

AMENDED IN SENATE MAY 17, 2010

SENATE BILL

No. 1300

Introduced by Senator Correa

February 19, 2010

An act to add Section 51230 to, and to add Article 3.7 (commencing with Section 32230) to Chapter 2 of Part 19 of Division 1 of Title 1 of, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 1300, as amended, Correa. Pupils: teen dating violence prevention.

Existing law requires a school district that provides instruction to pupils in grades 7 to 12, inclusive, to provide an adopted course of study to those pupils, as specified. Existing law requires the State Board of Education to adopt content standards in certain curriculum areas.

This bill would authorize a school district to provide teen dating violence prevention education consisting of age-appropriate instruction, as developed by the state board pursuant to the bill, as part of the sexual health and health education program it provides to pupils in grades 7 to 12, inclusive. The bill would authorize a school district to use school district personnel or outside consultants who are trained in the appropriate courses to provide this additional instruction. The bill would specify the required content and criteria for this additional instruction and any associated materials if a school district elects to provide it. The bill would provide that a parent or guardian of a pupil has the right to excuse his or her child from all or part of the teen dating violence prevention education and any assessments related to it, and would prescribe the procedure for a parent or guardian to exercise that right.

The bill would require the state board to incorporate teen dating violence and sexual violence curriculum into the health curriculum framework at its next revision, as specified.

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

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

SECTION 1. Article 3.7 (commencing with Section 32230) is added to Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code, to read:

Article 3.7. Teen Dating Violence Prevention

32230. (a) This chapter shall be known and may be cited as the California Teen Dating Violence Prevention Education Act.

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

(1) To encourage a pupil to develop healthy relationships and to recognize dating violence warning signs and characteristics of healthy relationships.

(2) To provide a pupil with the knowledge, skills, services, and information to prevent and respond to teen dating violence.

32231. The Legislature finds and declares all of the following:

(a) Teen dating violence is a pattern of actual or threatened acts of physical, sexual, and emotional abuse, perpetrated by an individual, acting alone or in concert with one or more persons, against a current or former dating partner who is an adolescent.

(b) Abuse may include insults, coercion, social sabotage, sexual harassment, threats, Internet abuse or cyber bullying, and acts of physical or sexual abuse.

(c) Dating violence crosses racial, cultural, gender, sexual orientation, *gender identity*, and socioeconomic lines.

(d) Teen dating violence and sexual assault are leading causes of truancy and are associated with poor academic performance.

(e) Victims of teen dating violence are more likely to bring a weapon onto school grounds.

(f) Teen perpetrators of dating violence are more likely to batter their intimate partners as adults.

(g) Teen dating violence and sexual assault are public health issues that affect the quality of life of pupils and the safety of school campuses.

32232. For purposes of this article, the following definitions apply:

(a) “Abuse of property” means damaging or destroying another person’s property.

(b) “Dating partner” means any person involved in an intimate association with another person primarily characterized by the expectation of affectionate involvement whether casual, serious, or ~~long-term~~ *long term*.

(c) “Healthy relationship” means an equal relationship free from abusive, violent, and controlling behavior where each person respects the other’s right to have his or her own opinions, friends, and activities, and in which each person in the relationship can openly communicate with the other person.

(d) “Inappropriate sexual behavior” means any unwanted sexual contact including sexual battery, touching, kissing, caressing, and rubbing.

(e) “Internet abuse” or “cyber bullying” means the use of verbal or psychological abuse or threats using electronic means including cell phone texting, e-mail, Internet Web postings, blogs, or social networking sites.

(f) “Nonverbal abuse” means the use of intimidation, getting peers to threaten or intimidate, using electronic devices such as pagers and cell phones to harass, threaten or intimidate, or the use of nonwritten materials to harass, threaten, or intimidate.

(g) “Obscene materials” means sexually explicit notes, graffiti, drawings, photos, or any other material that is made to be or is otherwise presented in a sexually explicit nature.

(h) “Physical abuse” means shaking, arm-twisting, pushing, hitting, kicking, slapping, choking, hair pulling, physical intimidation, or any behavior that may result in nonaccidental injury.

(i) “Physical intimidation” means restraining someone, blocking movements or exits, punching walls, or throwing things.

(j) “Reproductive control” means forms of coercion that interfere with a person’s ability to control his or her reproductive life such as intentionally exposing a partner to sexually transmitted infections, a partner attempting to impregnate a young woman

1 against her will, a partner intentionally interfering with birth control
2 methods, or a partner threatening or acting violent if she or he does
3 not comply with the perpetrator's wishes regarding contraception
4 or the decision whether to terminate or continue a pregnancy.

