

# Positive Prevention *PLUS* Compliance with the California Healthy Youth Act (Assembly Bill 329)

## Chapter 5.6. California Healthy Youth Act

### SEC. 2. Section 51930

- (a) This chapter shall be known, and may be cited, as the California Healthy Youth Act.
- (b) The purposes of this chapter are as follows:
- (1) To provide pupils with the knowledge and skills necessary to protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy.
  - (2) To provide pupils with the knowledge and skills they need to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family.
  - (3) To promote understanding of sexuality as a normal part of human development.
  - (4) To ensure pupils receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention instruction and provide educators with clear tools and guidance to accomplish that end.
  - (5) To provide pupils with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors.

### SEC. 3. Section 51931

For the purposes of this chapter, the following definitions apply:

- (a) “Age appropriate” refers to topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.
- (b) “Comprehensive sexual health education” means education regarding human development and sexuality, including education on pregnancy, contraception, and sexually transmitted infections.

### ***Positive Prevention PLUS***

***Lesson 3 covers***

***Relationship Abuse,***

***Lesson 4 covers Birth***

***Control, Lesson 8 covers***

***STIs .***

***High School Getting***

***Started lesson & Middle***

***School Lesson 1 cover***

***Sexual Development,***

***Lesson 2 covers Healthy***

***Relationships.***

***The semi-scripted lessons***

***and materials have been***

***reviewed by CDE, ACLU***

***and OAH.***

***Lesson 2 covers Healthy***

***Relationships, Lesson 3***

***covers Relationship Abuse***

***PP+ is aligned with CA***

***Health Framework and***

***National Sexuality***

***Education Standards***

***HS Getting Started lesson***

***& MS Lesson 1 covers***

***Sexual Development,***

***Lesson 4 Birth Control,***

***Lesson 5 Pregnancy***

***Choices, Lesson 8 STDs.***



- (c) “English learner” means a pupil as described in subdivision (a) of Section 306.
- (d) “HIV prevention education” means instruction on the nature of human immunodeficiency virus (HIV) and AIDS, methods of transmission, strategies to reduce the risk of HIV infection, and social and public health issues related to HIV and AIDS.
- (e) “Instructors trained in the appropriate courses” means instructors with knowledge of the most recent medically accurate research on human sexuality, healthy relationships, pregnancy, and HIV and other sexually transmitted infections.
- (f) “Medically accurate” means verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists.
- (g) “School district” includes county boards of education, county superintendents of schools, the California School for the Deaf, and the California School for the Blind.

***Student and parent materials are provided in Spanish and English. Lesson 5 covers HIV Myths and Stereotypes, Lesson 6 covers HIV Disease and AIDS. Two day teacher trainings are provided by Cardea Services. PP website and Facebook pages provide updates.***

***Curriculum has been reviewed by CDE, ACLU and OAH. Biomedical content features sources (CDC.gov, etc.)***

***Positive Prevention PLUS LLC and Cardea Services supports county office inquiries and trainings. Teacher workshops and administrative updates clarify the information in Sections 4(a) and (b).***

SEC. 4. Section 51932

- (a) This chapter does not apply to description or illustration of human reproductive organs that may appear in a textbook, adopted pursuant to law, if the textbook does not include other elements of comprehensive sexual health education or HIV prevention education as defined in Section 51931.
- (b) This chapter does not apply to instruction, materials, presentations, or programming that discuss gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and do not discuss human reproductive organs and their functions.

