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SB 71 Fact Sheet (California)

What is the California Comprehensive Sex Ed Law (SB 71)?

SB 71, the California Comprehensive Sexual Health and HIV/AIDS Prevention Act of 2004, replaced a patchwork of confusing and often contradictory statutes on sex education with one clear and comprehensive new law. The law was authored by Senator Sheila Kuehl and sponsored by the California affiliates of the ACLU and Planned Parenthood. It went into effect on January 1, 2004.

What is the purpose of SB 71?

The new law has two purposes: “1) To provide a pupil with the knowledge and skills necessary to protect his or her sexual
and reproductive health from unintended pregnancy and sexually transmitted diseases; 2) To encourage a pupil to develop healthy attitudes concerning adolescent growth and development, body image, gender roles, sexual orientation, dating, marriage, and family.”

What protections does SB 71 offer for LGBTQ youth?

- SB 71 requires that instruction and materials shall teach respect for committed relationships as well as marriage. It removes all reference to “abstinence until marriage” to reflect that, if today's laws remain the same, not all students will have the right to marry their chosen life partner.
- Sex education instruction and materials may not teach or promote religious doctrine or reflect or promote bias against any person on the basis of any category protected by the state’s school nondiscrimination policy, Education Code Section 220, which includes actual or perceived gender and sexual orientation.
- Previous law required classes to discuss abstinence from sexual intercourse, a heterosexual focus that excluded LGBT youth. SB 71 changed the language to make it more inclusive. Now, in grades 7-12, sexual health education must teach the value of abstinence from sexual intercourse in preventing pregnancy and the value of abstinence

from sexual activity in preventing sexually transmitted diseases.
- SB 71 also requires that all instruction and material be appropriate for use with students of all races, genders, sexual orientations, ethnic and cultural backgrounds, and students with disabilities.

What are SB 71's requirements for sexual health education?

SB 71 requires that all materials and instruction be age-appropriate, medically accurate, and objective. In grades 7-12, classes must cover the safety and effectiveness of all FDA-approved methods for preventing sexually transmitted diseases and pregnancy, which means they have to cover condoms and other contraceptives and not just abstinence. Teachers must be properly trained in the subject.

What counts as sexual health education?

SB 71 makes it absolutely clear that instruction or materials that discuss human reproductive organs and their functions are "sexual health education." Anti-bias trainings covering gender, sexual orientation or family life are not sexual health education. Therefore, parents do not need to be notified of this instruction and they may not remove their children from it.

What are SB 71's policies for parental notification and consent?

SB 71 requires that schools notify parents or guardians at the beginning of the year about sexual health education and HIV/AIDS prevention education and be given the opportunity to request in writing that their student not participate in the class(s) ("opt out"). Schools are not allowed to adopt an active consent or "opt-in" policy for sexual health education or HIV/AIDS education.

Does SB 71 require "opt in" or "opt out"?

SB 71 requires that local school districts adopt an "opt out" policy for sexual health education. SB 71 does not permit a local school district to adopt an "opt in" policy for sexual health education.

What does this mean for anti-bias trainings in schools?

SB 71 clearly defines that there is a difference between sex education and anti-harassment or anti-bias trainings that include education on safety for people of all sexual orientations and gender identities. Anti-harassment programs and trainings are designed to create safe learning environments and are not sexual health instruction.
SB 71 clearly states that parental notification and consent policies apply only to sexual health education, HIV/AIDS prevention
education, and related assessments. The law does not permit parents to remove their student from anti-harassment
programs or trainings. This includes programs or trainings that cover gender, gender identity, and sexual orientation
or family life.

How can you make sure SB 71 is enforced in your school?

- Make sure your school has an “opt out” policy and not an “opt in” policy regarding sexual health education.
- Make sure the school doesn’t require parental notification and consent for anti-bias trainings regarding sexual orientation.
- Make sure your school’s sexual health education is inclusive of all students, including gay, lesbian, bi, transgender, and questioning students.
- Make sure the information is medically accurate, covers the safety and effectiveness of condoms and contraception, and is free of bias.
- Make sure students and teachers are educated about the differences between sexual health education classes and anti-bias trainings.

What if SB 71 is not enforced at your school?

Document and date the incidents as they occur.

- Work with the GSA club to provide alternative information to supplement the sexual health curriculum
- If you have any questions about SB 71 or if your school is not in compliance with SB 71, please contact us. [1]

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