5 (k) "Sexual assault" means forced or nonconsensual sexual
6 contact, including rape, attempted rape, forced oral or anal
7 copulation, or genital contact.

8 (l) "Sexual harassment" means any unwanted sexual attention,
9 including catcalls, verbal or written comments about a person's
10 body or sexual conduct, sexual gestures, or spreading sexual gossip
11 or graffiti.

12 (m) "Sexual violence" means sexual assault, sexual abuse, or
13 sexual stalking of a minor child or teenager, including sexual
14 violence committed by perpetrators who are strangers to the victim
15 and by perpetrators who are known by, or related by blood or
16 marriage to, the victim. "Sexual violence" can involve sexual
17 harassment, inappropriate sexual behavior, and sexual assault.

18 (n) "Stalking" means willfully and repeatedly following or
19 harassing another person or making a threat with the intent to place
20 that person in fear for his or her safety, or the safety of his or her
21 family.

22 (o) "Teen dating violence" means a pattern of behavior where
23 a person uses threats of physical abuse or actual physical abuse,
24 sexual abuse, verbal abuse, or emotional abuse to control his or
25 her current or former dating partner and one or both of the partners
26 is a teenager. "Teen dating violence" can include verbal abuse,
27 written materials, use of weapons, the destruction of property,
28 stalking, Internet abuse or cyber bullying, and other forms of
29 intimidation.

30 (p) "Use of weapons" means brandishing or using a weapon to
31 intimidate or injure another person.

32 (q) "Verbal abuse" means the use of threats, put-downs,
33 name-calling, insults, offensive language, sexually explicit or
34 homophobic language, screaming, or yelling.

35 (r) "Written materials" means threatening notes, graffiti
36 drawings, photos, obscene materials, or any other printed or written
37 expressions of threat.

38 32233. (a) A school district may provide teen dating violence
39 prevention education consisting of age-appropriate instruction, as
40 developed by the state board pursuant to Section 51230, as part of

1 the sexual health and health education program it provides to pupils
2 in grades 7 to 12, inclusive. A school district may use school
3 district personnel or outside consultants who are trained in the
4 appropriate courses to provide this additional instruction.

5 (b) A school district that elects to offer teen dating violence
6 prevention education pursuant to this section shall include
7 instruction and materials regarding teen dating violence and sexual
8 violence that include methods for doing all of the following:

9 (1) Recognizing what constitutes a healthy relationship.

10 (2) Identifying teen dating violence, verbal abuse, nonverbal
11 abuse, physical intimidation, stalking, physical abuse, inappropriate
12 sexual behavior, sexual harassment, sexual violence, sexual assault,
13 and Internet abuse and cyber bullying.

14 (3) Locating sources for legal, medical, mental health, and other
15 supportive services regarding teen dating violence.

16 (c) A school district that elects to offer teen dating violence
17 prevention education pursuant to this section shall satisfy all of
18 the following criteria:

19 (1) Instruction and materials shall be age appropriate.

20 (2) All factual information presented shall be medically accurate
21 and objective.

22 (3) Instruction shall be made available on an equal basis to a
23 pupil who is an English learner, consistent with the existing
24 curriculum and alternative options for an English learner as
25 otherwise provided in this code.

26 (4) Instruction and materials shall be appropriate for use with
27 pupils of all races, genders, sexual orientations, *gender identities*,
28 and ethnic and cultural backgrounds and with pupils with
29 disabilities.

30 (5) Instruction and materials shall be accessible to pupils with
31 disabilities, including, but not limited to, the provision of a
32 modified curriculum, materials and instruction in alternative
33 formats, and auxiliary aids.

34 (6) Instruction and materials shall encourage a pupil to
35 communicate with his or her parents or guardians about human
36 sexuality, and should provide the skills to initiate those discussions.

37 (7) Instruction and materials shall teach respect for marriage
38 and committed relationships that are voluntary, healthy, and safe.

(8) Instruction and materials shall teach pupils the skills to recognize and aspire to healthy, respectful relationships including all of the following:

(A) Communication skills that help them discuss and resolve conflicts within intimate relationships with respect and nonviolence.

(B) Critical thinking skills.

(C) Skills to negotiate with an intimate partner.

(D) Skills for pupils to recognize and understand their own individual boundaries, and recognize and respect the boundaries of others.

(9) Instruction and materials shall not teach or promote religious doctrine.