**Article 2. Required Comprehensive Sexual Health Education and HIV Prevention Education**

SEC. 6. Section 51933

All comprehensive sexual health education and HIV prevention education pursuant to Section 51934, whether taught or supplemented by school district personnel or by outside consultants or guest speakers pursuant to Section 51936, shall satisfy all of the following criteria:

***Positive Prevention PLUS LLC and Cardea Services assists districts in identifying qualified outside consultants.***



- (a) Instruction and materials shall be age appropriate.
- (b) All factual information presented shall be medically accurate and objective.
- (c) All instruction and materials shall align with and support the purposes of this chapter as set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 51930 and may not be in conflict with them.
- (d) (6) Instruction and materials shall be appropriate for use with pupils of all races, genders, sexual orientations, and ethnic and cultural backgrounds, pupils with disabilities, and English learners.
- (7) Instruction and materials shall be made available on an equal basis to a pupil who is an English learner, consistent with the existing curriculum and alternative options for an English learner pupil as otherwise provided in this code.
- (8) Instruction and materials shall be accessible to pupils with disabilities, including, but not limited to, the provision of a modified curriculum, materials and instruction in alternative formats, and auxiliary aids.
- (9) Instruction and materials shall not reflect or promote bias against any person on the basis of any category protected by Section 220.
- (10) Instruction and materials shall affirmatively recognize that people have different sexual orientations and, when discussing or providing examples of relationships and couples, shall be inclusive of same-sex relationships.
- (11) Instruction and materials shall teach pupils about gender, gender expression, gender identity, and explore the harm of negative gender stereotypes.
- (e) Instruction and materials shall encourage a pupil to communicate with his or her parents, guardians, and other trusted adults about human sexuality and provide the knowledge and skills necessary to do so.
- (f) Instruction and materials shall teach the value of and prepare pupils to have and maintain committed relationships such as marriage.
- (g) Instruction and materials shall provide pupils with knowledge and skills they need to form healthy relationships that are based on mutual respect and affection, and are free from violence, coercion, and intimidation.

***Content is aligned with CA Health Education Standards & National Sexuality Ed Standards; reviewed by OAH for medical accuracy.***

***Lesson wording, examples, and scenarios are inclusive of ethnic and gender diversity. Student materials are available in Spanish and English. A Special Populations (special education) version is also available as well as an online Independent Study version.***

***Inclusive lessons also address harassment in Getting Started, Lesson 3 Relationship Abuse. Lesson wording, examples, and scenarios are inclusive of ethnic and gender diversity. HS Getting Started & MS Lesson 1 address gender-related topics. Lessons assignments to be completed with a Parent or Trusted Adult. Workbooks include parent letter, parent guide. Lesson 2 Healthy Relationships includes marriage Lesson 3 covers Relationship Abuse***



- (h) Instruction and materials shall provide pupils with knowledge and skills for making and implementing healthy decisions about sexuality, including negotiation and refusal skills to assist pupils in overcoming peer pressure and using effective decisionmaking skills to avoid high-risk activities.
- (i) Instruction and materials may not teach or promote religious doctrine. ***Teacher trainings differentiate between acknowledging and promoting religious doctrine.***

***HS Getting Started and MS Lesson 1 incl. teen resources re sexual health, Lesson 5 includes decision-making, HS Lesson 9 includes negotiation skills, Lesson 10 includes refusal skills***

SEC. 8. Section 51934:

- (a) Each school district shall ensure that all pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education and HIV prevention education from instructors trained in the appropriate courses. Each pupil shall receive this instruction at least once in junior high or middle school and at least once in high school. This instruction shall include all of the following:
  - (12) Information on the nature of HIV, as well as other sexually transmitted infections, and their effects on the human body.
  - (13) Information on the manner in which HIV and other sexually transmitted infections are and are not transmitted, including information on the relative risk of infection according to specific behaviors, including sexual activities and injection drug use.
  - (14) Information that abstinence from sexual activity and injection drug use is the only certain way to prevent HIV and other sexually transmitted infections and abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy. Instruction shall provide information about the value of delaying sexual activity while also providing medically accurate information on other methods of preventing HIV and other sexually transmitted infections and pregnancy.
  - (15) Information about the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods that prevent or reduce the risk of contracting HIV and other sexually transmitted infections, including use of antiretroviral medication, consistent with the federal Centers for Disease Control and Prevention.
  - (16) Information about the effectiveness and safety of reducing the risk of HIV transmission as a result of injection drug use by decreasing needle use and needle sharing.

