

Date of Hearing: June 22, 2016

ASSEMBLY COMMITTEE ON EDUCATION

Patrick O'Donnell, Chair

SB 1435 (Jackson) – As Amended April 6, 2016

SENATE VOTE: 30-3

SUBJECT: School curriculum: health framework: healthy relationships

SUMMARY: Requires that the next revision of the Health Framework for California Public Schools include information for kindergarten through grade 8 on healthy relationships.

Specifically, **this bill:**

- 1) Requires that, when the state health framework is next revised after January 1, 2017, the Instructional Quality Commission (IQC) include comprehensive, and age and developmentally appropriate information for kindergarten through grade 8 on the development of healthy relationships.
- 2) Requires the IQC to:
 - a) Ensure that information included in the health framework is research-based and appropriate for students of all races, genders, sexual orientations, gender identities, and ethnic and cultural backgrounds. States that this may include reviewing other states' curricula.
 - b) Consult with secondary health teachers and experts in sexual harassment and violence curriculum.

EXISTING LAW:

- 1) Establishes the IQC as an advisory body to the State Board of Education (SBE), and authorizes it to study problems of courses of study in the schools of the state, and, upon request of the SBE, recommend the adoption of minimum standards for courses of study in preschool, kindergarten, elementary, and secondary schools. Requires that courses of study in the public schools conform to such minimum standards when adopted.
- 2) Requires the IQC to consider adding content to the health curriculum framework for grades 9-12 on sexual harassment and violence, including the affirmative consent standard, and requires school districts which require a health course for graduation to include this content.
- 3) Requires the IQC, during the next revision of the health curriculum framework, to consider including content on sexual abuse and sex trafficking prevention, healthy boundaries for relationships, how to recognize potentially harmful and abusive relationships, and refusal skills to overcome peer pressure and to avoid high-risk activities.
- 4) Defines "affirmative consent" as affirmative, conscious, and voluntary agreement to engage in sexual activity. States that is the responsibility of each person involved in the sexual activity to ensure that he/she has the affirmative consent of the others to engage in the sexual activity, that lack of protest or resistance does not mean consent, nor does silence mean

consent, and that affirmative consent must be ongoing throughout the sexual activity and can be revoked at any time.

FISCAL EFFECT: According to the Senate Appropriations Committee: The California Department of Education (CDE) estimates costs of about \$74,000 for the IQC to contract with at least two experts in sexual harassment and violence curriculum as required by this bill. (General Fund)

COMMENTS:

Need for the bill. The author's office states: "SB 1435 is the third in a series of measures to help proactively address incidence of sexual harassment and assault among children, adolescent teens, and young adults. In 2014 Senators de León and Jackson jointly authored SB 967 to establish an affirmative consent standard at California's colleges and universities. In response to a growing number of reports and disturbing statistics on sexual harassment and assault among young adults, SB 967 was pursued to address the challenges facing the state's college and universities in providing safe learning environments. It did this by providing clear guidelines on how to prevent and respond to incidents of sexual harassment and assault on college and university campuses.

In 2015, the state adopted SB 695 (De León /Jackson), which required that the topic of sexual harassment and sexual assault be taught in high schools that require health as a requirement for graduation. Recognizing that increasing awareness at the collegiate level among young adults, although helpful, was only the first step, SB 695 acknowledged that sexual harassment and assault education and awareness had to be taught in high school as a proactive effort to prevent these incidents from occurring later in life.

However, in the development of SB 695, it became clear that starting earlier by providing opportunities in elementary and middle school is needed to help children learn how to develop healthy relationships, to help them understand the virtue of treating one another with respect and dignity."

Curriculum, standards, frameworks, and model curricula. California's public school curriculum is based on content standards in various subjects, including English-Language Arts, Mathematics, Science, History-Social Science, Physical Education, English Language Development, Career Technical Education, Health Education, World Languages, and Visual and Performing Arts. These standards are developed by the IQC through a public process, and are adopted by the SBE.

These standards form the basis of California's curriculum frameworks. These documents guide the implementation of these standards, and are used to establish criteria for the evaluation of instructional materials for state adoption for grades kindergarten through grade eight. They also guide district selection of instructional materials for grades nine through twelve.

Health framework revision suspended due to recession, now expected to be adopted in 2019. The state's health framework was last revised in 2003. It does not reflect the state's health content standards, which were adopted in 2008. The CDE's website notes that the sections on family living are inconsistent with current law.

Work on revising of the health framework was initiated in 2008. In 2009 the state's fiscal emergency halted all work on instructional materials adoptions and framework revisions until the 2013-14 school year by AB 4 X2 (Evans) Chapter 2, Statutes of 2009. That suspension was later extended until the 2015-16 school year by SB 70 (Committee on Budget), Chapter 7, Statutes of 2011. CDE reports that the framework is now scheduled for adoption by the SBE in 2019.

The Budget Act of 2016 includes \$362,000 in one-time funds for the revision of the health framework, editorial charges associated with the development of the science framework, and the operational expenses of the IQC. The budget also includes \$135,000 for the CDE to contract with a researcher/writer with expertise in sex trafficking and sexual abuse to draft a section of the health framework for consideration by the IQC. This appropriation is related to SB 1165 (Mitchell), Chapter 713, Statutes of 2014, which requires the IQC to consider including sexual abuse and sex trafficking prevention education in the health framework when it is next revised.

