

Senate Bill No. 1110

CHAPTER 403

An act to amend Section 51201.5 of, and to add Sections 51554 and 51555 to, the Education Code, relating to education.

[Approved by Governor August 26, 1998. Filed with
Secretary of State August 26, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1110, Leslie. Education.

(1) Existing law prohibits a pupil from attending AIDS prevention instruction, venereal disease instruction, or any class in which human reproductive organs and their functions and processes are described, illustrated, or discussed if a written request that the pupil not attend has been received by the school, as specified. Existing law requires, upon written request of a pupil's parent or guardian, that a pupil be excused from any part of the instruction in health, family life education, and sex education that conflicts with the religious training and beliefs of the parent or guardian of the pupil.

This bill would prohibit a pupil from receiving instruction on sexually transmitted diseases, AIDS, human sexuality, or family life delivered by outside organizations or guest speakers, unless the pupil's parent or guardian has been notified at the beginning of the school year or, with respect to a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment. If the arrangements for this instruction are made after these occurrences, the bill would require notice to be provided 10 to 15 days before the instruction is delivered. The bill would require a pupil's parent or guardian to be notified of the date of the instruction, the name of the organization or affiliation of each guest speaker, and provided with information stating the parent's or guardian's right to request a copy of specified provisions of law relating to AIDS prevention instruction and sex education.

This bill would also prohibit a pupil from receiving instruction in an assembly delivered by a teacher or administrator employed by the school district if the instruction involves presentations on sexually transmitted diseases, AIDS, human sexuality, or family life unless the pupil's parent or guardian is notified about the instruction at the beginning of the school year or, with respect to a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment. If the arrangements for this instruction are made after these occurrences, the bill would require notice to be provided 10 to 15 days before the instruction is delivered.



This bill would prohibit a pupil from being subject to a disciplinary action, academic penalty, or other sanction if the pupil's parent or guardian declines to permit the pupil to receive instruction on sexually transmitted diseases, AIDS, human sexuality, or family life and the pupil does not receive that instruction. The bill would require an alternative educational activity to be made available, as specified, to a pupil whose parent or guardian has requested that the pupil not receive instruction on sexually transmitted diseases, AIDS, human sexuality, or family life.

(2) Existing law requires instruction on the methods to reduce the risk of contracting the human immunodeficiency virus to emphasize that sexual abstinence and abstinence from intravenous drug use are the most effective means for AIDS prevention. Existing law also requires instruction about the societal view of AIDS to emphasize compassion for persons suffering with AIDS.

This bill would include monogamy and the avoidance of multiple sexual partners in what should be emphasized as the most effective means for AIDS prevention. The bill would require an emphasis on compassion for persons suffering from debilitating handicaps and terminal diseases like AIDS instead of compassion for persons suffering with AIDS and would prohibit AIDS prevention instruction from being conducted in a manner that advocates drug use, a particular sexual practice, or sexual activities. The bill would require notification to be sent to the pupil's parent or legal guardian at the beginning of the school year or, with respect to a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment. If the arrangements for this instruction are made after these occurrences, the bill would require notice to be provided 10 to 15 days before an outside organization or guest speaker is scheduled to deliver AIDS prevention instruction and would require the notification to include the date of instruction, the name of the organization or affiliation of each guest speaker, and information stating the parent's or guardian's right to request a copy of specified provisions of law relating to sex education. The bill would also require the parents or guardians of each pupil in grades 7 to 12, inclusive, to be provided with information stating the parent's or guardian's right to request a copy of specified provisions of law relating to sex education.

(3) This bill would require that the parent or guardian of a pupil in kindergarten or any of grades 1 to 6, inclusive, be provided with written notification, as specified, before the pupil receives instruction on sexually transmitted diseases, AIDS, human sexuality, or family life.

(4) By imposing new duties upon local education entities, this bill would impose a state-mandated local program.

