

California Sexual and Reproductive Health Care –California Healthy Youth Act

California has a network of laws, programs, and services designed to meet the sexual health care needs of adolescents. **These include:**

Mandatory comprehensive sexual health education in public middle and high schools

Consent rights that allow adolescents who need it to confidentially access care

A network of clinics that provide **sexual health services** to address adolescent needs

Public funding streams for sexual health services to ensure free access

Trustworthy information for teens and adult caregivers



State law requires public middle and high schools to provide comprehensive sexual health education that complies with the standards established by the California Healthy Youth Act (CHYA)(Education Code section 51930 through 51939). Senate Bill 89 ensures that (1) foster youth receive **comprehensive sexual health education** at least once during middle school and at least once during high school (2) using educational curricula that meets the requirements of **CHYA**.

California Healthy Youth Act (CHYA)

What purposes must a CHYA compliant educational curriculum serve?

To satisfy the California Healthy Youth Act, the curriculum must have the following purposes:

1. To provide pupils with the knowledge and skills necessary to protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy.
2. To provide pupils with the knowledge and skills they need to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, 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.

From Cal. Education Code section 51930

What content requirements must a CHYA compliant educational curriculum satisfy?

To satisfy the California Healthy Youth Act, the curriculum must satisfy the following requirements:

1. Instruction and materials shall be **age appropriate**.
2. All factual information presented shall be **medically accurate and objective**.
3. All instruction and materials shall align with and support the purposes of the California Healthy Youth Act (described above) and may not be in conflict with them.
4. 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.

5. 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.
6. Instruction and materials shall be **accessible to pupils with disabilities**, including, but not limited to, the provision of a **modified curriculum, materials and instruction** in alternative formats, and auxiliary aids.
7. Instruction and materials **shall not reflect or promote bias** against any person on the basis of any category protected by Section 220.
8. Instruction and materials shall **affirmatively recognize that people have different sexual orientations** and, when discussing or providing examples of relationships and couples, shall **be inclusive of same-sex relationships**.
9. Instruction and materials shall **teach pupils about gender, gender expression**, gender identity, and **explore the harm of negative gender stereotypes**.
10. Instruction and materials shall encourage a pupil to **communicate** with his or her parents, guardians, and other **trusted adults** about human sexuality and provide the knowledge and skills necessary to do so.
11. Instruction and materials shall teach the value of and prepare pupils to have and maintain **committed relationships** such as marriage.
12. Instruction and materials shall provide pupils 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.
13. Instruction and materials shall provide pupils with knowledge and skills for making and implementing **healthy decisions about sexuality, including negotiation and refusal skills** to assist pupils in overcoming peer pressure and using effective decisionmaking skills to avoid high-risk activities.
14. Instruction and materials **may not teach or promote religious doctrine**.

From Cal. Education Code section 51933

This instruction shall include all of the following:

- Information on the nature of HIV, as well as other sexually transmitted infections, and their effects on the human body.
- Information on the manner in which HIV and other sexually transmitted infections are and are not transmitted, including information on the relative risk of infection according to specific behaviors, including sexual activities and injection drug use.
- 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.
- 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, consistent with the federal Centers for Disease Control and Prevention.
- 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.
- 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.
- 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.

- 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.
- Information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy, including, but not limited to, emergency contraception. Instruction on pregnancy shall include an objective discussion of all legally available pregnancy outcomes, including, but not limited to, all of the following:
 - Parenting, adoption, and abortion.
 - Information on the law on surrendering physical custody of a minor child 72 hours of age or younger, pursuant to Section 1255.7 of the Health and Safety Code and Section 271.5 of the Penal Code.
 - The importance of prenatal care.
- Information about sexual harassment, sexual assault, adolescent relationship abuse, intimate partner violence, and sex trafficking.

From Cal. Education Code section 51934

For questions or more information about Senate Bill 89 and foster youth access to comprehensive sexual health education, please contact the **Los Angeles Reproductive Health Equity Project for Foster Youth** (LA RHEP) at www.fosterreprohealth.org.