“Require” vs. “require to consider.” This bill requires that the IQC include specified content regarding healthy relationships in the state's health framework. For a number of years it has been the practice of this Committee to support bills which propose changes to the state's curriculum frameworks by requiring the IQC *to consider* including specified content. This policy reflects the recognition that the IQC and the curriculum experts with whom it consults in developing the frameworks have expertise in academic content, curriculum and instruction, the scope and sequence of curriculum at each grade level, the design of instructional materials, constraints on instructional time, and the conditions of teaching. Consistent with this long-standing practice, ***staff recommends that this bill be amended*** to require that the IQC *consider* including the specified content in the health framework.

Related legislation. AB 146 (Christina Garcia), Chapter 392, Statutes of 2015, requires the SBE to consider including instruction on the unconstitutional deportation to Mexico during the Great Depression in the history-social science framework.

AB 2546 (Calderon) of this Session would require the IQC, when the history-social science curriculum framework is revised after January 1, 2017, to consider including information on financial literacy. This bill is pending in the Senate Education Committee.

SB 695 (De León and Jackson), Chapter 424, Statutes of 2015, requires the IQC to consider adding content to the health curriculum framework for grades 9-12 on sexual harassment and violence, including the affirmative consent standard, and requires school districts which require a health course for graduation to include this content.

Prior legislation. AB 659 (Nazarian) of the 2013-14 Session would have encouraged the CDE to include the Armenian Genocide in its published curriculum resources, encouraged the incorporation oral testimony when teaching specific instances of genocide into existing curriculum, and encouraged including the Armenian Genocide into state and local professional development activities and in the next revision of the history/social science curriculum framework. This bill was held in the Senate Education Committee.

AB 1912 (Holden), Chapter 286, Statutes of 2014, requires require the IQC, during the next revision of the history-social science curriculum framework, to consider including, and recommending for adoption by the SBE, instruction on the election of President Barack Obama and the significance of the United States electing its first African American President.

SB 1165 (Mitchell), Chapter 713, Statutes of 2014, requires the IQC to consider including sexual abuse and sex trafficking prevention education in the health framework, and permits a school district to provide sexual abuse and sex trafficking prevention education, as specified.

SB 1380 (Wyland), Chapter 441, Statutes of 2014, requires the IQC to consider including the Armenian Genocide in the history-social science framework, and encourages instruction to include specific components.

SB 330 (Padilla), Chapter, Statutes of 2013, requires, when the health framework is next revised, the IQC to consider developing and recommending to the SBE a distinct category on mental health instruction to educate pupils about all aspects of mental health.

AB 391 (Wieckowski) of the 2013-14 Session encouraged financial literacy instruction to be included in the next revision of the history-social science frameworks. This bill was held in the Assembly Appropriations Committee.

SB 552 (Calderon), Chapter 497, Statutes of 2013, provides that instruction in the area of social sciences may include instruction on violence awareness, which may include a component drawn from personal testimony in the form of oral or video histories of individuals who were involved with violence awareness efforts.

AB 424 (Donnelly), Chapter 483, Statutes of 2013, encourages the IQC to include the development of democracy, the history of the development of the United States Constitution, and specified historical documents in the history-social science framework.

SB 993 (De León), Chapter 211, Statutes of 2012, authorizes instruction in social science for grades 7-12 to include information about the Bracero program.

SB 779 (Lieu) of the 2011-12 Session would have also required the CDE to consider developing a personal finance curriculum in the next cycle in which the history/social science curriculum framework is adopted. This bill was held in the Assembly Appropriations Committee.

AB 970 (Block and Bass) of the 2009-10 Session encourages the SBE and the Curriculum Development and Supplemental Materials Commission (now the IQC) to ensure that the history-social science framework, evaluation criteria, and instructional materials adopted in the course of the next submission cycle include information about American Indians. This bill was amended to address another topic and held in the Business, Professions and Economic Development Committee.

SB 223 (Wyland) of the 2009-10 Session would have encouraged the Curriculum Development and Supplemental Materials Commission to consider and vote on including financial literacy in the curriculum. This bill was held in the Assembly Appropriations Committee.

SB 234 (Wyland) of the 2009-10 Session would have required the Curriculum Development and Supplemental Materials Commission to consider and vote on whether to include an oral history component specifically related to genocides in the proposed changes to the 2014 history-social science curriculum framework. This bill was held in the Assembly Appropriations Committee.

AB 2034 (Nunez) of the 2007-08 Session would have encouraged the SBE and the Curriculum Development and Supplemental Materials Commission to ensure that the next adoption of the history-social science framework, evaluation criteria, and instructional materials include specified content regarding American Indians. This bill was vetoed by Governor Schwarzenegger.

SB 1254 (Wyland) of the 2007-08 Session would have encouraged the Superintendent of Public Instruction (SPI) and the SBE to consider methods of enhancing pupil knowledge of American history and government. This bill was held in the Assembly Appropriations Committee.

AB 1950 (Lieu) of the 2005-06 Session would have required the CDE to consider developing a personal finance curriculum in the next cycle in which the history and social science curriculum framework and instructional materials are adopted. This bill was vetoed by Governor Schwarzenegger.

REGISTERED SUPPORT / OPPOSITION:

Support

American Academy of Pediatrics, California
American Civil Liberties Union of California
American Congress of Obstetricians and Gynecologists
California Coalition Against Sexual Assault
California Partnership to End Domestic Violence
California State PTA
California Teachers Association
Equality California
Los Angeles Unified School District
National Association of Social Workers, California Chapter

Opposition

None on file

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