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Assemblymember Gregg Hart
Chair
Joint Legislative Audit Committee
1020 N Street, Room 107
Sacramento, CA 95814

Senator John Laird
Vice Chair
Joint Legislative Audit Committee
1020 N Street, Room 107
Sacramento, CA 95814

RE: State Audit Request of School District Implementation of the California Healthy Youth Act

Dear Chair Hart and Vice Chair Laird

I respectfully request that the Joint Legislative Audit Committee approve a state audit to examine implementation efforts related to the [California Healthy Youth Act \(CHYA\)](#) in school districts across the state. CHYA requires sexual health education for middle and high school students and applies to all public and charter schools; these school systems serve roughly 5.8 million pupils. An audit should include an analysis of districts' adoption of CHYA-compliant sexual and reproductive health education, HIV/AIDS prevention education, and healthy relationship education. Such an audit is needed to obtain neutral recommendations and strategies to ensure districts implement the law and effectively teach sexual and reproductive health education.

Background

The California Healthy Youth Act (Education Code sections 51930–51939) integrates the instruction of comprehensive sexual health education and HIV prevention education, and requires these subjects are taught through age appropriate instruction once in middle school and once in high school. Students must be taught knowledge and skills related to recognizing, building, and maintaining healthy relationships that are based on mutual affection and free from violence, coercion, or intimidation. It also includes information about unhealthy behaviors and risks to their health, such as sexual harassment, sexual assault, intimate partner violence, and sex trafficking. Instruction must also affirmatively recognize different sexual orientations, be inclusive of same-sex relationships when examples of relationships and couples are discussed, and teach students about gender, gender expression, and gender identity. Schools or school districts are required to notify parents and guardians about planned comprehensive sexual health and HIV prevention education instruction, and let them know educational materials used are available for inspection. Parents and guardians have a right to excuse their student from comprehensive sexual health education and HIV prevention education instruction. This and much more information is available to the public through the California Department of Education website.¹

Research has demonstrated that receiving comprehensive sexual and reproductive health education

¹ "FAQ for Sexual Education, HIV/AIDS, and Stds." FAQ for Sexual Education, HIV/AIDS, and STDs - Comprehensive Sexual Health & HIV/AIDS Instruction (CA Dept of Education). Accessed March 12, 2024. <https://www.cde.ca.gov/ls/he/se/faq.asp>.

results in healthier, lower risk behaviors relating to sexual activity such as a reduced number of sexual partners, a reduced frequency of unprotected sex, and increased condom and contraceptive use.² Data also suggests that comprehensive health education results in lower rates of unplanned teenage pregnancy, lower rates of HIV/AIDS transmission, and lower rates of Sexually Transmitted Infection (STI) spread in general.³ Researchers have additionally found that comprehensive sexual health education that includes LGBTQ+ people has positive benefits on the mental health and safety of LGBTQ+ students, in part due to an expanded acceptance of gender diversity in school environments and lower rates of anti-LGBTQ+ bullying, harassment, and physical violence.⁴

Sexual and reproductive health education programs that include lessons on healthy relationships, such as those in compliance with CHYA, yield the additional positive benefits of lowering the rates of teen dating violence and increasing awareness around the dynamics of domestic violence, sexual assault, and how victims can report their experiences.⁵ These demonstrated positive impacts of comprehensive sexual and reproductive health education were the main reason why the Legislature passed CHYA in 2016.⁶ **However, there is unfortunately significant evidence that many districts across the state have not fully implemented key provisions of the law.**

During the 2017-2018 school year, the Centers for Disease Control (CDC) in its School Health Profiles survey analyzed sexual health educational instruction in California schools using data from questionnaires completed by school administrators. The CDC's analysis evaluated the teaching of 20 select health education topics⁷ and revealed that in California:

- 24% of middle schools did not instruct students on how to access reliable information and services related to HIV, STIs, and pregnancy.
- 26% of middle schools and 11% of high schools did not teach students how to form and maintain healthy and respectful relationships.
- 50% of middle schools and 16% of high schools did not teach students how to correctly use a condom.
- 30% of secondary schools did not provide students with curriculum that directly addressed issues

²"The Importance of Access to Comprehensive Sex Education." American Academy of Pediatrics Patient Care Page. Accessed March 12, 2024. <https://www.aap.org/en/patient-care/adolescent-sexual-health/equitable-access-to-sexual-and-reproductive-health-care-for-all-youth/the-importance-of-access-to-comprehensive-sex-education/#:~:text=More%20broadly%2C%20comprehensive%20sexual%20education,assault%2C%20and%20child%20sexual%20abuse>.

³ Helen Chin et al., "The Effectiveness of Group-Based Comprehensive Risk-Reduction and Abstinence Education Interventions to Prevent or Reduce the Risk of Adolescent Pregnancy, Human Immunodeficiency Virus, and Sexually Transmitted Infections," *American Journal of Preventive Medicine* 42, no. 3 (March 2012): 272–94, <https://doi.org/10.1016/j.amepre.2011.11.006>.

⁴ Eva S. Goldfarb and Lisa D. Lieberman, "Three Decades of Research: The Case for Comprehensive Sex Education," *Journal of Adolescent Health* 68, no. 1 (January 2021): 13–27, <https://doi.org/10.1016/j.jadohealth.2020.07.036>; see also "CDC Releases National Youth Risk Behavior Surveillance Results," Human Rights Campaign, August 26, 2020, <https://www.hrc.org/news/new-cdc-data-shows-lgbtq-youth-are-more-likely-to-be-bullied-than-straight-cisgender-youth>.

