Mandates determines that~~
29 ~~this act contains costs mandated by the state, reimbursement to~~
30 ~~local agencies and school districts for those costs shall be made~~
31 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
32 ~~4 of Title 2 of the Government Code.~~

33 *SEC. 2. No reimbursement is required by this act pursuant to*
34 *Section 6 of Article XIII B of the California Constitution for certain*
35 *costs that may be incurred by a local agency or school district*
36 *because, in that regard, a local agency or school district has the*
37 *authority to levy service charges, fees, or assessments that may*
38 *be sufficient to pay for the program or level of service mandated*
39 *by this act, within the meaning of Section 17556 of the Government*
40 *Code.*

1 *However, if the Commission on State Mandates determines that*
2 *this act contains other costs mandated by the state, reimbursement*
3 *to local agencies and school districts for those costs shall be made*
4 *pursuant to Part 7 (commencing with Section 17500) of Division*
5 *4 of Title 2 of the Government Code.*

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