

The SIECUS State Profiles



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CALIFORNIA'S SEX ED SNAPSHOT

THE STATE OF SEX EDUCATION

Advocates have celebrated significant success in advancing sex education in California, largely due to the passage of the [California Healthy Youth Act](#) (CHYA) in 2015, along with an [equivalent version](#) for charter schools that passed in 2018. CHYA requires school districts to provide comprehensive sex education and has been used as a model to advance sex education nationwide.

Despite CHYA's widespread success, efforts are underway to restrict access to sex education in the state. Senator Mike Morrell introduced [Senate Bill 673](#) in 2019 in an attempt to require parental consent for students to receive sex education in grades K-6. This is referred to as an ["opt-in" policy](#) and presents an unnecessary barrier to receiving sex education.

In 2020, the coronavirus pandemic presented unique challenges in ensuring young people receive comprehensive sex education across the state. Advocates have worked to support districts in implementing programming during distanced learning, although they report that the variances in online learning have resulted in little consistency in regards to the way curriculum is delivered, the content that is covered, or how students are engaging with instruction. Further, advocates are hosting state wide and local virtual meetings with school districts to discuss current sex education programming. Early in the pandemic, some districts temporarily suspended sex education instruction, but have since resumed with the support of educators and a comprehensive plan to deliver instruction. Some districts have also implemented additional training for educators teaching sex education virtually and have promoted online safety practices to staff, students, and parents. Despite this, there continues to be concerns regarding privacy as students receive instruction. Advocates are currently working to increase funding for more comprehensive professional development opportunities for sex educators.

Advocates report that districts often use [Be Real. Be Ready](#), [Making Proud Choices!](#), [Positive Prevention Plus](#), [Rights, Respect, Responsibility](#) (3R's), and [Teen Talk/Puberty Talk](#) to provide young people with comprehensive instruction. The California Department of Education also [recently updated](#) the Health Education Curriculum Framework to provide guidance for educators that teach sex education, including the use of inclusive language and instruction on consent. In 2018, [two pieces](#) of legislation were enacted to allow schools to provide instruction on the potential risks of sharing sexually suggestive or explicit materials through digital media, and require schools to include information on how social media and mobile devices are used for human trafficking.

While comprehensive sex education is mandated statewide, it is reported that more rural and low-income communities continue to lack support in implementing curriculum. A [recent report](#) developed by Equality California revealed that 28 of 130 responding school districts continue to lack inclusive policies and have exclusionary curriculum that is not culturally responsive to the needs of LGBTQ young people. Additional priority districts outlined in Equality California's report likely require additional assistance to ensure that curriculum is trauma informed and culturally responsive to the needs of young people of color.

To assist with the continued implementation of the CHYA, several coordinated efforts across California are underway to ensure youth are receiving comprehensive sex education. The Sexual Health Education

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Roundtable, made up of a variety of California educators, researchers, health providers, and advocates, have worked since 2002 to strengthen sex education through legislation, funding, and administrative guidance. Organizations such as California Latinas for Reproductive Justice advocate for comprehensive sex education and address misinformation spread about the CHYA through community education efforts. The Adolescent Sexual Health Work Group is also dedicated to the continued promotion and protection of legislation concerning the sexual and reproductive health of youth in California. Districts, such as the San Diego Unified School District, provide guidance across the state to support the implementation of curriculum that aligns with the CHYA. Advocates are also working to address gaps in the curriculum requirements, including the need for more explicit requirements in grades 6 and K-5, as current requirements have been described as “ambiguous” and sparked controversy.

Despite the overwhelming support for comprehensive sex education in California schools, there has been a notable uptick in opposition attempting to restrict sex education in specific counties, including Orange County and Riverside. Advocates report that anti-LGBTQ groups such as the California Family Council and Informed Parents of California have attempted to persuade parents to opt their students out of sex education instruction and have increased efforts to influence restrictive sex education legislation by dominating school board meetings. However, these efforts have been largely unsuccessful thus far.

Current advocates report that a lack of capacity to conduct enforcement activities, lack of funding to support training for educators, and the lack of a broad health education requirement all create barriers to sex education for young people in California. Additionally, advocates report an increased need to address the myths and concerns associated with comprehensive sex education. To address these barriers, advocates can take action by contacting their local school board. Advocates can determine if their district is compliant with state law. They can then vocalize the important need for increasing capacity to advance sex education requirements in their community. Parents are also able to join local committee groups. Further, advocates can contact their representatives to discuss the critical need for increasing funding to ensure low-income and rural communities are supported in implementing comprehensive sex education and increase efforts to address misconceptions of comprehensive sex education. Advocates are encouraged to use the SIECUS [Community Action Toolkit](#) to guide local efforts to advance sex education.