⁵"The Importance of Access to Comprehensive Sex Education."

⁶ AB 329 legislative info page, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB329

⁷ "California State Profile," SIECUS website, May 21, 2021, https://siecus.org/state_profile/california-state-profile/.

and concerns specific to LGBTQ+ young people.

Furthermore, a 2019 report analyzing self-reported data from 130 unified school districts showed that more than twenty percent of the districts were not providing CHYA-compliant sexual health education.⁸ A 2022 follow up report, which used the same survey instrument from 2019, indicated that twenty-four percent of responding districts were not implementing the law.⁹ Multiple news reports in the past several years have also highlighted resistance to implementing aspects of CHYA, particularly its mandate that sexual health education incorporate discussion of LGBTQ+ people.¹⁰

Proposed Scope of Audit Request

An audit at the school district level will help legislators gain a deeper understanding of the local implementation of the requirements that have been in place since 2016 for comprehensive, inclusive sexual and reproductive health education. The audit will also help identify potential actions that can be taken to support districts struggling to implement the law, as well as assist in holding intentionally noncompliant districts accountable for not providing students the education they need and deserve. It is the state's responsibility to ensure that all students, regardless of where they are educated, receive the instruction they need to live healthy and productive lives.

I propose that the State Auditor survey all High School Districts, High and Middle School Districts, and Unified School Districts on their implementation of the law, as required in both middle and high schools. The State Auditor should follow up with all school districts audited, at the Auditor's discretion.

Specifically, the audit should include, but not be limited to, the following inquiries and analyses:

1. Does the school district provide comprehensive sexual and reproductive health education, as defined and outlined in Education Code sections 51930–51939? If so, at which grade levels?
2. Does the school district provide HIV/STI prevention education, as defined and outlined in Education Code sections 51930–51939? If so, at which grade levels?

⁸ *Safe and Supportive Schools Report Card*. Equality California, May 2019. <http://safesupportiveschools.org/2019-report/>.

⁹ *Safe and Supportive Schools Report Card*. Equality California, October 2024. <http://safesupportiveschools.org/2022-report/>.

¹⁰ Deepa Bharath, "Orange County School Districts Are Resisting a California Sex Ed Law Passed More than 2 Years Ago," *Orange County Register*, July 19, 2018, <https://www.oregister.com/2018/07/19/school-districts-in-orange-county-are-resisting-a-california-sex-ed-law-passed-more-than-2-years-ago/>; Deepa Bharath, "OC Board of Education's Sex Ed Forum Pits Religious Conservatives against the LGBT Community," *Orange County Register*, September 26, 2018, <https://www.oregister.com/2018/09/26/oc-board-of-educations-sex-education-forum-pits-religious-conservatives-against-the-lgbt-community/>; Sawsan Morrar, "Rocklin Group Mobilizes Parents, Saying California Sex Ed Curriculum Goes Way Too Far," *Sacramento Bee*, August 30, 2019, <https://www.sacbee.com/news/local/education/article234489722.html>; "Schools Sex Education Falls Short, South Bay High School Students Say," *San Jose Mercury News*, December 14, 2022, <https://www.mercurynews.com/2022/12/14/schools-sex-education-falls-short-high-school-students-say/>.



3. Does the school district provide healthy relationship education, as defined and outlined in Education Code sections 51930–51939? If so, at which grade levels?
4. When the school district modifies curriculum used, what is the process to ensure that curriculum modifications comply with Education Code sections 51930–51939?
5. Is the sexual and reproductive health, HIV/STI education, and healthy relationship curriculum and instruction intentionally inclusive of LGBTQ+ bodies and relationships?
6. Does your local education agency have a memorandum of understanding or contract with an outside agency to provide CHYA-compliant sexual and reproductive health education and healthy relationship education or to train teachers who provide this instruction? If it does not have either, how does the district ensure instructors are well trained and prepared to provide CHYA-compliant instruction?
7. Is student participation mandatory (unless a parent or guardian submits an affirmative opt-out), or is the program optional (requiring parents to opt-in on behalf of their child)?
8. How many parents/ guardians have submitted an affirmative opt-out for their students in the last 24 months?
9. How many parents/ guardians have requested to preview instructional materials related to comprehensive sexual health education and HIV prevention education instruction? How does the district provide the opportunity for review?
10. What percentage of students in the relevant grade levels have received CHYA-compliant sexual and reproductive health education and healthy relationship education, as outlined in the California Healthy Youth Act, in the last 24 months? How is the district working to ensure this percentage is compliant with state law (all pupils minus those excused by a parent or guardian)?
11. What barriers or challenges has the local education agency faced in implementing CHYA-compliant instruction? This information should be collected in a manner that allows district staff to be forthright with those conducting the audit.

I am requesting that the Committee supports this audit and responds to the need for all students to benefit from comprehensive and inclusive sexual and reproductive health education. All students in California are legally entitled to an education that empowers them to make informed decisions around their health, teaches them how to take actions to reduce their risk of STIs and pregnancy, helps them form healthy relationships and prevent teen dating violence, and finally fosters more acceptance and safety for LGBTQ+ students. This was certainly the intent of the Legislature in passing CHYA back in 2016, and it is past time that the state ensures that district policies and practices follow the law.

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If your staff or committee members require any additional background or discussion on the need for inquiry into this topic, my office is available to arrange for more information from subject matter experts. Thank you for your consideration of this request.

Sincerely,

Assemblymember Rick Chavez Zbur