

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 5141.25 - Availability of Condoms

Students

The Governing Board strongly encourages students to abstain from sexual activity. However, the Board also believes it has a responsibility to take steps to prevent pregnancy among minors, Human Immunodeficiency Virus (HIV) infection and Acquired Immune Deficiency Syndrome (AIDS), and other sexually transmitted diseases

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6142.1 - Family Life/Sex Education)

(cf. 6142.2 - AIDS Prevention Instruction)

Believing all students deserve to be safe and healthy, the Board has taken steps to prevent the spread of HIV and other sexually transmitted diseases by implementing a condom availability program as part of an HIV/AIDS education program for high school students.

Condoms, when properly used, can reduce the incidence of pregnancy and transmission of HIV/AIDS and other sexually transmitted diseases. California State law allows students 12 years or older to have access to the following health services with or without parental consent: (*California Family Code: 6920, 6926*): Diagnosis and treatment of sexually transmitted diseases; pregnancy testing, contraceptives and prenatal care. Minors (12 year of age or older) using the District's school-based clinics or nurse's offices will be offered confidential services as permitted by state law. While parent involvement is preferred, the minor's preference is respected, except in the following instances: Emergency situations when danger to life is imminent; threat of suicide; threat of homicide; and issues of physical, sexual or emotional abuse.

Only licensed health care professionals authorized by the Superintendent or designee may provide sensitive services to individual students.

(cf. 5141.6 - Student Health and Social Services)

The Superintendent or designee shall notify parents/guardians annually that they may exclude their children from the Family Life (Sex Education) program.

Parents/guardians who choose to exclude their children shall be offered information and educational materials designed to help them communicate effectively with their children about pregnancy prevention and sexually transmitted diseases.

Students shall be advised not to engage in unlawful sexual activity and shall receive information explaining that Penal Code 261.5 prohibits a male of any age from having sexual intercourse with a female under 18 to whom he is not married. The Superintendent or designee may provide addresses and telephone numbers of resources that provide further information and counseling regarding HIV testing, AIDS and other sexually transmitted diseases, and pregnancy prevention.

(cf. 1020 - Youth Services)

Legal Reference:

EDUCATION CODE

49062 Records; establishment, maintenance and destruction

49069 Absolute right to access

49422 Supervision of health and physical development of pupils

51201.5 AIDS prevention instruction

FAMILY CODE

6925 Prevention or treatment of pregnancy

6926 California Family Code

6920 California Family Code

HEALTH AND SAFETY CODE

121255 Further findings and declarations

PENAL CODE

261.5 Unlawful sexual intercourse with female under age 18

286 Sodomy

288 Lewd or lascivious acts with child under age 14

288a Oral copulation

UNITED STATES CODE, TITLE 20

7906 Prohibition against use of federal funds for contraceptive distribution

COURT DECISIONS

People v. Beeman (1984) 35 Cal. 3d 547, 561

Management Resources:

WEB SITES

CDE: <http://www.cde.ca.gov>

California Healthy Kids Resource Center: <http://www.hkresources.org>

California Department of Health Services: <http://www.dhs.ca.gov>

Centers for Disease Control and Prevention: <http://www.cdc.gov>

National Association of State Boards of Education: <http://www.nasbe.org>

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