

Date of Hearing: March 12, 2025

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 281 (Gallagher) – As Introduced January 22, 2025

SUBJECT: Comprehensive sexual health education and human immunodeficiency virus (HIV) prevention education

SUMMARY: Authorizes parents to make copies of written educational material that will be distributed to students as part of comprehensive sexual health and HIV prevention education, and requires that parents be informed of the training of any outside consultants and guest speakers used to deliver this instruction. Specifically, **this bill:**

- 1) Requires each school district, as part of its notification to parents and guardians about 1) instruction in comprehensive sexual health education and HIV prevention education, and 2) research on student health behaviors and risks planned for the coming year, to advise parents that they may make copies of any written educational material that will be distributed to students, if it is not copyrighted and has been or will be presented by an outside consultant or guest speaker.
- 2) Requires that the notice provide information about any outside consultants providing this instruction, including the date of the instruction, and the name of the organization or affiliation of each outside consultant.
- 3) Requires the notice to include the training in comprehensive sexual health education and HIV prevention education of any outside consultants or guest speakers.
- 4) Requires, in addition to requiring that parents be notified of this right, school districts to allow a student's parent or guardian to inspect any written or audiovisual educational material used in comprehensive sexual health education and HIV prevention education.
- 5) States that a parent or guardian may, during inspection, make copies at the student's school of any written educational material that will be distributed to students, if it is not copyrighted and has been or will be presented by an outside consultant or guest speaker. Permits, if a parent or guardian elects to make copies, the school to charge up to ten cents per page.

EXISTING LAW:

- 1) Establishes the California Healthy Youth Act, which requires school districts, defined to include county boards of education, county superintendents of schools, the California School for the Deaf, the California School for the Blind, and charter schools, to ensure that all students in grades 7 to 12, inclusive, receive comprehensive sexual health education and HIV prevention education. The Act defines "comprehensive sexual health education" for these purposes to mean education regarding human development and sexuality, including education on pregnancy, contraception, and sexually transmitted infections. Under the act, the instruction is required to adhere to specified criteria, including, among other things, that students are provided with knowledge and skills for making and implementing healthy decisions about sexuality. (Education Code (EC) 51931 et seq.)

- 2) States that a parent or guardian of a student has the right to excuse their child from all or part of comprehensive sexual health education, HIV prevention education, and assessments related to that education through a passive consent (“opt-out”) process. A school district is prohibited from requiring active parental consent (“opt-in”) for comprehensive sexual health education and HIV prevention education. (EC 51938)
- 3) Requires each school district to notify the parent or guardian of each student about instruction in comprehensive sexual health education and HIV prevention education and research on student health behaviors and risks planned for the coming year. Requires that the notice do all of the following:
 - a) Advise the parent or guardian that written and audiovisual educational materials used in comprehensive sexual health education and HIV prevention education are available for inspection;
 - b) Advise the parent or guardian whether the comprehensive sexual health education or HIV prevention education will be taught by school district personnel or by outside consultants. Authorizes a school district to provide comprehensive sexual health education or HIV prevention education, to be taught by outside consultants, and may hold an assembly to deliver comprehensive sexual health education or HIV prevention education by guest speakers, but if it elects to provide comprehensive sexual health education or HIV prevention education in either of these manners, requires the notice to include the date of the instruction, the name of the organization or affiliation of each guest speaker, and the rights of the parent or guardian to request a copy of specified provisions of law.
 - c) Include information explaining the parent’s or guardian’s right to request a copy of the California Healthy Youth Act.
 - d) Advise the parent or guardian that the parent or guardian has the right to excuse their child from comprehensive sexual health education and HIV prevention education, and that in order to excuse their child they must state their request in writing to the school district. (EC 51938)
- 4) States that the use of outside consultants or guest speakers is within the discretion of the school district. (EC 51938)
- 5) States that school districts may contract with outside consultants or guest speakers, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver comprehensive sexual health education and HIV prevention education or to provide training for school district personnel. Requires that all outside consultants and guest speakers have expertise in comprehensive sexual health education and HIV prevention education and have knowledge of the most recent medically accurate research on the relevant topic or topics covered in their instruction. (EC 51936)
- 6) Requires that instruction provided by consultants and guest speakers follow the same requirements as instruction provided by teachers, including being age appropriate, factual and medically accurate, and appropriate for different kinds of students. (EC 51933)

FISCAL EFFECT: This bill has been keyed as a possible state mandated local program by the Office of Legislative Counsel.

COMMENTS:

Need for the bill. According to the author, “Parental involvement in education is a key factor in student success, benefiting not just individual students but the entire school community. When parents are informed and engaged, students tend to perform better academically, exhibit higher attendance rates, and demonstrate improved behavior. This bill strengthens the partnership between schools and families by ensuring that parents have full access to instructional materials, allowing them to be active participants in their child’s learning.

