

Date of Hearing: July 1, 2015

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
SB 695 (De León) – As Amended April 22, 2015

SENATE VOTE: 39-0

SUBJECT: School curriculum: health education: sexual harassment and violence instruction.

SUMMARY: Requires the Instructional Quality Commission (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. Specifically, **this bill**:

- 1) Requires that, when the health curriculum framework is next revised, the IQC consider including a distinct category for grades 9 to 12 on sexual harassment and violence that includes:
 - a) information on different forms of sexual harassment and violence, including instances that occur among peers and in a dating relationship, a discussion of prevention strategies; how pupils report sexual harassment and violence, and potential resources victims can access
 - b) discussion of the affirmative consent standard and skills pupils use to establish boundaries in peer and dating relationships
 - c) discussion of legal aspects of sexual harassment and violence under state and federal law
- 2) Requires that if the IQC includes a sexual harassment and violence category in the health framework, that category:
 - a) ensure that information included in the framework is research-based and appropriate for pupils of all races, genders, sexual orientations, gender identities, and ethnic and cultural backgrounds. States that this activity may include reviewing other states' curricula.
 - b) consult with secondary health teachers and experts in sexual harassment and violence curricula
- 3) Requires that, if a school district requires a course in health education for graduation from high school, the school board:
 - a) include instruction in sexual harassment and violence, including information on the affirmative consent standard
 - b) ensure that teachers consult information related to sexual harassment and violence in the health framework when delivering health instruction

EXISTING LAW:

- 1) Specifies requirements for graduation from high school, including: three courses in English, two courses in mathematics, two courses in science, three courses in social studies, one course in visual or performing arts, foreign language, or career technical education, and two courses in physical education. Authorizes school districts to adopt additional requirements for high school graduation.
- 2) 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.
- 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) Authorizes school districts to provide sexual abuse and sex trafficking prevention education, including instruction on the prevalence and nature of sexual abuse and sex trafficking, strategies to reduce their risk, techniques to set healthy boundaries, and how to safely report an incident.
- 5) 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, about \$65,000 General Fund for including sexual harassment and violence in the health framework, and to the extent school districts require completion of a health education course to graduate, significant additional Proposition 98 General Fund costs and additional unknown costs for ensuring that teachers consult this information when delivering health instruction.

COMMENTS:

Need for the bill. The author’s office states, “Given the statistics regarding the victimization of women between the ages of 18-24, high school students are the most vulnerable population and the importance of educating them early on these issues is paramount to reducing the number of incidents. Many California high schools require health education as a condition of graduation. As part of this education, students in grades 9-12 learn about the importance of healthy relationships, how interpersonal communication affects relationships, decision-making skills to extract oneself from an unhealthy situation, and an understanding of issues related to bullying, sexual harassment and violence. The next step in expanding these education efforts is to discuss the issue of rape and sexual violence with all high school students – male and female.”

Adolescence as a ‘window of opportunity’ for preventing sexual violence. According to the National Conference of State Legislatures (NCSL), 22 states had laws pertaining to teen dating violence (physical and sexual) as of 2014. Many of these laws require or encourage instruction in violence prevention as part of health education, or require the development of curriculum on this topic. NCSL notes that while destructive relationships during the teen years are associated with lifelong unhealthy relationship practices and other risk factors, “adolescence is a ‘window of opportunity’ for prevention” of sexual and physical violence.

How many districts require a health course for graduation? Based on information provided on district websites, five of the ten largest school districts require a course in health for graduation. This includes the Los Angeles Unified School District, the largest district in the state, which graduated 27,000 students in the 2013-14 school year.

Current schedule for health framework revision. California’s public school curriculum is based on content standards in various subjects, including health. These standards are developed by the IQC through a public process, and adopted by the State Board of Education (SBE).

The content standards are the basis for California’s curriculum frameworks, documents which guide the implementation of these standards and establish criteria used to evaluate instructional materials. Curriculum frameworks are revised and adopted on an eight-year cycle, and instructional materials adoptions take place after new frameworks are adopted. Standards adoptions generally precede the development of the frameworks. According to the CDE, the next revision for Health will be in 2018. However, if AB 740 (Weber) of this Session is enacted, establishing a schedule for content standards updates, and if the SBE continues the practice of revising frameworks after content standards revisions, this schedule may need to be revised.

Related legislation. SB 592 (Leyva) of this Session would have required school districts to provide educational programs that promote healthy relationships and prevent adolescent relationship abuse to students in grades 6-12, required the Superintendent of Public Instruction to provide information for use by schools, and required school safety plans to include procedures and policies to prevent and respond to adolescent relationship abuse. SB 592 was held in the Senate Appropriations Committee.

AB 329 (Weber) of this Session makes instruction in sexual health education a requirement, revises HIV prevention education content, expands topics covered in sexual health education, requires this instruction to be inclusive of different sexual orientations, and clarifies parental consent policy.

SB 967 (De Leon), Chapter 748, Statutes of 2014, requires the governing board of each community college district, the Trustees of the California State University, the Regents of the University of California, and the governing board of independent postsecondary institutions to adopt a policy concerning campus sexual violence, domestic violence, dating violence and stalking that includes specified components, including the affirmative consent standard.

AB 1857 (Fong) of the 2011-12 Session authorized school districts to provide education programs to promote healthy relationships and prevent teen dating abuse to pupils in grades 7-12, and required the Superintendent of Public Instruction (SPI) to provide model curriculum. AB 1857 was held in the Assembly Appropriations Committee.

AB 1880 (Lara) of the 2011-12 Session required middle and high school safety plans to include policies and procedures to prevent and respond to teen dating abuse in grades 6-12. AB 1880 was held in the Assembly Appropriations Committee.

AB 1373 (Fong) of the 2011-12 Session authorized school districts or the county office of education to provide education programs to promote healthy relationships and prevent teen dating violence to pupils in grades 7-12, and required the SPI to provide information to schools about model programs. SB 1373 was held in the Assembly Appropriations Committee.

SB 13 (Correa) of the 2011-12 Session and SB 1300 (Correa) of the 2009-10 Session would have required schools that elect to provide teen dating violence prevention education to ensure that the instruction meets certain criteria, and requires the SBE to incorporate teen dating violence and sexual violence curriculum into the health curriculum framework. SB 13 failed passage in Senate Education Committee, and SB 1300 failed passage in the Assembly Education Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

American Federation of State, County and Municipal Employees
Association of California School Administrators
California Federation of Teachers
California State PTA
California Teachers Association
City of Berkeley
National Association of Social Workers – California chapter
Peace Officers Research Association of California
Planned Parenthood

Opposition

California Right to Life Committee

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