STATE SEX EDUCATION POLICIES AND REQUIREMENTS AT A GLANCE

- California schools are required to teach sex education.
 - Sex education instruction must be comprehensive.
 - Curriculum must include information on abstinence.
- Curriculum must be culturally competent for students of all sexual orientations and gender identities, include instruction on gender identity and expression, and when providing examples of relationships and couples, include examples of same-sex relationships.
- Curriculum is not required to include instruction on consent. However, curriculum must include instruction that provides students 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.” The updated [Health Education Curriculum Framework](#) also includes instruction on affirmative consent.
- Parents or guardians can remove their children from sex education instruction or STI/HIV education classes. [This is referred to as an “opt-out” policy.](#)
- Sex education instruction must be medically accurate.

STATE HOUSE HIGHLIGHTS

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This section highlights sex education bills that were introduced during the 2020 state legislative session as well as bills that have been introduced thus far in 2021. These proposed bills provide a brief overview of both recent and current legislative action taken to advance or restrict sex education. For a more comprehensive look at relevant legislation concerning sex education and related topics such as reproductive health care, LGBTQ rights, and HIV/AIDS, continue reading on to the “State Legislative Activity” section of California’s profile.

2021 Legislative Session

[Assembly Bill 366](#) (pending): Aims to require the social worker overseeing a child who is at least 10 years of age and has been under the jurisdiction of the juvenile court for at least a year to determine if they have received comprehensive sexual health education and inform them of their right to access such information and services.

2020 Legislative Session

[Assembly Bill 2035](#) (failed): Sought to require the social worker overseeing a child who is at least 10 years of age and has been under the jurisdiction of the juvenile court for at least a year to determine if they have received comprehensive sexual health education and inform them of their right to access such information and services.

[Senate Bill 673](#) (failed): Sought to require parental consent for students in grades K-6 to participate in sex education or HIV prevention education. [This is referred to as an “opt-in” policy.](#)

[Senate Bill 1265](#) (failed): Sought to require the school board of schools that offer sex education in grades K-6 to establish a policy detailing how parents and guardians can review written and audiovisual educational materials used in sex education.

[Senate Bill 1394](#) (failed): Sought to permit schools to require active parental consent for any sex education or HIV prevention education for a student in grades K-6.

MORE ON SEX ED IN CALIFORNIA

STATE LAW

[California Education Code § 51933-51934](#), known as the California Healthy Youth Act, requires school districts to ensure that all students in grades 7–12 receive comprehensive sex education and HIV/AIDS prevention education at least once in middle school and once in high school. It also mandates that the curricula be age-appropriate, medically accurate, objective, and “appropriate for use with pupils of all races, genders, sexual orientations, and ethnic and cultural backgrounds; pupils with disabilities; and English learners.” The law further requires instruction to teach students about gender, gender expression, gender identity, and gender stereotypes.

Schools can elect to offer sex education earlier than grade 7, in which case they must adhere to the same requirements. No program may “promote or teach religious doctrine,” instruction must encourage parent-child communication about sexuality, and instruction must “provide information about the effectiveness and safety of all Food and Drug Administration (FDA)-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception.” Parents or guardians may remove their children from sex education and/or sexually transmitted infection (STI)/HIV education classes.

In 2018, California enacted three pieces of legislation that impact sex education. [Ch. 428](#) allows school districts to provide an optional component of sex education instruction on the potential risks and consequences of creating and sharing sexually suggestive or explicit materials through cell phones and digital media. [Ch. 807](#) requires the already-

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mandated information about human trafficking in sex education instruction to further include information on how social media and mobile devices are used for human trafficking. [Ch. 495](#) extends California’s Healthy Youth Act to charter schools, requiring them to provide comprehensive sexual health education in grades 7–12.

