

## Sex education for students a public right, judge rules in Clovis Unified case

By Hannah Furfaro



A student at Central High School West hands in her report to the teacher.

ERIC PAUL ZAMORA — Fresno Bee file photo [Buy Photo](#)

Do California students have a right to learn about contraception and sexually transmitted infections?

A Fresno Superior Court judge says yes.

Access to medically accurate and age-appropriate sex education is an important public right, Judge Donald Black has ruled, casting questions on the [state's current law](#), which does not require schools to teach comprehensive sex education in school.

[The ruling](#), which hands a victory to two Clovis Unified parents, the American Academy of Pediatrics and the Gay-Straight Alliance Network, also makes it crystal clear that abstinence-only education violates California law.

Black's ruling doesn't go so far as to bind school districts to provide comprehensive sex education.

But it is a historic ruling on the topic, which inflamed parents and advocates in recent weeks after news that [Fresno](#)

## Unified schools don't offer comprehensive sex education.

Black's decision closes the book on a [three-year-long fight over whether Clovis Unified's sex education curriculum](#) met the letter of the 2004 Comprehensive Sexual Health and HIV/AIDS Prevention Education law. The ruling answers that question with a resounding "no" and concludes the district "violated California law for many years before the plaintiff parents began to complain and that even years after the complaints began the district still had not changed its sex ed curriculum."

The plaintiffs and the American Civil Liberties Union of Northern California, which led the legal charge against the district, [voluntarily dismissed the case in 2014](#) after Clovis Unified officials made significant changes to school curriculum.

Afterward, there was still a motion on the table from the plaintiffs, who asked Clovis Unified to pay their legal bills to the ACLU and to New York-based firm Simpson Thacher & Bartlett. Black's decision awards the attorneys \$467,433.

But instead of just answering who owed whom, Black's 47-page ruling digs into what California law demands of districts that choose to offer sex education.

California law requires middle and high schools to teach students about how to prevent HIV/AIDS. And if they choose to provide other sexual health information, it must be "comprehensive," which means it's age-appropriate, unbiased, medically accurate information about abstinence, sexually transmitted infections and contraception.

"It puts (school districts) on notice that they should be having a look at their curriculum and making sure they're doing what they need to do by their students and by the law," said Phyllida Burlingame, reproductive justice policy director for the American Civil Liberties Union of Northern California.

"By saying it's an important public right, (Black) recognizes the importance to students of getting the complete, accurate information they're going to need at whatever point they become sexually active."

Clovis Unified spokeswoman Kelly Avants said the district agrees sex education is valuable.

"We feel like we've always provided a high quality curriculum and done so in an environment that does not actually require it," she said. "It is an important component of a student's education. Our preference certainly is it's a conversation the family is an active participant in."

But a separate part of Black's ruling — which notes that if not for the lawsuit, Clovis wouldn't have changed its curriculum — is still a point of contention. Avants said the district was in the midst of revising its curriculum when the suit was filed.

"From the beginning we had always said, 'We're already doing this,' " she said.

District officials are still deciding if they will appeal the decision, she said.

Black's ruling provides fodder to advocates who would like to see sex education become mandatory in schools, Burlingame said.

The ACLU and several sexual and reproductive rights organizations across California are [pushing a bill](#) that would force all public schools to teach about contraception, how to prevent STIs, the value of abstinence and how to make smart sexual health decisions. Dubbed the California Healthy Youth Act, it would also update California's HIV/AIDS law.

The legislation sponsored by San Diego Assemblywoman Shirley Weber, a democrat, currently sits in the Assembly Committee on Appropriations after passing out of that chamber's education committee in late April.

Contact Hannah Furfaro: [hfurfaro@fresnobee.com](mailto:hfurfaro@fresnobee.com), (559) 441-6412 or [@HannahFurfaro](https://twitter.com/HannahFurfaro) on Twitter.