

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 329

Introduced by Assembly Member Weber

February 13, 2015

An act to amend Sections 51930, 51931, 51932, 51933, 51934, 51935, 51936, 51937, 51938, and 51939 of, to amend the heading of Article 2 (commencing with Section 51933) of Chapter 5.6 of, to amend the heading of Chapter 5.6 (commencing with Section 51930) of, to amend and renumber the heading of Article 4 (commencing with Section 51935) and Article 5 (commencing with Section 51937) of Chapter 5.6 of, and to repeal the heading of Article 3 (commencing with Section 51934) of Chapter 5.6 of, Part 28 of Division 4 of Title 2 of, the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL’S DIGEST

AB 329, as amended, Weber. Pupil instruction: sexual health education.

Existing

(1) *Existing* law, the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act, authorizes school districts to provide comprehensive sexual health education, consisting of age-appropriate instruction, in any of kindergarten and grades 1 to 12, inclusive, and requires school districts to ensure that all pupils in grades 7 to 12, inclusive, receive HIV/AIDS prevention education, as specified.

~~This bill would express the intent of the Legislature to enact legislation that would review and update the current sexual health education curriculum that is provided to pupils in schools to reflect the advances~~

~~in age-appropriate sexual health instruction, including, but not limited to, healthy relationships and dating violence.~~

This bill would revise and recast these provisions to, among other things, integrate the instruction of comprehensive sexual health education and HIV prevention education. The bill would rename the California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act the California Healthy Youth Act. The bill would specify additional purposes of the act. The bill would instead require school districts to ensure that all pupils in grades 7 to 12, inclusive, receive comprehensive sexual health education and HIV prevention education, as specified. By imposing additional requirements on school districts, this bill would impose a state-mandated local program.

(2) Existing law provides that these provisions do not apply to instruction or materials that discuss gender, sexual orientation, or family life and do not discuss human reproductive organs and their functions.

This bill would instead provide that these provisions do 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.

(3) This bill would also make conforming changes.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 *SECTION 1. The heading of Chapter 5.6 (commencing with*
- 2 *Section 51930) of Part 28 of Division 4 of Title 2 of the Education*
- 3 *Code is amended to read:*

CHAPTER 5.6.

~~CALIFORNIA COMPREHENSIVE SEXUAL HEALTH AND HIV/AIDS PREVENTION EDUCATION~~
HEALTHY YOUTH ACT

SEC. 2. Section 51930 of the Education Code is amended to read:

51930. (a) This chapter shall be ~~known~~ known, and may be ~~cited~~ cited, as the California ~~Comprehensive Sexual Health and HIV/AIDS Prevention Education~~ *Healthy Youth Act*.

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

(1) To provide ~~a pupil~~ *pupils* with the knowledge and skills necessary to protect ~~his or her~~ *their* sexual and reproductive health from ~~unintended pregnancy and sexually transmitted diseases. HIV and other sexually transmitted infections and from unintended pregnancy.~~

(2) To ~~encourage a pupil~~ *provide pupils* with the knowledge and skills ~~they need~~ to develop healthy attitudes concerning adolescent growth and development, body image, ~~gender roles, gender,~~ sexual orientation, ~~dating,~~ 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 of the Education Code is amended to read:

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, ~~family planning,~~ *contraception*, and sexually transmitted ~~diseases. infections.~~

(c) “English learner” means a pupil as described in subdivision (a) of Section 306.

(d) ~~“HIV/AIDS.”~~ “HIV prevention education” means instruction on the nature of ~~HIV/AIDS~~, *HIV and AIDS*, methods of transmission, strategies to reduce the risk of human immunodeficiency virus (HIV) infection, and social and public health issues related to ~~HIV/AIDS~~. ~~For the purposes of this chapter, “HIV/AIDS prevention education” is not comprehensive sexual health education.~~ *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 diseases*; ~~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.

SEC. 4. Section 51932 of the Education Code is amended to read:

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, on physiology, biology, zoology, general science, personal hygiene, or health.

(b) This chapter does not apply to ~~instruction or instruction~~, materials, *presentations*, or *programming* that discuss gender, *gender identity*, *gender expression*, sexual orientation, *discrimination*, *harassment*, *bullying*, *intimidation*, *relationships*, or family life and do not discuss human reproductive organs and their functions.

