

# ASSESSMENT TOOL FOR SCHOOL DISTRICTS TO EVALUATE LGBTQ & GENDER-INCLUSIVENESS OF SEXUAL HEALTH AND HIV PREVENTION EDUCATION

The California Healthy Youth Act (AB 329), California Education Code §§ 51930 – 51939, requires that sexual health and HIV prevention instruction include teaching about sexual orientation, gender, gender expression, and gender identity, and must explore the harm of negative gender stereotypes. Instruction and materials must affirmatively recognize that people have different sexual orientations and must be inclusive of same-sex relationships. Sexual health and HIV prevention instruction cannot in any way be biased against people protected by California Education Code § 220, which includes lesbian, gay, bisexual, transgender (LGBT) people. These requirements apply to mandated instruction in grades 7-12 as well as any other grade level in which schools voluntarily teach sexual health or HIV prevention.

This checklist provides a guide to help you determine if your curriculum and instruction is compliant with these requirements. Each bolded section represents something a district must be doing to comply with the Healthy Youth Act and other requirements for unbiased, non-discriminatory instruction. The more boxes you check under each category, the more you can be sure your curriculum and instruction are in compliance.

## MEETING CALIFORNIA HEALTHY YOUTH ACT CONTENT REQUIREMENTS

- YOUR INSTRUCTION AFFIRMATIVELY RECOGNIZES THAT PEOPLE HAVE DIFFERENT SEXUAL ORIENTATIONS.**
  - Your instruction teaches what sexual orientation is and means.
  - Your instruction uses a definition of sexual orientation that is similar to:  
**SEXUAL ORIENTATION:** A person’s feeling of attraction (emotional, physical, etc.) towards other people. A person may be attracted to people of the same gender, to those of a different gender, people of same and different genders, or to people regardless of their gender. Some people do not experience primary attraction to anyone. There are many different terms used to describe one’s sexual orientation including but not limited to: straight, gay, lesbian, bisexual, queer, questioning. All people have a sexual orientation.
  - Your instruction teaches that any of the different sexual orientations is normal.
  - Your instruction uses respectful terminology as opposed to terminology that is derogatory, such as “homosexuals.”
  - Your instruction acknowledges some people have parents of the same gender.
  - Your instruction explains that you should respect someone else’s sexual orientation.

YOUR INSTRUCTION INCLUDES CONCRETE EXAMPLES OR DEPICTIONS OF SAME-GENDER RELATIONSHIPS.

- There are depictions of young male couples.
- There are depictions of young female couples.
- There are depictions of families with two parents of the same gender.
- Same-gender couples are identified in a way that is more specific than gender-neutral names.
- There are examples of same-gender couples in the curriculum somewhere other than the HIV lessons.

YOUR INSTRUCTION INCLUDES TEACHING ON GENDER AND EXPLORES THE HARMS OF NEGATIVE GENDER STEREOTYPES.

- Your instruction uses a definition of gender that is similar to:

**GENDER:** Attitudes, feelings, characteristics, and behaviors that a given culture associates with being male or female and that are often labeled as “masculine” or “feminine.”
- Your instruction has activities about how people experience gender/gender identity in their daily lives and how gender distinctions play out in the world.
- Your instruction discusses how there are many stereotypes we hold about people based on their gender.
- Your instruction has activities addressing and debunking negative gender role stereotypes.

**FOR EXAMPLE:** An activity that addresses the stereotype that girls are passive and boys are aggressive; an activity that asks students to name traits commonly associated with boys and girls and then discuss how both boys or girls could have those traits; an activity where you discuss common media portrayals of men and women and compare them for stereotypes or differences; or an activity that shows how both boys and girls can experience relationship abuse or violence.

YOUR INSTRUCTION INCLUDES TEACHING ON GENDER IDENTITY.

- Your instruction uses a definition of gender identity that is similar to:

**GENDER IDENTITY:** One’s internal, deeply-held sense of being male, female, neither of these, both, or other gender(s). All people have a gender identity.
- Your instruction explains that gender identity is different than sexual orientation and is not about sexual attraction.

