



CALIFORNIA
DEPARTMENT OF
EDUCATION

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JACK O'CONNELL

State Superintendent of
Public Instruction

PHONE: (916) 319-0800

May 4, 2006

Dear County and District Superintendents:

CLARIFICATION OF LAWS PERTAINING TO HIV/AIDS PREVENTION EDUCATION

It has come to my attention that there are questions about the implementation of the California *Education Code (EC)* sections 51930—51939, formerly referred to as Senate Bill 71. I hope this communication will clarify the laws pertaining to HIV/AIDS prevention education and sex education.

The purpose of the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act (*EC* sections 51930—51939) is to provide every student with the knowledge and skills necessary to protect their sexual and reproductive health from unintended pregnancy and sexually transmitted diseases. Some highlights of this law are summarized below:

- **Passive** (*not active*) parent/guardian permission is required for HIV/AIDS prevention education either at the beginning of the school year or at least 14 days prior to instruction. The law precludes requiring active consent for HIV/AIDS prevention education.
- Instruction and materials shall be age appropriate, medically accurate, available to all learners, free from religious doctrine, and free from bias against any person protected by *EC* Section 220 (sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color or mental or physical disability).
- HIV/AIDS prevention instruction shall occur at least once in middle school and once in high school.
- HIV/AIDS instruction shall include: the nature of HIV/AIDS and its effects on the body, HIV transmission, methods to reduce the risk of HIV infection, including both abstinence and condoms, public health issues associated with HIV/AIDS, and local resources for HIV testing and medical care.
- Abstinence may be taught within the context of HIV/AIDS prevention education (*EC* Section 51934 [3]), however, **abstinence-only education is not permitted in California public schools.**

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- HIV/AIDS prevention instruction is mandated, while comprehensive sexual health is authorized, but not required.
- If comprehensive sexual health instruction is provided, it shall include information on all FDA approved methods of birth control, emergency contraception, and information about the safe surrender baby law, and abstinence.

The California Department of Health Services estimates that one out of every four (25 percent) sexually active teens in California will get a sexually transmitted disease (STD) this year and that 27 percent of all reported STDs are among California's fifteen to nineteen year-olds. According to the National Center for Health Statistics, by the time a student finishes high school, almost 65 percent have had some type of intimate sexual experience. All of these infections are preventable through education and skill building.

HIV/AIDS prevention education is also part of the Categorical Program Monitoring process. If you have any questions regarding this subject, please visit the California Department of Education Web site at <http://www.cde.ca.gov/ls/he/se> or contact Sharla E. Smith, MPH, HIV/STD Prevention Education Consultant, School Health Connections and Healthy Start Office, at (916) 323-2570 or by e-mail at shsmith@cde.ca.gov.

Sincerely,



JACK O'CONNELL

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