***Education Codes, also CSBA Policy and sample ARs are posted under Resources for Administrators on [positiveprevention.com](http://positiveprevention.com)***

***Lesson 7 HIV and AIDS Lesson 8 Sexually Transmitted Diseases HS Lesson 6 includes Go-Caution-Stop Activity, MS Lesson 9 includes Red Light-Green Light Activity***

***Lesson 4 on Birth Control also includes an Abstinence Activity Lesson 9 includes condom use, revisits abstinence***

***Lesson 4 covers all Birth Control methods Lesson 7 includes ART, PrEP Lesson 8 includes HPV vaccination***

***HS Lesson 7 Go-Caution -Stop, MS Lesson 9 Red Light Green Light***



(17) Information about the treatment of HIV and other sexually transmitted infections, including how antiretroviral therapy can dramatically prolong the lives of many people living with HIV and reduce the likelihood of transmitting HIV to others.

***Lesson 7 includes ART, PrEP***

(18) Discussion about social views on HIV and AIDS, including addressing unfounded stereotypes and myths regarding HIV and AIDS and people living with HIV. This instruction shall emphasize that successfully treated HIV-positive individuals have a normal life expectancy, all people are at some risk of contracting HIV, and the only way to know if one is HIV-positive is to get tested.

***Lesson 6 HIV Myths and Stereotypes, Lesson 7 ART and PrEP, Lesson 11 HIV/STI Testing***

(19) Information about local resources, how to access local resources, and pupils' legal rights to access local resources for sexual and reproductive health care such as testing and medical care for HIV and other sexually transmitted infections and pregnancy prevention and care, as well as local resources for assistance with sexual assault and intimate partner violence.

***HS Getting Started, MS Lesson 1, also Lessons 4 and 11 feature local HIV/STI and reproductive health services***

(20) Information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception. Instruction on pregnancy shall include an objective discussion of all legally available pregnancy outcomes, including, but not limited to, all of the following:

***Lesson 4 covers all Birth Control methods***

(A) Parenting, adoption, and abortion.

***Lesson 5 Teen Pregnancy: Choices and Responsibilities discusses adoption, abortion, Safe Surrender, pre-natal care and parenting***

(B) Information on the law on surrendering physical custody of a minor child 72 hours of age or younger, pursuant to Section 1255.7 of the Health and Safety Code and Section 271.5 of the Penal Code.

(C) The importance of prenatal care.

(21) Information about sexual harassment, sexual assault, adolescent relationship abuse, intimate partner violence, and sex trafficking.

***Lesson 3 Relationship Abuse incl. reporting. Positive Prevention PLUS is publishing an Upper Elementary version focusing on puberty, hygiene, germ transmission incl STIs, friendship, bullying, and reporting assault.***

(b) A school district may provide comprehensive sexual health education or HIV prevention education consisting of age-appropriate instruction earlier than grade 7 using instructors trained in the appropriate courses. A school district that elects to offer comprehensive sexual health education or HIV prevention education





earlier than grade 7 may provide age appropriate and medically accurate information on any of the general topics contained in paragraphs (1) to (10), inclusive, of subdivision (a).

SEC. 9.

### Article 3. In-Service Training

SEC. 10. Section 51935:

- (a) A school district shall cooperatively plan and conduct in-service training for all school district personnel that provide HIV prevention education, through regional planning, joint powers agreements, or contract services.
- (b) In developing and providing in-service training, a school district shall cooperate and collaborate with the teachers of the district who provide HIV prevention education and with the department.
- (c) In-service training shall be conducted periodically to enable school district personnel to learn new developments in the scientific understanding of HIV. In-service training shall be voluntary for school district personnel who have demonstrated expertise or received in-service training from the department or federal Centers for Disease Control and Prevention.
- (d) A school district may expand HIV in-service training to cover the topic of comprehensive sexual health education in order for school district personnel who provide comprehensive sexual health education to learn new developments in the scientific understanding of sexual health. SEC. 11. Section 51936 of the Education Code is amended to read: 51936. School districts may contract with outside consultants or guest speakers, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver comprehensive sexual health education and HIV prevention education or to provide training for school district personnel. All outside consultants and guest speakers shall have expertise in comprehensive sexual health education and HIV prevention education and have knowledge of the most recent medically accurate research on the relevant topic or topics covered in their instruction.