SEC. 5. The heading of Article 2 (commencing with Section 51933) of Chapter 5.6 of Part 28 of Division 4 of Title 2 of the Education Code is amended to read:

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

SEC. 6. *Section 51933 of the Education Code is amended to read:*

~~51933. (a) School districts may provide comprehensive sexual health education, consisting of age-appropriate instruction, in any kindergarten to grade 12, inclusive, using instructors trained in the appropriate courses.~~

~~(b) A school district that elects to offer comprehensive sexual health education pursuant to subdivision (a), whether taught by school district personnel or outside consultants, shall satisfy all of the following criteria:~~

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:

~~(1)~~

(a) Instruction and materials shall be age appropriate.

~~(2)~~

(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) (1) 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.

~~(3)~~

(2) 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.

~~(4) Instruction and materials shall be appropriate for use with pupils of all races, genders, sexual orientations, ethnic and cultural backgrounds, and pupils with disabilities.~~

~~(5)~~

1 (3) Instruction and materials shall be accessible to pupils with
2 disabilities, including, but not limited to, the provision of a
3 modified curriculum, materials and instruction in alternative
4 formats, and auxiliary aids.

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

8 (5) *Instruction and materials shall affirmatively recognize that*
9 *people have different sexual orientations and, when discussing or*
10 *providing examples of relationships and couples, shall be inclusive*
11 *of same-sex relationships.*

12 (6) *Instruction and materials shall teach pupils about gender,*
13 *gender expression, gender identity, and explore the harm of*
14 *negative gender stereotypes.*

15 ~~(6)~~

16 (e) Instruction and materials shall encourage a pupil to
17 communicate with his or her ~~parents or~~ parents, guardians, and
18 other trusted adults about human ~~sexuality.~~ sexuality and provide
19 the knowledge and skills necessary to do so.

20 ~~(7)~~

21 (f) Instruction and materials shall teach ~~respect for marriage and~~
22 ~~the value of and prepare pupils to have and maintain committed~~
23 ~~relationships.~~ relationships such as marriage.

24 (g) *Instruction and materials shall provide pupils with*
25 *knowledge and skills they need to form healthy relationships that*
26 *are based on mutual respect and affection, and are free from*
27 *violence, coercion, and intimidation.*

28 (h) *Instruction and materials shall provide pupils with*
29 *knowledge and skills for making and implementing healthy*
30 *decisions about sexuality, including negotiation and refusal skills*
31 *to assist pupils in overcoming peer pressure and using effective*
32 *decisionmaking skills to avoid high-risk activities.*

33 (i) *Instruction and materials may not teach or promote religious*
34 *doctrine.*

35 ~~(8) Commencing in grade 7, instruction and materials shall teach~~
36 ~~that abstinence from sexual intercourse is the only certain way to~~
37 ~~prevent unintended pregnancy, teach that abstinence from sexual~~
38 ~~activity is the only certain way to prevent sexually transmitted~~
39 ~~diseases, and provide information about the value of abstinence~~

1 while also providing medically accurate information on other
2 methods of preventing pregnancy and sexually transmitted diseases.

3 (9) Commencing in grade 7, instruction and materials shall
4 provide information about sexually transmitted diseases. This
5 instruction shall include how sexually transmitted diseases are and
6 are not transmitted, the effectiveness and safety of all federal Food
7 and Drug Administration (FDA) approved methods of reducing
8 the risk of contracting sexually transmitted diseases, and
9 information on local resources for testing and medical care for
10 sexually transmitted diseases.

11 (10) Commencing in grade 7, instruction and materials shall
12 provide information about the effectiveness and safety of all
13 FDA-approved contraceptive methods in preventing pregnancy;
14 including, but not limited to, emergency contraception.

15 (11) Commencing in grade 7, instruction and materials shall
16 provide pupils with skills for making and implementing responsible
17 decisions about sexuality.

18 (12) Commencing in grade 7, instruction and materials shall
19 provide pupils with information on the law on surrendering
20 physical custody of a minor child 72 hours or younger, pursuant
21 to Section 1255.7 of the Health and Safety Code and Section 271.5
22 of the Penal Code.