STATE STANDARDS

The [Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve](#), with a [new version](#) set to be released in 2020, and [Health Education Framework for California Public Schools: Kindergarten Through Grade Twelve](#) provide guidance for human sexuality instruction curriculum. Sexual Health instruction must be included in grades 7–12, but, starting in grade 6, students must learn how to “object appropriately to teasing or bullying of peers that is based on personal characteristics or perceived sexual orientation.” School districts, however, are not required to adopt these content standards.

STATE LEGISLATIVE ACTIVITY

State legislative activity related to sex education does not take place in isolation from the broader embroiled political and policy climate. Attacks on the rights of lesbian, gay, bisexual, transgender, queer, or questioning (LGBTQ) individuals, and efforts to limit access to abortion care and other reproductive health care services prevent students from receiving comprehensive sex education and accessing sexual and reproductive health care services. Below are highlights of current legislative activity related to these topics. **California's 2021 session convened on January 4, 2021.**

2020 SESSION: CONVENED ON JANUARY 6, 2020

TITLE	DESCRIPTION	STATUS
ASSEMBLY BILL 366	REQUIRES THE SOCIAL WORKER OVERSEEING A CHILD WHO IS AT LEAST 10 YEARS OF AGE AND HAS BEEN UNDER THE JURISDICTION OF THE JUVENILE COURT FOR AT LEAST A YEAR TO DETERMINE IF THEY HAVE RECEIVED COMPREHENSIVE SEXUAL HEALTH EDUCATION AND INFORM THEM OF THEIR RIGHT TO ACCESS SUCH INFORMATION AND SERVICES.	MAY BE HEARD IN COMMITTEE ON MARCH 4 (2021)
SENATE BILL 217	REQUIRES THE GOVERNING BOARD OF A SCHOOL DISTRICT TO ADOPT A POLICY SPECIFYING HOW PARENTS AND GUARDIANS CAN INSPECT THE MATERIALS USED IN COMPREHENSIVE SEX EDUCATION AND HIV PREVENTION EDUCATION.	REFERRED TO THE SENATE COMMITTEE ON RULES (2021)
ASSEMBLY BILL 2023	REQUIRES PUBLIC INSTITUTIONS OF HIGHER EDUCATION TO ALLOW STUDENTS TO UPDATE THEIR RECORDS TO REFLECT AN UPDATED LEGAL NAME OR GENDER CHANGE.	DIED IN THE ASSEMBLY COMMITTEE ON HIGHER EDUCATION (2020)
ASSEMBLY BILL 2035	REQUIRES THE SOCIAL WORKER OVERSEEING A CHILD WHO IS AT LEAST 10 YEARS OF AGE AND HAS BEEN UNDER THE JURISDICTION OF THE JUVENILE COURT FOR AT LEAST A YEAR TO DETERMINE IF THEY HAVE RECEIVED COMPREHENSIVE SEXUAL HEALTH EDUCATION AND INFORM THEM OF THEIR RIGHT TO ACCESS SUCH INFORMATION AND SERVICES.	DIED IN THE ASSEMBLY COMMITTEE ON HUMAN SERVICES (2020)

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SENATE BILL 673	AIMS TO REQUIRE PARENTAL CONSENT FOR STUDENTS IN GRADES K-6 TO PARTICIPATE IN SEX EDUCATION OR HIV PREVENTION EDUCATION.	FAILED TO PASS THE SENATE (2020)
SENATE BILL 201	PROHIBITS MEDICALLY UNNECESSARY SURGICAL ALTERATION OF CHILDREN UNDER 6 BORN WITH AMBIGUOUS GENITALS.	FAILED TO PASS THE SENATE (2020)
SENATE BILL 1265	REQUIRES THE SCHOOL BOARD OF SCHOOLS THAT OFFER SEX EDUCATION IN GRADES K-6 TO ESTABLISH A POLICY DETAILING HOW PARENTS AND GUARDIANS CAN REVIEW WRITTEN AND AUDIOVISUAL EDUCATIONAL MATERIALS USED IN SEX EDUCATION.	DIED IN THE SENATE COMMITTEE ON EDUCATION (2020)
SENATE BILL 1394	PERMITS SCHOOLS TO REQUIRE ACTIVE PARENTAL CONSENT FOR ANY SEX EDUCATION OR HIV PREVENTION EDUCATION FOR A STUDENT IN GRADES K-6.	DIED IN THE SENATE COMMITTEE ON EDUCATION (2020)

LEGISLATIVE KEY

<p>SEX EDUCATION</p> <p>REPRODUCTIVE HEALTH CARE</p> <p>SEXUAL ORIENTATION AND GENDER IDENTITY</p> <p>HIV/AIDS (THAT IMPACTS YOUTH)</p>

YOUTH SEXUAL HEALTH DATA

Young people are more than their health behaviors and outcomes. While data can be a powerful tool to demonstrate the sex education and sexual health care needs of young people, it is important to be mindful that these behaviors and outcomes are impacted by systemic inequities present in our society that affect an individual’s sexual health and well-being. To learn more about California’s Youth Risk Behavior Survey (YRBS) results, [click here](#).