(5) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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 people of the State of California do enact as follows:

SECTION 1. Section 51201.5 of the Education Code is amended to read:

51201.5. (a) Commencing in the 1992–93 school year, school districts shall ensure that all pupils in grades 7 to 12, inclusive, or the equivalent thereof, except as otherwise provided in subdivision (c), receive AIDS prevention instruction from adequately trained instructors in appropriate courses. Each pupil shall receive the instruction at least once in junior high or middle school and once in high school. For purposes of this subdivision, “school district” includes county boards of education, county superintendents of schools, and the State Schools for the Handicapped.

(b) The required AIDS prevention instruction shall accurately reflect the latest information and recommendations from the United States Surgeon General, federal Centers for Disease Control, and the National Academy of Sciences, and shall include the following:

(1) Information on the nature of AIDS and its effects on the human body.

(2) Information on how the human immunodeficiency virus (HIV) is and is not transmitted, including information on activities that present the highest risk of HIV infection.

(3) Discussion of methods to reduce the risk of HIV infection. This instruction shall emphasize that sexual abstinence, monogamy, the avoidance of multiple sexual partners, and abstinence from intravenous drug use are the most effective means for AIDS prevention, but shall also include statistics based upon the latest medical information citing the failure and success rates of condoms and other contraceptives in preventing sexually transmitted HIV infection and information on other methods that may reduce the risk of HIV transmission from intravenous drug use. Nothing in this section shall be construed to supersede Section 51553.

(4) Discussion of the public health issues associated with AIDS.

(5) Information on local resources for HIV testing and medical care.



(6) Development of refusal skills to assist pupils to overcome peer pressure and use effective decisionmaking skills to avoid high-risk activities.

(7) Discussion about societal views on AIDS, including stereotypes and myths regarding persons with AIDS. This instruction shall emphasize compassion for persons suffering from debilitating handicaps and terminal diseases, like AIDS.

(c) AIDS prevention instruction may not be conducted in a manner that advocates drug use, a particular sexual practice, or sexual activities. AIDS prevention instruction shall be consistent with Section 51553.

(d) At the beginning of each school year or, with respect to a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment, the governing board of each school district, each county board of education, and each county superintendent of schools, as applicable, shall provide the parent or guardian of each pupil in grades 7 to 12, inclusive, or the equivalent thereof, with written notice explaining the purpose of the AIDS prevention instruction and information stating the parent or guardian's right to request a copy of this section and Section 51553, related to AIDS prevention instruction. The governing board of each school district, each county board of education, and each county superintendent of schools, as applicable, shall keep on file copies of this section and Section 51553. The Superintendent of Public Instruction shall provide the parent or guardian of each pupil in grades 7 to 12, inclusive, or the equivalent thereof, in the State Schools for the Handicapped with written notice explaining the purpose of the AIDS prevention instruction.

(1) The notice shall specify that any parent or guardian may request that his or her child or ward not receive instruction in AIDS prevention. No pupil shall attend the AIDS prevention instruction if a written request that he or she not attend has been received by the school. For the governing boards of school districts, this notification shall accompany the reporting of rights and responsibilities required by Section 48980.

(2) If authorized by the school district governing board, a school district may require parental consent prior to providing instruction on AIDS prevention to any minor pupil.

(3) Any time an outside organization or guest speaker is scheduled to deliver AIDS prevention instruction, or any time an assembly is held to deliver AIDS prevention instruction, notification shall be sent to the pupil's parents or legal guardians through regular United States mail, or any other method that the school district, county board of education, or county superintendent of schools, as applicable, commonly uses to communicate individually in writing to all parents or guardians, at the beginning of the school year or, with respect to a pupil who enrolls in a school after the beginning of the school year,



at the time of that pupil's enrollment. If arrangements for this instruction are made after these occurrences, notice shall be mailed, or provided by the alternative method of notification otherwise commonly used, no fewer than 10, and no more than 15, days before the instruction is delivered. Notification sent pursuant to this paragraph shall include the date of the instruction, the name of the organization or affiliation of each guest speaker, and information stating the parent or guardian's right to request a copy of this section and Section 51553, related to AIDS prevention instruction. The governing board of each school district, each county board of education, and each county superintendent of schools, as applicable, shall keep on file copies of this section and Section 51553.