23 (e) A school district that elects to offer comprehensive sexual
24 health education pursuant to subdivision (a) earlier than grade 7
25 may provide age appropriate and medically accurate information
26 on any of the general topics contained in paragraphs (8) to (12);
27 inclusive, of subdivision (b).

28 (d) If a school district elects to offer comprehensive sexual
29 health education pursuant to subdivision (a), whether taught by
30 school district personnel or outside consultants, the school district
31 shall comply with the following:

32 (1) Instruction and materials may not teach or promote religious
33 doctrine.

34 (2) Instruction and materials may not reflect or promote bias
35 against any person on the basis of any category protected by
36 Section 220.

37 *SEC. 7. The heading of Article 3 (commencing with Section*
38 *51934) of Chapter 5.6 of Part 28 of Division 4 of Title 2 of the*
39 *Education Code is repealed.*

1 ~~Article 3. Required HIV/AIDS Prevention Education~~

2
3 *SEC. 8. Section 51934 of the Education Code is amended to*
4 *read:*

5 51934. (a) ~~A~~ Each school district shall ensure that all pupils
6 in grades 7 to 12, inclusive, receive ~~HIV/AIDS comprehensive~~
7 *sexual health education and HIV* prevention education from
8 instructors trained in the appropriate courses. Each pupil shall
9 receive this instruction at least once in junior high or middle school
10 and at least once in high school. *This instruction shall include all*
11 *of the following:*

12 ~~(b) HIV/AIDS prevention education, whether taught by school~~
13 ~~district personnel or outside consultants, shall satisfy all of the~~
14 ~~criteria set forth in paragraphs (1) to (6), inclusive, of subdivision~~
15 ~~(b) and paragraphs (1) and (2) of subdivision (d) of Section 51933,~~
16 ~~shall accurately reflect the latest information and recommendations~~
17 ~~from the United States Surgeon General, the federal Centers for~~
18 ~~Disease Control and Prevention, and the National Academy of~~
19 ~~Sciences, and shall include the following:~~

20 (1) Information on the nature of ~~HIV/AIDS~~ *HIV*, *as well as*
21 *other sexually transmitted infections*, and ~~its~~ *their* effects on the
22 human body.

23 (2) Information on the manner in which ~~HIV is and is not and~~
24 *other sexually transmitted infections are and are not* transmitted,
25 including information on activities that present the highest risk of
26 ~~HIV infection; the relative risk of infection according to specific~~
27 *behaviors, including sexual activities and injection drug use.*

28 ~~(3) Discussion of methods to reduce the risk of HIV infection.~~
29 ~~This instruction shall emphasize that sexual abstinence, monogamy,~~
30 ~~the avoidance of multiple sexual partners, and abstinence from~~
31 ~~intravenous drug use are the most effective means for HIV/AIDS~~
32 ~~prevention, but shall also include statistics based upon the latest~~
33 ~~medical information citing the success and failure rates of condoms~~
34 ~~and other contraceptives in preventing sexually transmitted HIV~~
35 ~~infection, as well as information on other methods that may reduce~~
36 ~~the risk of HIV transmission from intravenous drug use.~~

37 ~~(4) Discussion of the public health issues associated with~~
38 ~~HIV/AIDS.~~

39 ~~(5) Information on local resources for HIV testing and medical~~
40 ~~care.~~

~~(6) Development of refusal skills to assist pupils in overcoming peer pressure and using effective decisionmaking skills to avoid high-risk activities.~~

~~(7) Discussion about societal views on HIV/AIDS, including stereotypes and myths regarding persons with HIV/AIDS. This instruction shall emphasize compassion for persons living with HIV/AIDS.~~

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) Information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy,

1 including, but not limited to, emergency contraception. Instruction
2 on pregnancy shall include an objective discussion of all legally
3 available pregnancy outcomes, including, but not limited to, all
4 of the following:

5 (A) Parenting, adoption, and abortion.

6 (B) Information on the law on surrendering physical custody
7 of a minor child 72 hours of age or younger, pursuant to Section
8 1255.7 of the Health and Safety Code and Section 271.5 of the
9 Penal Code.

10 (C) The importance of prenatal care.

11 (10) Information about sexual harassment, sexual assault,
12 adolescent relationship abuse, intimate partner violence, and sex
13 trafficking.

