

# Evaluation Checklist for Compliance with Education Code sections 51930-51939

School District Name: \_\_\_\_\_ School Name: \_\_\_\_\_

Grades in which sexual health education is taught (circle all that apply): K 1 2 3 4 5 6 7 8 9 10 11 12

Grades in which HIV/AIDS prevention education is taught (circle all that apply): K 1 2 3 4 5 6 7 8 9 10 11 12

|   | <b>California Legal Requirements for Comprehensive Sexual Health and HIV/AIDS Prevention Education</b>   | <b>Circle Y or N for compliance</b> |
|---|--|-------------------------------------|
| <b>General Requirements for Comprehensive Sexual Health and HIV/AIDS Prevention Education</b> |  |                                     |
| <b>1. Age-appropriate</b>   | <p>Instruction and materials are age-appropriate</p> <p>“Age-appropriate” is defined in Education Code section 51931 as “topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.”</p>  | <b>Y   N</b>                        |
| <b>2. Trained Instructors</b>   | <p>Instructors are trained in the appropriate courses</p> <p>“Instructors trained in the appropriate courses” is defined in Education Code section 51931 as “instructors with knowledge of the most recent medically accurate research on human sexuality, pregnancy, and sexually transmitted diseases.”</p>  | <b>Y   N</b>                        |
| <b>3. Medically Accurate</b>  | <p>All factual information is medically accurate and objective</p> <p>“Age-appropriate” is defined in Education Code section 51931 as “verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists.”</p> <p>Examples of information that is not medically accurate:</p> <ul style="list-style-type: none"> <li>--statements that condoms do not protect against STDs, particularly HPV or HIV</li> <li>--statements that abortion leads to future problems with fertility, premature birth, etc.</li> <li>--statements that abortion usually leads to emotional/psychological problems</li> <li>--text that personifies an embryo or fetus from the moment of conception</li> <li>--exaggerated failure rates of condoms/contraception or undue emphasis on possible side-effects</li> <li>--implications that sexual activity will automatically lead to unintended pregnancy and/or STD infection</li> </ul> | <b>Y   N</b>                        |

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|  | <p>(medically accurate and objective, continued)</p> <p>Examples of information that is not objective:</p> <ul style="list-style-type: none"> <li>--arguments in favor of adoption over other pregnancy options</li> <li>--statements that pre-marital sex will usually lead to heartache (“condoms don’t protect the heart”) or that abstinence leads to greater self-esteem. These arguments falsely imply that feelings of sadness and loss of self-esteem can’t also be generated by romantic relationships that don’t involve sex or by marriage relationships.</li> <li>--suggestions that condoms are very hard to use</li> <li>--suggestions that married couples are more likely to be good parents than unmarried couples</li> <li>--a curriculum that devotes a lot of text to the advantages of abstinence and only a little to the effectiveness of contraception/STD prevention methods, or discusses contraception/condom effectiveness only in terms of failure rates.</li> <li>--instruction that uses fear and/or shame as a way to dissuade students from engaging in sexual activity</li> </ul>             |                                     |
| <b>4. English Language Learners</b>                      | <p>Instruction is available on an equal basis for pupils who are English learners</p> <p>The Education Code allows for the use of alternate curricula to meet the needs of English Language Learner (ELL) students, as long as they are consistent with the existing curriculum and otherwise comply with other Education Code requirements in sections 51930-51939.</p>  | <b>Y    N</b>                       |
| <b>5. Inclusive and Culturally Appropriate Materials</b> | <p>Instruction and materials are appropriate for use with pupils of all races, genders, sexual orientations, ethnic and cultural backgrounds.</p> <p>Examples of instruction/material that is not appropriate for students of all sexual orientations: (see also section 8 below)</p> <ul style="list-style-type: none"> <li>--routinely describes romantic/sexual partners as a male and a female</li> <li>--emphasizes marriage as a valuable goal without giving similar value to other committed relationships</li> <li>--assumes that all students in the class are heterosexual or that all students will marry</li> </ul> <p>Examples of instruction/material that is not appropriate for students of all races/ethnicities/cultural backgrounds: (see also section 8 below)</p> <ul style="list-style-type: none"> <li>--curricula that are specifically targeted to one racial/ethnic group</li> <li>--assumes that all students have a white, middle-class perspective</li> <li>--assumes that students have Judeo-Christian values/background</li> <li>--all illustrations depict one racial/ethnic group</li> </ul> | <b>Y    N</b>                       |