- Your instruction includes teaching about transgender people and cisgender people.
    - Your instruction uses a definition of cisgender that is similar to:

**CISGENDER** refers to people whose gender identity – one’s inner sense of being male, female, or something else, is the same as their assigned sex at birth.
    - Your instruction uses a definition of transgender that is similar to:

**TRANSGENDER:** an adjective used to describe a person whose gender identity does not “match” the sex they were assigned at birth.
    - Your instruction explains that a transgender girl is a girl and a transgender boy is a boy.
    - Your instruction includes a concrete example or depictions of a transgender person.
  - Your instruction includes teaching about how some people do not identify on the gender binary and have gender identities other than male or female.
  - Your instruction includes a discussion of intersex people.
  - If your instruction discusses the term “sex,” you use a definition similar to:

**SEX:** In the United States, individuals are assigned “female” or “male” sex at birth, based on a physician or other medical professional’s perception of external anatomy. For some people, the sex they are assigned at birth is the same as their gender identity. For other people, the sex they are assigned at birth is different from their gender identity. A person’s gender identity determines a person’s sex, not the sex they were assigned at birth.
  - Your instruction explains that you should respect someone else’s gender identity.
- YOUR INSTRUCTION INCLUDES TEACHING ON GENDER EXPRESSION.**
- Your instruction uses a definition of gender expression that is similar to:

**GENDER EXPRESSION:** A person’s outward gender presentation, comprised of things such as personal style, clothing, hairstyle, makeup (or no makeup), jewelry, vocal inflection, and body language. A person’s gender expression may not be an expression stereotypically associated with the person’s assigned sex at birth.
  - Your instruction discusses how some people are gender non-conforming and that defying gender stereotypes is completely normal.
  - Your instruction includes a concrete example or depiction of a gender non-conforming person.
  - Your instruction explains that you should respect someone else’s gender expression.

ENSURING THERE IS OTHERWISE NO LGBTQ OR GENDER  
BIAS OR EXCLUSION IN INSTRUCTION

YOUR INSTRUCTION OR MATERIALS ARE NOT BIASED IN ANY WAY THAT WOULD MAKE ANY OF YOUR STUDENTS, INCLUDING LESBIAN, GAY, BISEXUAL, AND TRANSGENDER STUDENTS, FEEL EXCLUDED OR DEPICTED NEGATIVELY.

You talk about or acknowledge gay, lesbian, and bisexual people throughout the curriculum and not just in one place or only “negative” subjects.

You talk about or acknowledge gay, lesbian, and bisexual people somewhere other than the HIV lesson.

You talk about or acknowledge gay, lesbian, and bisexual people in your discussions of healthy relationships and family.

Your puberty lessons and body descriptions are inclusive of transgender people.

Your pregnancy lessons acknowledge that all people capable of becoming pregnant—no matter their sexual orientation or gender identity—can become pregnant if they do not take precautionary measures. For example, girls who identify as bisexual or lesbian actually have higher rates of unintended pregnancy than their heterosexual-identifying peers.

Your instruction teaches students who engage in genital skin-to-skin contact, anal sex, or oral sex how to be safe from STI and HIV infection.

Your instruction about youth’s rights to access care without parental consent addresses an LGBTQ youth’s right to seek reproductive and sexual health care, or mental health care related to sexual orientation or gender identity confidentially, without parental consent.

Your instruction about local resources includes information about where to go for issues related to sexual orientation, gender identity, or gender-based harassment, discrimination or bullying.

YOUR CURRICULUM OR MATERIALS REFRAIN FROM PROMOTING OR REINFORCING GENDER STEREOTYPES IN ANY WAY, OUTSIDE OF THE CONTEXT OF TEACHING ABOUT THE HARMS OF GENDER STEREOTYPING.

**FOR EXAMPLE:** You refrain from: suggesting that girls care about love and emotions whereas boys care about sex; talking only of young mothers and not young fathers when discussing the responsibilities of parenthood; or suggesting boys are aggressive whereas women are timid or weak.

ENSURING TEACHERS ARE TRAINED TO TEACH LGBTQ AND GENDER-INCLUSIVE  
AND UNBIASED CONTENT

- REQUIRED HIV PREVENTION EDUCATION TRAINING, AND ANY OTHER SEXUAL HEALTH EDUCATION TRAINING, INCLUDES TRAINING ON LGBTQ AND GENDER ISSUES AND REQUIRED CONTENT.
  - Teachers are trained in this subject matter and comfortable addressing the topics.
  - Teachers have been trained or have support in answering hard questions.
  - Teachers know LGBTQ student rights and can help them if they are experiencing problems in school concerning their sexual orientation, gender, gender identity, or gender expression.

The **ACLU OF CALIFORNIA** provides free policy guidance, technical assistance and training on the California Healthy Youth Act, LGBTQ and gender 101, LGBTQ student rights and school district obligations. We also have an array of Know Your Rights resources for LGBTQ students.

For more information, go to [http://www.aclunc.org/sex\\_ed](http://www.aclunc.org/sex_ed) and <https://www.aclusocal.org/issues/lgbt-equality/student-rights-project/>. Or contact us:

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