14 (b) A school district may provide comprehensive sexual health
15 education or HIV prevention education consisting of
16 age-appropriate instruction earlier than grade 7, inclusive, using
17 instructors trained in the appropriate courses. A school district
18 that elects to offer comprehensive sexual health education or HIV
19 prevention education earlier than grade 7 may provide age
20 appropriate and medically accurate information on any of the
21 general topics contained in paragraphs (1) to (10), inclusive, of
22 subdivision (a).

23 SEC. 9. The heading of Article 4 (commencing with Section
24 51935) of Chapter 5.6 of Part 28 of Division 4 of Title 2 of the
25 Education Code is amended and renumbered to read:

26
27 Article 4-3. In-Service Training
28

29 SEC. 10. Section 51935 of the Education Code is amended to
30 read:

31 51935. (a) A school district shall cooperatively plan and
32 conduct in-service training for all school district personnel that
33 provide ~~HIV/AIDS~~ comprehensive sexual health education and
34 HIV prevention education, through regional planning, joint powers
35 agreements, or contract services.

36 (b) In developing and providing in-service training, a school
37 district shall cooperate and collaborate with the teachers of the
38 district who provide ~~HIV/AIDS~~ comprehensive sexual health
39 education and HIV prevention education and with the ~~State~~
40 ~~Department of Education~~ department.

(c) In-service training shall be conducted periodically to enable school district personnel to learn new developments in the scientific understanding of ~~HIV/AIDS~~ *sexual health, HIV, and other sexually transmitted infections*. In-service training shall be voluntary for school district personnel who have demonstrated expertise or received in-service training from the ~~State Department of Education~~ *department* or federal Centers for Disease Control and Prevention.

~~(d) A school district may expand HIV/AIDS 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 ~~with expertise in comprehensive sexual health education or HIV/AIDS prevention education, or both, or guest speakers,~~ including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver ~~the instruction~~ *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.*

SEC. 12. The heading of Article 5 (commencing with Section 51937) of Chapter 5.6 of Part 28 of Division 4 of Title 2 of the Education Code is amended and renumbered to read:

Article 5-4. Notice and Parental Excuse

SEC. 13. Section 51937 of the Education Code is amended to read:

51937. It is the intent of the Legislature to encourage pupils to communicate with their parents or guardians about human sexuality and ~~HIV/AIDS~~ *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

1 evaluation tools related to comprehensive sexual health education
2 and ~~HIV/AIDS~~ HIV prevention education, and, if they wish, to
3 excuse their children from participation in all or part of that
4 instruction or evaluation. The Legislature recognizes that while
5 parents and guardians overwhelmingly support medically accurate,
6 comprehensive sex education, parents and guardians have the
7 ultimate responsibility for imparting values regarding human
8 sexuality to their children.

9 *SEC. 14. Section 51938 of the Education Code is amended to*
10 *read:*

11 51938. (a) A parent or guardian of a pupil has the right to
12 excuse their child from all or part of comprehensive sexual health
13 education, ~~HIV/AIDS~~ HIV prevention education, and assessments
14 related to that education, ~~as follows:~~ *education through a passive*
15 *consent (“opt-out”) process. A school district shall not require*
16 *active parental consent (“opt-in”) for HIV prevention education*
17 *and comprehensive sexual health education.*

18 (a)

19 (b) At the beginning of each school year, or, for a pupil who
20 enrolls in a school after the beginning of the school year, at the
21 time of that pupil’s enrollment, each school district shall notify
22 the parent or guardian of each pupil about instruction in
23 comprehensive sexual health education and ~~HIV/AIDS~~ HIV
24 prevention education and research on pupil health behaviors and
25 risks planned for the coming year. The notice shall do all of the
26 following:

27 (1) Advise the parent or guardian that written and audiovisual
28 educational materials used in comprehensive sexual health
29 education and ~~HIV/AIDS~~ HIV prevention education are available
30 for inspection.

