

# Implementing SB 71 in Your School



Implications for Sexual Health Education and  
Lesbian, Gay, Bisexual, Transgender, and  
Questioning Students



## What is 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. It went into effect on January 1, 2004.



# What is the purpose of SB 71?

- The new law has two purposes:
  - 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
  - To encourage a pupil to develop healthy attitudes concerning adolescent growth and development, body image, gender roles, sexual orientation, dating, marriage, and family.



## How does this affect LGBTQ youth?

- SB 71 requires that instruction and materials shall teach respect for committed relationships as well as marriage, and 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.



## What does this mean?

- 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.



# How is this different from what we do now?

- 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, sex ed 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.




# 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 all 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 else is required?

- 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 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 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 sex ed and HIV/AIDS education
- Parents are given the opportunity to request in writing that their student not participate in the class (“opt out”).
- **Schools are not allowed to adopt an active consent or “opt-in” policy for sexual health education or HIV/AIDS education.**



# What do the terms “opt in” and “opt out” mean?

- “Opt in” means that a parent or guardian is notified of sexual health education and has to actively enroll their student in the program.
- “Opt out” means that a parent or guardian is notified of sexual health education and can voluntarily remove their child from the program, but if the parent does not act the child remains in the class.



# 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.



# Do we have to notify parents about anti-bias trainings?

- 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 we make sure SB 71 is enforced in our school?

- Make sure your school has an “opt out” policy and not an “opt in” policy
- Make sure the school doesn’t require parental notification and consent for anti-bias trainings
- Make sure that your school’s sex ed is inclusive of all students, including LGBTQ students.
- Make sure that the information is medically accurate, covers the safety and effectiveness of condoms and contraception, and is free of bias.

*Thanks for your attention!*



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