

Date of Hearing: March 26, 2025

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 281 (Gallagher) – As Amended March 17, 2025

[Note: This bill was heard on March 12, 2025, and failed passage. Reconsideration was granted. The bill was subsequently amended.]

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

SUMMARY: Requires each local educational agency (LEA) and charter school, as part of its notification to parents and guardians about instruction in comprehensive sexual health education and HIV prevention education, to advise parents of the name and affiliation of any outside consultant who will be providing instruction. Specifically, **this bill:**

- 1) Requires each LEA and charter school, as part of its notification to parents and guardians about instruction in comprehensive sexual health education and HIV prevention education, to advise parents of the name and affiliation of any outside consultant who will be providing instruction.

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 non-fiscal 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 guest speakers. Current law permits LEAs to contract with outside consultants to provide comprehensive sexual health and HIV prevention education.

This bill would require that the notice to parents about this instruction include the name and affiliation of any outside consultants who will be providing this instruction. Current law requires that the name and affiliation of any guest speaker be included in the notice, but does not require that the same be provided about any outside consultant. In all other ways, the two types of outside providers are treated the same.

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.

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. 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 Baptist for Biblical Values
California Catholic Conference
California Family Council
Concerned Women for America
Lighthouse Baptist Church
1 individual

Oppose

Alameda County Office of Education

Analysis Prepared by: Tanya Lieberman / ED. / (916) 319-2087