(10) Instruction and materials shall not reflect or promote bias against any person on the basis of any category protected by Section 220.

32234. It is the intent of the Legislature to encourage pupils to communicate with their parents or guardians about human sexuality and teen dating violence and to respect the rights of parents or guardians to supervise their children's education on these subjects. The Legislature intends to create a streamlined process to make it easier for parents and guardians to review materials and evaluation tools related to teen dating violence prevention education, and, if they wish, to excuse their children from participation in all or part of that instruction or evaluation. The Legislature recognizes that while parents and guardians overwhelmingly support medically accurate, comprehensive sex education, parents and guardians have the ultimate responsibility for imparting values regarding human sexuality to their children. A parent or guardian of a pupil has the right to excuse his or her child from all or part of teen dating violence prevention education, and assessments related to that education, as follows:

(a) At the beginning of each school year, or, for a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment, each school district that provides teen dating violence prevention education pursuant to this article shall notify the parent or guardian of each pupil about instruction in teen dating violence prevention education and research on pupil health behaviors and risks planned for the coming year. The notice shall do all of the following:

1 (1) Advise the parent or guardian that written and audiovisual
2 educational materials used in comprehensive teen dating violence
3 prevention education are available for inspection.

4 (2) Advise the parent or guardian whether the teen dating
5 violence prevention education will be taught by school district
6 personnel or by outside consultants. A school district may provide
7 teen dating violence prevention education, to be taught by outside
8 consultants, and may hold an assembly to deliver teen dating
9 violence prevention education by guest speakers, but if it elects to
10 provide teen dating violence prevention education in either of these
11 manners, the notice shall include the date of the instruction, the
12 name of the organization or affiliation of each guest speaker, and
13 information stating the right of the parent or guardian to request
14 a copy of this section. If arrangements for this instruction are made
15 after the beginning of the school year, notice shall be made by
16 mail or another commonly used method of notification, no fewer
17 than 14 days before the instruction is delivered.

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

20 (4) Advise the parent or guardian that the parent or guardian
21 may request in writing that his or her child not receive teen dating
22 violence prevention education.

23 (5) Upon written request to the school principal, a parent or
24 legal guardian of a pupil less than 18 years of age, within a
25 reasonable period of time after the request is made, shall be
26 permitted to examine the teen dating violence education program
27 ~~instruction~~ *instructional* materials at the school in which his or her
28 child is enrolled.

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

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

(d) A pupil may not attend any class in teen dating violence prevention education, or participate in any anonymous, voluntary, and confidential questionnaire or survey on pupil health behaviors and risks, if the school has received a written request from the pupil's parent or guardian excusing the pupil from participation.

(e) A pupil may 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 teen dating violence prevention education or to participate in anonymous, voluntary, and confidential questionnaires or surveys on pupil health behaviors and risks.

(f) While teen dating violence prevention education or an anonymous, voluntary, and confidential questionnaire or survey on pupil health behaviors and risks is being administered, an alternative educational activity shall be made available to pupils whose parents or guardians have requested that they not receive the instruction or participate in the questionnaire or survey.

SEC. 2. Section 51230 is added to the Education Code, to read:

51230. (a) The state board shall incorporate teen dating violence and sexual violence curriculum into the health curriculum framework at its next revision.

(b) The state board shall consult with the State Department of Public Health, the Attorney General, and domestic violence and sexual assault prevention advocates for advice on the development of grade-level concepts and content guidelines to be incorporated into the sexual health and health education program currently taught at secondary schools to pupils in any of grades 7 to 12, inclusive. Materials produced pursuant to this subdivision shall focus on educating pupils regarding teen dating violence, sexual violence, and healthy relationships.

(1) Teen dating violence and sexual violence education shall include, but is not limited to, defining teen dating violence and sexual violence, and recognizing teen dating violence warning signs, and characteristics of healthy relationships, and information about legal, medical, and mental health services.

(2) The curriculum shall focus on educating pupils regarding teen dating violence and sexual violence.

1 (3) The curriculum shall be developed through interagency
2 collaborations with advocates who work in the areas of domestic
3 violence, teen dating violence, and sexual violence.

4 (c) The state board shall incorporate teen dating violence
5 prevention education into the sexual health and health education
6 program currently taught at secondary schools to pupils in any of
7 grades 7 to 12, inclusive. Teen dating violence prevention
8 education shall be an independent section in the health curriculum.

9 (d) For purposes of this section, teen dating violence, sexual
10 violence, and healthy relationships have the same meaning as
11 specified in Section 32232.