(e) All school districts shall ensure all of the following:

(1) That instructional materials related to this instruction are available.

(2) That these instructional materials are appropriate for use with pupils of various ages and learning abilities.

(3) That these instructional materials may be used effectively with pupils from a variety of ethnic, cultural, and linguistic backgrounds, and special needs.

(f) A pupil shall not be subject to disciplinary action, academic penalty, or other sanction if the pupil's parent or guardian declines to permit the pupil to receive the instruction described in subdivision (a) and the pupil does not receive the instruction.

(g) While the instruction described in subdivision (a) is being delivered, an alternative educational activity shall be made available to pupils whose parents or guardians have requested that they not receive the instruction described in subdivision (a).

SEC. 2. Section 51554 is added to the Education Code, to read:

51554. (a) Unless a pupil's parent or guardian has been sent written notification through regular United States mail, or any other method that the school district, county board of education, or county superintendent of schools, as applicable, commonly uses to communicate individually in writing to all parents or guardians, at the beginning of the school year or, with respect to a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment, a pupil shall not receive instruction on sexually transmitted diseases, AIDS, human sexuality, or family life, that is delivered by an outside organization or guest speakers brought in specifically to provide that instruction, whether the guest speakers are brought in to lecture, distribute information, show a videotape, act out, conduct an activity involving pupil participation, or provide audio material on these subjects. Notification sent pursuant to this section shall include the date of the instruction, the name of the organization or affiliation of each guest speaker, and information stating the parent or guardian's right to request a copy of Sections 51201.5 and 51553, related to AIDS prevention instruction. The



governing board of each school district, each county board of education, and each county superintendent of schools, as applicable, shall keep on file copies of this section and Section 51553. If arrangements for this instruction are made after the written notice required by this section is sent, notice of instruction to be delivered by outside organizations or guest speakers shall be mailed, or provided by the alternative method of notification otherwise commonly used, no fewer than 10, and no more than 15, days before the instruction is delivered. For purposes of this subdivision, “instruction” includes instruction delivered in an individual classroom, before combined classes, or in assemblies.

(b) In the case of instruction that involves presentations on sexually transmitted diseases, AIDS, human sexuality, or family life delivered in an assembly, a pupil shall not receive that instruction if a teacher employed by the school district or administrator employed by the school district delivers that instruction unless the pupil’s parent or guardian is notified through regular United States mail, or any other method that the school district, county board of education, or county superintendent of schools, as applicable, commonly uses to communicate individually in writing to all parents or guardians, about the instruction at the beginning of the school year or, with respect to a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil’s enrollment. If arrangements for this instruction are made after these occurrences, notice shall be provided no fewer than 10, and no more than 15, days before the instruction is delivered. For purposes of this subdivision, “instruction” includes oral presentations, visual presentations, and activities.

(c) A pupil shall not be subject to a disciplinary action, academic penalty, or other sanction if the pupil’s parent or guardian declines to permit the pupil to receive the instruction described in subdivision (a) or (b) and the pupil does not receive the instruction.

(d) During the period of time instruction described in subdivision (a) or (b) is being delivered, an alternative educational activity shall be made available to pupils whose parents or guardians have requested that they not receive the instruction described in subdivision (a) or (b).

SEC. 3. Section 51555 is added to the Education Code, to read:

51555. Before a pupil who is enrolled in kindergarten or any of grades 1 to 6, inclusive, receives instruction on sexually transmitted diseases, AIDS, human sexuality, or family life, the governing board of each school district, each county board of education, and each county superintendent of schools, as applicable, shall provide the parent or guardian of each pupil with written notice explaining that the instruction will be given and information stating the parent or guardian’s right to request a copy of Sections 51201.5 and 51553, related to AIDS prevention instruction. The governing board of each



school district, each county board of education, and each county superintendent of schools, as applicable, shall keep on file copies of this section and Section 51553. Sending the required notice through the regular United States mail, or any other method that the school district, county board of education, or county superintendent of schools, as applicable, commonly uses to communicate individually in writing to all parents or guardians, meets the notification requirement of this paragraph.

SEC. 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