CALIFORNIA SCHOOL HEALTH PROFILES DATA

In 2019, the Centers for Disease Control and Prevention (CDC) released the School Health Profiles, which measure school health policies and practices and highlight which health topics were taught in schools across the country. Since the data were collected from self-administered questionnaires completed by schools’ principals and lead health education teachers, the CDC notes that one limitation of the School Health Profiles is bias toward the reporting of more positive policies and practices. In the School Health Profiles, the [CDC identifies 20 sexual health education topics](#) as critical for ensuring a young person’s sexual health. Below are key instruction highlights for secondary schools in California as [reported](#) for the 2017–2018 school year.

[Reported teaching all 20 critical sexual health education topics](#)

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- 39.9% of California secondary schools taught students all 20 critical sexual health education topics in a required course in any of grades 6, 7, or 8.
- 65.9% of California secondary schools taught students all 20 critical sexual health education topics in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about the benefits of being sexually abstinent

- 80.5% of California secondary schools taught students about the benefits of being sexually abstinent in a required course in any of grades 6, 7, or 8.
- 92.7% of California secondary schools taught students about the benefits of being sexually abstinent in a required course in any of grades 9, 10, 11, or 12.

Reported teaching how to access valid and reliable information, products, and services related to HIV, other STDs, and pregnancy

- 75.7% of California secondary schools taught students how to access valid and reliable information, products, and services related to HIV, other STDs, and pregnancy in a required course in any of grades 6, 7, or 8.
- 92.7% of California secondary schools taught students how to access valid and reliable information, products, and services related to HIV, other STDs, and pregnancy in a required course in any of grades 9, 10, 11, or 12.

Reported teaching how to create and sustain healthy and respectful relationships

- 73.9% of California secondary schools taught students how to create and sustain healthy and respectful relationships in a required course in any of grades 6, 7, or 8.
- 88.6% of California secondary schools taught students how to create and sustain healthy and respectful relationships in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about preventive care that is necessary to maintain reproductive and sexual health

- 69.7% of California secondary schools taught students about preventive care that is necessary to maintain reproductive and sexual health in a required course in any of grades 6, 7, or 8.
- 88.6% of California secondary schools taught students about preventive care that is necessary to maintain reproductive and sexual health in a required course in any of grades 9, 10, 11, or 12.

Reported teaching how to correctly use a condom

- 50.1% of California secondary schools taught students how to correctly use a condom in a required course in any of grades 6, 7, or 8.
- 83.7% of California secondary schools taught students how to correctly use a condom in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about methods of contraception other than condoms

- 67.5% of California secondary schools taught students about methods of contraception other than condoms in a required course in any of grades 6, 7, or 8.
- 89.3% of California secondary schools taught students about methods of contraception other than condoms in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about sexual orientation

- 63.9% of California secondary schools taught students about sexual orientation in a required course in any of grades 6, 7, or 8.

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- 84.5% of California secondary schools taught students about sexual orientation in a required course in any of grades 9, 10, 11, or 12.

Reported teaching about gender roles, gender identity, or gender expression

- 62.8% of California secondary schools taught students about gender roles, gender identity, or gender expression in a required course in any of grades 6, 7, or 8.
- 81.1% of California secondary schools taught students about gender roles, gender identity, or gender expression in a required course in any of grades 9, 10, 11, or 12.

Reported providing curricula or supplementary materials relevant to lesbian, gay, bisexual, transgender, or questioning (LGBTQ) youth

- 70.3% of California secondary schools provided students with curricula or supplementary materials that included HIV, STD, or pregnancy prevention information relevant to LGBTQ youth.

Visit the CDC's [School Health Profiles](#) report for additional information on school health policies and practices.

The quality of sex education taught often reflects funding available for sex education programs.

To learn more about federal funding streams, [click here](#).