

## **California Healthy Youth Act (CHYA) and Ed Code 220**

<p><b>Q1:</b> What is comprehensive sexual education?</p>	<p><b>A1:</b> The EC defines comprehensive sexual health education as "education regarding human development and sexuality, including education on pregnancy, contraception, and STIs" and HIV prevention education as "instruction on the nature of HIV and acquired immune deficiency syndrome (AIDS), methods of transmission, strategies to reduce the risk of HIV infection, and social and public health issues related to HIV and AIDS."</p>
<p><b>Q2:</b> What are the purposes of CHYA 2016?</p>	<p><b>A2:</b> The purpose of CYA 2016 are the following: To provide students with the knowledge and skills necessary to:</p> <ul style="list-style-type: none"> <li>• Protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy;</li> <li>• Develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family;</li> <li>• Have healthy, positive, and safe relationships and behaviors;</li> <li>• Promote understanding of sexuality as a normal part of human development; and</li> <li>• 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.</li> </ul>
<p><b>Q3:</b> What kind of consent is required for sexual health education?</p>	<p><b>A3:</b> The law prohibits active consent for any part of comprehensive sexual health education or HIV prevention education. Passive (not active) parent/guardian notification is required for comprehensive sexual health education and HIV prevention education, either at the beginning of the school year or at least 14 days prior to instruction.</p>
<p><b>Q4:</b> Are schools required to teach comprehensive sexual health education and HIV prevention education?</p>	<p><b>A4:</b> Yes. The California Healthy Youth Act requires that students in <b>grades 7-12</b> receive comprehensive sexual health education and HIV prevention education at least once in middle school and once in high school. The Education Code defines comprehensive sexual health education as "education regarding human development and sexuality, including education on pregnancy, contraception, and sexually transmitted infections" (EC § 51931(b)) and HIV prevention education as "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" (EC § 51931(d)).</p>
<p><b>Q5:</b> Does the law permit schools to teach comprehensive sexual health and HIV prevention education in elementary school?</p>	<p><b>A5:</b> Yes. Comprehensive sexual health and HIV prevention education <b>may be taught in grades K-6, inclusive</b>. All instruction and materials in grades K-6 must meet the instructional criteria or baseline requirements listed below. Content that is required in grades 7-12 may be also be included in an age-appropriate way in earlier grades. (EC §§ 51933, 51934(b)).</p>
<p><b>Q6:</b> What does the law say about <u>students with disabilities</u>?</p>	<p><b>A6:</b> Instruction and materials must be appropriate <u>for and accessible to students with disabilities</u>. This includes but is not limited to providing a modified curriculum, materials and instruction in alternative formats, and auxiliary aids. (EC § 51933(d)(1) and (3).)</p>
<p><b>Q7:</b> What does the law say about lesbian, gay, bisexual, transgender and questioning (LGBTQ) students, sexual orientation and gender/gender identity?</p>	<p><b>A7:</b> All instruction and materials in grades K-12 must be inclusive of LGBTQ students. Instruction shall <u>affirmatively recognize that people have different sexual orientations</u> and, when discussing or providing examples of relationships and couples, must be inclusive of same-sex relationships. (EC § 51933(d)(5).) It must also teach students about gender, gender expression, gender identity, and explore the harm of negative gender stereotypes. (EC §</p>

	51933(d)(6).) This means that schools must teach about all sexual orientations and what being LGBTQ means.
<b>Q8:</b> Is the California Healthy Youth Act forcing parents to allow their children to receive sex education even if they do not want to?	<b>A8:</b> It is wrong to claim that parents in California will be forced to allow their children to receive sex education: they can withdraw consent for the whole curriculum, or for instruction on HIV and STD prevention. What they cannot do is specifically withdraw their consent for classroom instruction on sexual orientation and gender identity.
<b>Q9:</b> What is Ed Code 220?	<b>Q9:</b> Ed Code 220 states that: 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, including immigration status, in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state student financial aid.

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