

Da Vinci Schools: L.A. County BOARD POLICY AND INSTRUCTION

CONDOM AVAILABILITY – HEALTH INSTRUCTION

The Da Vinci Schools: LA County Board of Directors and RISE High administration strongly encourage 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 Da Vinci Schools: LA County Board and RISE High administration believe they have a responsibility to take steps to help 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.

Condoms, birth control devices, usually made of latex when properly used, can reduce the incidence of pregnancy and transmission of HIV and *other* sexually transmitted infections. The Da Vinci Schools: LA County and RISE High administration therefore find it appropriate for condoms to be made available to high 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. Da Vinci RISE High employees, including but not limited to health care professionals, are mandated reporters and will adhere to Child Protective Services reporting guidelines.

Da Vinci Schools: LA County School Condom Availability Program:

Condoms shall be available at the Da Vinci RISE High School health offices or counseling offices or other locations designated by the Chief Executive Officer or designee. Condoms are available in conjunction with an appropriate session with the school social worker, counselor, nurse or designated staff to identify risk factors and to connect students to appropriate resources and supports as needed. Verbal and/or written information shall be available to all students obtaining condoms which stresses that abstinence is the only 100% effective method of preventing pregnancy and sexually transmitted infections and which does not condone or in any way encourage sexual activity among or with minors. Students shall receive additional information as appropriate and necessary regarding the proper use of condoms and their effectiveness. Youth friendly clinic information is also included with the condom. A licensed health care professional will be available for consultation and to refer to additional resources as needed.

Information shall also be provided to advise students not to engage in unlawful sexual activity. School staff are mandated reporters and shall report any unlawful sexual activity as required by law.

REFERENCES

EDUCATION CODE

49062 Records; establishment, maintenance and destruction

49069 Absolute right to access

49422 Supervision of health and physical development of pupils

51934 AIDS prevention instruction

FAMILY CODE

6925 Prevention or treatment of pregnancy

6926, 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>

Da Vinci Schools: L.A. County INSTRUCTION

CONDOM AVAILABILITY – HEALTH INSTRUCTION

Availability of Condoms

1. As permitted by Board Policy 5141.25 (Availability of Condoms), condoms may be made available to high school students.
2. Condoms may be provided in high schools through licensed health care professionals, social workers, school counselors or designated trained staff. If requested, students will be referred for follow-up individual counseling with a qualified health care provider.
3. Condoms should be provided in conjunction with appropriate sexual health information about:
 - a. Abstinence--the safest and only 100% effective choice in preventing pregnancy, HIV and other sexually transmitted diseases.
 - b. Proper condom use.
 - c. Risks of sexual activity.
 - d. Sexually transmitted diseases, symptoms, and treatment.
 - e. Influence of alcohol and other drugs on decision-making and behavior.
 - f. Choice in sexual decision-making and the right to change one's mind.
 - g. Healthy relationships and communication.
4. Students will not be charged for condoms. Funding for condoms will be outside of school and general funds. The district nurse will work with schools to identify resources for this.
5. Information about individual students' access to condoms will not be entered into the student information system; health care professionals will maintain records in accordance with all applicable federal and state laws and regulations. Such records shall be confidential to the extent required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy and Security Rules, 45 C.F.R. Parts 160, 162 and 164; California Civil Code, 56 et seq.; California Welfare & Institutions Code, 5328 et seq.; and other state law.

Board Approved on February 26, 2020.