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| <b>6. Access for Pupils with Disabilities</b> | Instruction and materials are accessible to and appropriate for pupils with disabilities <i>(To meet the needs of students with disabilities, instruction may require modified curricula and materials in alternative formats.)</i>   | <b>Y N</b>                          |
| <b>7. Parent Communication</b>                | Instruction and materials encourage pupils to communicate with their parents or guardians about human sexuality   | <b>Y N</b>                          |
| <b>8. Absence of Bias</b>                     | <p>Instruction and materials do not reflect or promote bias against anyone on the basis of any category protected by Section 220 of the <i>Education Code</i> (sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability)</p> <p>Examples of instruction/material that reflect or promote bias:</p> <p>Race/ethnicity:<br/>           --youth or adults of color are used to exemplify the instruction's perceived negatives (early sexual activity, many sexual partners, single-mother households, irresponsible sexual choices, lack of self-esteem) or are otherwise treated stereotypically<br/>           --white youth or adults are used to exemplify the instruction's perceived virtues (fidelity, abstinence until marriage, self-control, self-esteem, success) or are otherwise treated stereotypically<br/>           --Latinos/as are portrayed as anti-abortion or otherwise stereotyped based on perceived culture or religion</p> <p>Sexual orientation:<br/>           --homosexuality is described as unnatural or wrong or otherwise presented in a negative light<br/>           --lesbian, gay or bisexual youth or adults are mentioned only in the context of HIV/AIDS<br/>           --sexual orientation is not discussed at all/instruction assumes that all students are heterosexual</p> <p>Gender:<br/>           --instruction suggests that girls are more emotional than boys and "use sex to get love" while boys are more sexual than girls and "use love to get sex"<br/>           --instruction suggests that boys have a harder time controlling their sexual desire and girls need to know when to say no.<br/>           --instruction talks about girls as sexually aggressive or predatory or suggests that they are inviting sexual assault by wearing "suggestive" clothes.<br/>           --instruction perpetuates stereotypes that men are achievers, "heads of the households" and primary wage-earners, while women are subservient to them, need protecting, and are primary family caretakers.</p> <p>Religion:<br/>           --people of a certain faith are portrayed as more virtuous than people of other faiths</p> | <b>Y N</b>                          |



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|  | --addresses abstinence out of the context of other methods—ie, there's a whole class/chapter devoted exclusively to abstinence as if contraception doesn't exist and then several classes/chapters later contraception is addressed   |                                     |
| <b>14. Contraception</b>                                       | <p>Provides information about the effectiveness and safety of all FDA-approved contraceptive methods, including emergency contraception. (required for grades 7-12). (FDA-approved contraceptive methods include the Pill, male and female condoms, the Ring, the Patch, emergency contraception).</p> <p>Examples of instruction/material that would violate this requirement:</p> <p>--focuses on failure rates rather than on effectiveness<br/>--doesn't cover all FDA-approved methods</p>               | <b>Y N</b>                          |
| <b>15. Sexually Transmitted Diseases</b>                       | <p>Provides information about sexually transmitted diseases, including modes of transmission, all FDA-approved methods of prevention, and local resources for treatment and diagnosis. (required for grades 7-12) <i>(FDA-approved prevention methods include male and female condoms and Glyde dental dams)</i></p> <p>Examples of instruction/material that would violate this requirement:</p> <p>--focuses on failure rates rather than on effectiveness<br/>--doesn't cover all FDA-approved methods</p> | <b>Y N</b>                          |
| <b>16. Safe Haven Law</b>                                      | Provides information on the law on surrendering custody of newborn infants (required for grades 7-12)   | <b>Y N</b>                          |
| <b>Specific Requirements for HIV/AIDS Prevention Education</b> |   |                                     |
| <b>17. HIV/AIDS and Human Physiology</b>                       | Covers the nature of HIV/AIDS and its effects on the body   | <b>Y N</b>                          |
| <b>18. HIV Transmission</b>                                    | <p>Provides information on HIV transmission</p> <p>Note: This must be medically accurate and free of bias. See sections 3 and 8 above</p>   | <b>Y N</b>                          |
| <b>19. HIV Prevention</b>                                      | Discusses methods to prevent HIV transmission; must emphasize abstinence as the most effective means of prevention; must also include statistics based upon the latest medical information citing the success and failure rates of condoms and other contraceptives in preventing sexually transmitted HIV  | <b>Y N</b>                          |

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|  | <p>infection; must include information on methods to reduce risk of HIV transmission from intravenous drug use.</p> <p>Examples of information/material that would violate this requirement:</p> <ul style="list-style-type: none"> <li>--focuses only on abstinence and doesn't mention condoms</li> <li>--focuses only on condom failure rates</li> <li>--doesn't include information about methods for reducing the risk of transmission from intravenous drug use</li> </ul> |                                     |
| <b>20. HIV and Public Health</b>                   | <p>Discusses the public health issues associated with HIV/AIDS</p> <p>Note: This must be medically accurate and free of bias. See sections 3 and 8 above</p>   | <b>Y   N</b>                        |
| <b>21. HIV Resources for Testing and Treatment</b> | <p>Provides information on local resources for HIV testing and medical care</p>  | <b>Y   N</b>                        |
| <b>22. HIV/AIDS Social Attitudes</b>               | <p>Discusses societal views of HIV/AIDS, including stereotypes and myths. Emphasizes compassion for people living with HIV/AIDS</p> <p>Note: This must be medically accurate and free of bias. See sections 3 and 8 above</p>  | <b>Y   N</b>                        |
| <b>23. HIV Instruction</b>                         | <p>Instruction is provided to all students at least once in middle school and once in high school</p>  | <b>Y   N</b>                        |
| <b>24. Instructor Training for HIV/AIDS</b>        | <p>Instructors receive periodic in-service training to learn new developments in the scientific understanding of HIV/AIDS</p>  | <b>Y   N</b>                        |

*This checklist was developed by the ACLU of Northern California  
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