

# **OAKLAND UNIFIED SCHOOL DISTRICT**

## **Board Policy**

BP 5141.25

### **Students**

#### Availability of Condoms

The Board strongly encourages students to make responsible choices around their sexual health. Abstinence from sexual activity is the safest and only 100% effective way to prevent pregnancy, Human Immunodeficiency Virus (HIV), and other sexually transmitted infections. The Board believes it has a responsibility to take steps to prevent pregnancy, HIV, and other sexually transmitted infections among students who do not abstain from sexual activity. Prevention of sexually transmitted infections and unintended pregnancies leads to increased attendance, graduation rates, and attainment of higher education.

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

(cf. 6142.1 - Family Life/Sex Education)

(cf. 6142.2 - AIDS Prevention Instruction)

Condoms, when properly used, can reduce the incidence of pregnancy and transmission of HIV and other sexually transmitted infections. The Board therefore finds it appropriate for condoms to be available to high school students and, in certain limited circumstances, to middle school students.

According to California law, young people ages 12 and older can consent to diagnosis and treatment of sexually transmitted infections, and minors of any age can consent to pregnancy testing, contraceptives and prenatal care. While parent involvement is preferred and encouraged, California State law requires adolescent confidentiality to be maintained 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. District employees, including but not limited to health care professionals, are mandated reporters and will adhere to Child Protective Services reporting guidelines.

#### **Condom Availability in High Schools**

The District shall take steps to prevent the spread of HIV and other sexually transmitted diseases by making condoms available to high school students in conjunction with sexual health information as specified in Administrative Regulation 5141.25.

The Superintendent or designee shall notify parents/guardians annually that they may exclude their children from all or part of a comprehensive sexual health education.

### **Condom Availability in Middle Schools**

Initiation of sexual activity before age 14 is associated with adverse childhood experiences, increased exposure to trauma and sexual exploitation, and can lead to poor health outcomes in adolescence and adulthood. Making condoms available to sexually active middle school aged youth reduces potential risks but should only be provided in conjunction with an appropriate psychosocial assessment to identify risk factors and to connect students to needed resources and supports.

Condoms will only be provided to middle school students by licensed health care professionals or clinical health educators working under the supervision of licensed health care professionals.

(cf. 5141.6 - Student Health and Social Services)

(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>

7/14/04; 6/29/05; 6/11/14