***Cardea Services in cooperation with Positive Prevention PLUS LLC provides teacher trainings, administrative updates, and parent meetings regarding instructional materials, California Education Code requirements, and recommend policies.***

***For more information contact [positive.prevention@cardeaservices.org](mailto:positive.prevention@cardeaservices.org)***



## Article 4. Notice and Parental Excuse

### SEC. 13. Section 51937

It is the intent of the Legislature to encourage pupils to communicate with their parents or guardians about human sexuality and HIV 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 comprehensive sexual health education and HIV 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.

SEC. 17. 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.

## Sexual Harassment and Violence instruction

### Section 33544.

(a) When the "Health Framework for California Public Schools" (health framework) is next revised after January 1, 2016, the commission shall consider including comprehensive information for grades 9 to 12, inclusive, on sexual harassment and violence that includes, but is not limited to, all of the following:

- (22) Information on different forms of sexual harassment and violence, including instances that occur among peers and in a dating relationship; a discussion of prevention strategies; how pupils report sexual harassment and violence; and potential resources victims can access.
- (23) Discussion of the affirmative consent standard, as defined in paragraph (1) of subdivision (a) of Section 67386, and skills pupils use to establish boundaries in peer and dating relationships.
- (24) Discussion of legal aspects of sexual harassment and violence under state and federal law.

***All Positive Prevention PLUS lessons include take-home assignments to be completed with a Parent or Trusted Adult.***

***Student worksheets include Parent/Trusted Adult signature lines.***

***Student Workbooks include a Letter to Parents, also Guidelines for Talking with your Child about Sex.***

***Sample Parent Letters, and additional parent handout materials, are provided in Appendix B.***

***Lesson 3 Relationship Abuse includes information on sexual, emotional, and physical abuse; also on sex trafficking, sexting, statutory rape, "yes means yes" and reporting sexual assault. Boundaries are set and discussed in the Protect Yourself class activity.***



(b) If the commission includes comprehensive information on sexual harassment and violence in the health framework, the commission shall comply with both of the following:

(25) Ensure information included in the framework is research based and appropriate for pupils of all races, genders, sexual orientations, gender identities, and ethnic and cultural backgrounds. This may include, but shall not be limited to, reviewing other states' curricula.

(26) Consult with secondary health teachers and experts in sexual harassment and violence curriculum.

***Abuse scenarios in Lesson 3 are inclusive of all gender and relationship types.***

***Positive Prevention PLUS was reviewed by the California Partnership to End Domestic Violence.***

#### Section 51225.36

(a) If the governing board of a school district requires a course in health education for graduation from high school, the governing board of the school district shall include instruction in sexual harassment and violence, including, but not limited to, information on the affirmative consent standard, as defined in paragraph (1) of subdivision (a) of Section 67386.

(b) If the governing board of a school district provides instruction pursuant to subdivision (a), the governing board of the school district shall ensure teachers consult information related to sexual harassment and violence in the Health Framework for California Public Schools when delivering health instruction.





# Creating a Safe and Inclusive Environment

Education Code  
Section 220

No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code in any program or activity conducted by an educational institution that receives, benefits from, state financial assistance or enrolls pupils who receive state student financial aid

*The Getting Started lesson establishes Group Agreements including no put downs, respect for differences, no personal stories, and the maintenance of confidentiality.*

*The two-day teacher training includes a session on how to intervene in harassing student comments.*