Research shows that when parents discuss school topics with their children at home, students develop a stronger sense of confidence and responsibility toward their education. By allowing parents to review and understand comprehensive sexual health and HIV prevention education materials, this bill fosters trust between families and schools, ensuring that students receive instruction that aligns with both educational standards and parental expectations.

Furthermore, increased transparency reduces misunderstandings and builds collaboration between educators and families, particularly for students in vulnerable subgroups. English Learners, foster youth, and socioeconomically disadvantaged students often face additional barriers in education. By equipping parents with clear information and access to instructional materials, this bill ensures that all families—regardless of background—can advocate for their children's learning needs.

Ultimately, education is most effective when schools and families work together. This bill reinforces that partnership by ensuring that parents are not just passive recipients of information but active participants in their child’s learning journey.”

Outside consultants and speakers required to have relevant knowledge and expertise, and are subject to the same content requirements, as teachers. This bill would require that the training of consultants and guest speakers be included in the notice to parents regarding comprehensive sexual health education.

Current law requires consultants or guest speakers with whom school districts contract to have expertise in comprehensive sexual health education and HIV prevention education and have knowledge of the most recent medically accurate research on the relevant topic or topics covered in their instruction.

Current law also requires outside consultants to abide by the same instructional requirements as teachers. Among many requirements, this instruction must be age appropriate, medically accurate and objective, teach respect for committed relationships and marriage, encourage students to speak with their parents or guardians about human sexuality, be appropriate and accessible for use with students with disabilities, and be appropriate for students of all races, genders, sexual orientations, and ethnic and cultural backgrounds.

How frequently are guest speakers used in comprehensive sexual health education? There is little published evidence on the use of guest speakers in sexual health education. In one study conducted in Massachusetts (McRee, 2014), 58% of teachers included guest speakers in comprehensive sexual health education. The authors found that teachers who taught high school

and had professional preparation in health education had greater odds of using guest speakers. Teachers stated several reasons for inviting guest speakers, including introducing students to community resources and providing the most up-to-date information. The authors recommended that school districts have policies in place to help ensure that guest speaker content is aligned with goals for student learning, in light of the potential for controversy.

No state adopted instructional materials in Health for grades K-8. This bill pertains in part to the instructional materials used in comprehensive sexual health education. Current law requires the State Board of Education (SBE) to conduct instructional materials adoptions for grades K-8 in language arts, mathematics, science, social science, bilingual or bicultural subjects, and any other subject the SBE determines to be necessary or desirable. The SBE typically adopts instructional materials for grades K-8 after each revision of a curriculum framework.

After the revision of the Health Education Framework in 2019, the SBE scheduled an instructional materials adoption in 2020, with final consideration of programs scheduled for November 2020. While the prior adoption, in 2004, yielded four adopted programs in Health, the 2020 adoption failed to produce any publisher submissions, and the adoption was cancelled.

According to the CDE, “while the exact reasons are unknown, the lack of publisher interest could have resulted from a small pool of K-8 schools with sufficient resources prepared and interested in purchasing health instructional materials or the controversies surrounding this subject area.”

The result of the failed adoption is that school districts are unable to purchase state-adopted materials to provide to teachers. These teachers are responsible for delivering instruction on topics which can be challenging to teach, including comprehensive sexual health education, substance abuse prevention, mental health, human trafficking, and healthy relationships. ***The Committee may wish to consider that*** when there are no state-adopted materials school districts must purchase materials that have not been reviewed by the state for alignment to state standards, or teachers must develop their own materials.

Arguments in support. The California Family Council writes, “For years, parents have faced barriers when attempting to review sex education curricula, with many schools making access difficult or withholding materials. AB 281 corrects this by guaranteeing that parents can inspect and copy all non-copyrighted instructional materials, ensuring full transparency.

Under the California Healthy Youth Act, students in grades 7-12 receive mandated sex education, yet many parents remain uninformed about its content. AB 281 addresses this through:

- Parental Access – Parents must be able to review and copy instructional materials.
- Transparency in Guest Speakers – Schools must disclose the names and affiliations of outside speakers.
- Clear Notifications & Opt-Outs – Parents receive timely notice and an easy opt-out process.

Schools should be partnering with parents, not working against them. No school should obscure curriculum from those entrusted with raising children. Parental rights in education are essential. AB 281 ensures transparency, accountability, and trust between schools and families.”

Prior legislation. AB 517 (Gallagher) of the 2015-16 Session would have required that parents be provided allowed to review materials used by outside consultants and guest speakers in comprehensive sexual health and HIV prevention education, be given the opportunity to make copies of non-copyrighted materials, and be notified of the training of outside consultants and guest speakers to instruct on these topics. This bill failed passage on the Senate Floor.

AB 329 (Weber), Chapter 398, Statutes of 2015, established the California Healthy Youth Act, which requires that students receive specified instruction in comprehensive sexual health and HIV prevention education.

REGISTERED SUPPORT / OPPOSITION:

Support

California Family Council
1 individual

Opposition

None on file

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