



AB 329 (Weber) The California Healthy Youth Act:

Providing California students with information and skills to make healthy decisions

Background and need for legislation:

HIV prevention education is mandated in California schools. But the law (EC 51934), written in 1992, is outdated and does not address the broader context of HIV prevention. For example, instruction that addresses relationship skills and preventing other sexually transmitted infections (STIs) and unintended pregnancy is fundamental to equipping students to understand and prevent HIV. However, this instruction is currently relegated in the Education Code to non-mandated comprehensive sexual health education. Ninety-three percent of schools teach combined HIV prevention and sexual health education,ⁱ but the distinction between them in the Education Code generates confusion by schools that often results in students being denied critical information and teachers not having the support they need to teach this important and challenging subject.

A 2011 survey by the University of California San Francisco found that many California schools were out of compliance with existing law.ⁱⁱ For instance, over one-quarter of surveyed schools omitted required HIV prevention topics, and 16% even taught the medically inaccurate information that condoms are not effective. While schools are not mandated to provide comprehensive sexual health education, the *California Sexual Health and HIV/AIDS Prevention Education Act* of 2003 (SB 71, Kuehl) requires that if schools do teach sexual health education, they must cover certain topics. But UCSF found that less than 60% of school districts that taught sex education included required information about contraception in both middle and high school, and only 30% addressed sexual orientation despite an existing requirement that instruction be appropriate for students of all sexual orientations.

More than 60% of teens are sexually active at age 18.ⁱⁱⁱ Rates of STIs are growing in California and are highest in young people ages 15-24.^{iv} Over 80% of births to teens are unintended, and California's teen birth rate remains higher than that of other industrialized countries.^v California's students also experience sexual harassment, adolescent relationship abuse, and other threats that negatively affect their health. Our schools are a critical environment for providing young people with the knowledge and skills that they will need to protect their health at whatever age they become sexually active.

What this bill will do:

The California Healthy Youth Act will update, strengthen, and integrate the existing statutes relating to HIV prevention and comprehensive sexual health education (EC 51930-51939), thereby providing clearer guidance to school districts. It will:

- Update the statutory language to reflect today's understanding of HIV and AIDS;
- Ensure that students are receiving comprehensive and accurate prevention information for HIV, other sexually transmitted infections, and unintended pregnancy, as well as information about local health resources and the benefit of delaying sexual activity;
- Clarify and bolster existing requirements that instruction and materials be appropriate for students of all sexual orientations and genders;
- Clarify the existing passive consent policy for parental consent;

- Include new language relating to adolescent relationship abuse and sex trafficking and reinforce a focus on healthy attitudes, healthy behaviors, and healthy relationships.

Comprehensive sexual health and HIV prevention education has been shown to be effective in both delaying sexual activity and increasing condom and contraceptive use among youth who are already sexually active.^{vii} LGBT-inclusive education has also been shown to have a positive effect on school climate overall and make LGBT youth feel safer in school.^{viii} Research also shows that health education can improve students' academic outcomes, including in reading and math.^{ix}

Updating and strengthening California's HIV prevention and sexual health education requirements will support both students and their teachers. It will also support California parents, 89% of whom want students to receive comprehensive education that includes information about prevention methods for HIV, other STIs, and unintended pregnancy – a desire that is consistent regardless of the parents' locale, religion, politics, race or education level.^x

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ⁱⁱ Burlingame, P, *Sex Education in California Public Schools: Are Students Learning What They Need To Know?* ACLU of Northern California, August 2003.

ⁱⁱⁱ Combellick, S and Brindis, C, *Uneven Progress: Sex Education in California Public Schools*, November 2011.

ⁱⁱⁱ Finer LB and Philbin JM, Sexual initiation, contraceptive use, and pregnancy among young adolescents, *Pediatrics*, 2013, <<http://pediatrics.aappublications.org/content/early/2013/03/27/peds.2012-3495>>, accessed December 8, 2014.

^{iv} "California Sees Increase in Sexually Transmitted Diseases," California Department of Public Health, 7/1/2014, <http://www.cdph.ca.gov/Pages/NR14-061.aspx>

^v Jerman, P, Constantine, N, Nevarez, C, *No Time for Complacency: Teen Births in California, 2012 Spring Update*, Public Health Inst.; <http://www.phi.org/uploads/application/files/7vvp7yk2x4tf3ok5xh9vi8qur81x6xhn3x4bz5blx9i099d4rm.pdf>

^{vi} Unintended Pregnancy Prevention, CDC, <http://www.cdc.gov/reproductivehealth/UnintendedPregnancy/>

^{vii} Douglas Kirby, The Impact of Abstinence and Comprehensive Sex and STD/HIV Education Programs on Adolescent Sexual Behavior, *Sexuality Research & Social Policy*, Sept. 2008, at 18, 24.

^{viii} Kosciw, J. G., Greytak, E. A., Palmer, N. A., & Boesen, M. J. (2014). *The 2013 National School Climate Survey: The experiences of lesbian, gay, bisexual and transgender youth in our nation's schools*. New York: GLSEN.

^{ix} Future of Sex Education Initiative. (2012). *National Sexuality Education Standards: Core Content and Skills, K-12 [a special publication of the Journal of School Health]*. <http://www.futureofsexeducation.org/documents/josh-fose-standards-web.pdf>

^x Constantine, N, Jerman, P, Huang, A, *Sex Education: The Parent's Perspective*, Public Health Institute, May 2007