31 (2) Advise the parent or guardian whether the comprehensive
32 sexual health education or ~~HIV/AIDS~~ HIV prevention education
33 will be taught by school district personnel or by outside consultants.
34 A school district may provide comprehensive sexual health
35 education or ~~HIV/AIDS~~ HIV prevention education, to be taught
36 by outside consultants, and may hold an assembly to deliver
37 comprehensive sexual health education or ~~HIV/AIDS~~ HIV
38 prevention education by guest speakers, but if it elects to provide
39 comprehensive sexual health education or ~~HIV/AIDS~~ HIV
40 prevention education in either of these manners, the notice shall

1 include the date of the instruction, the name of the organization
2 or affiliation of each guest speaker, and information stating the
3 right of the parent or guardian to request a copy of this section,
4 Section 51933, and Section 51934. If arrangements for this
5 instruction are made after the beginning of the school year, notice
6 shall be made by mail or another commonly used method of
7 notification, no fewer than 14 days before the instruction is
8 delivered.

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

11 (4) Advise the parent or guardian that the parent or guardian
12 ~~may request in writing that his or her child not receive~~ *has the*
13 *right to excuse their child from comprehensive sexual health*
14 ~~education or HIV/AIDS and HIV prevention education; education~~
15 *and that in order to excuse their child they must state their request*
16 *in writing to the school district.*

17 (b)

18 (c) Notwithstanding Section 51513, anonymous, voluntary, and
19 confidential research and evaluation tools to measure pupils' health
20 behaviors and risks, including tests, questionnaires, and surveys
21 containing age-appropriate questions about the pupil's attitudes
22 concerning or practices relating to ~~sex~~ *sex*, may be administered
23 to any pupil in grades 7 to 12, ~~inclusive, if the parent or guardian~~
24 ~~is notified in writing that this test, questionnaire, or survey is to~~
25 ~~be administered and the pupil's parent or guardian is given the~~
26 ~~opportunity to review the test, questionnaire, or survey and to~~
27 ~~request in writing that his or her child not participate.~~ *inclusive. A*
28 *parent or guardian has the right to excuse their child from the test,*
29 *questionnaire, or survey through a passive consent ("opt-out")*
30 *process. A school district shall not require active parental consent*
31 *("opt-in") for these tests, questionnaires, or surveys in grades 7*
32 *to 12, inclusive. Parents or guardians shall be notified in writing*
33 *that this test, questionnaire, or survey is to be administered, given*
34 *the opportunity to review the test, questionnaire, or survey if they*
35 *wish, notified of their right to excuse their child from the test,*
36 *questionnaire, or survey, and informed that in order to excuse*
37 *their child they must state their request in writing to the school*
38 *district.*

39 (e)

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

4 SEC. 15. Section 51939 of the Education Code is amended to
5 read:

6 51939. (a) A pupil may not attend any class in comprehensive
7 sexual *health* education or ~~HIV/AIDS~~ HIV prevention education,
8 or participate in any anonymous, voluntary, and confidential test,
9 questionnaire, or survey on pupil health behaviors and risks, if the
10 school has received a written request from the pupil's parent or
11 guardian excusing the pupil from participation.

12 (b) A pupil may not be subject to disciplinary action, academic
13 penalty, or other sanction if the pupil's parent or guardian declines
14 to permit the pupil to receive comprehensive sexual health
15 education or ~~HIV/AIDS~~ HIV prevention education or to participate
16 in anonymous, voluntary, and confidential tests, questionnaires,
17 or surveys on pupil health behaviors and risks.

18 (c) While comprehensive sexual health education, ~~HIV/AIDS~~
19 HIV prevention education, or anonymous, voluntary, and
20 confidential test, questionnaire, or survey on pupil health behaviors
21 and risks is being administered, an alternative educational activity
22 shall be made available to pupils whose parents or guardians have
23 requested that they not receive the instruction or participate in the
24 test, questionnaire, or survey.

25 SEC. 16. *If the Commission on State Mandates determines that*
26 *this act contains costs mandated by the state, reimbursement to*
27 *local agencies and school districts for those costs shall be made*
28 *pursuant to Part 7 (commencing with Section 17500) of Division*
29 *4 of Title 2 of the Government Code.*

30 ~~SECTION 1. It is the intent of the Legislature to enact~~
31 ~~legislation that would review and update the current sexual health~~
32 ~~education curriculum that is provided to pupils in schools to reflect~~
33 ~~the advances in age-appropriate sexual health instruction, including,~~
34 ~~but not limited to, healthy relationships and dating violence.~~