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THIS RESOURCE WAS DEVELOPED BY THE ACLU OF CALIFORNIA,
A collaboration of the ACLU of Northern California, the ACLU of Southern California, and the ACLU of San Diego & Imperial Counties

For more information, go to <http://www.aclunc.org/sexed>.
If you are concerned that your school is not following the law, contact the ACLU for help.

FAST FACTS ABOUT THE CALIFORNIA HEALTHY YOUTH ACT

In January 2016, California adopted a new law covering comprehensive sexual health education and HIV prevention education in public schools, Education Code Sections 51930-51939 (AB 329). Here are some facts about the law.

- **Comprehensive sexual health and HIV prevention education is required** at least once in middle school and at least once in high school. Abstinence-only instruction is not permitted.
- **All instruction in all grades must be age-appropriate and medically accurate** (meaning accepted by organizations like the American Academy of Pediatrics) and **may not promote religious doctrine**. All elements of the instruction must be in alignment with each other.
- **Sexual health education must respect and address the needs of students of all genders and sexual orientations**. Instruction must affirmatively recognize different sexual orientations and be inclusive of same-sex relationships when providing examples of couples or relationships. It must also teach about gender, gender expression, and gender identity, and explore the harm of negative gender stereotypes.
- **Beginning in grade 7**, instruction must include information about the safety and effectiveness of all FDA-approved methods of preventing pregnancy and transmission of HIV and other sexually transmitted infections (including condoms, contraceptives, and antiretroviral treatment) and abstinence. It must also include information about HIV, pregnancy, sexual harassment, sexual assault, healthy relationships, and sex trafficking, as well as local resources for accessing care and students' rights to access care.
- **Parents must be notified** that their student will receive sexual health and HIV prevention education and be allowed to view the materials prior to instruction. Parents/guardians may remove their student from the instruction by submitting a request in writing.
- **Teachers or outside speakers must have training in and knowledge of the most recent medically accurate research on the topic**. District must also periodically provide training to all district personnel who provide HIV prevention instruction. Outside organizations or speakers must also follow all laws when they present.
- **Instruction must be appropriate for students with disabilities, English language learners, and students of all races and ethnic and cultural backgrounds**. Schools must make sure that all students can get sexual health education and HIV prevention education in a way that works for them.

THE CALIFORNIA HEALTHY YOUTH ACT – EDUCATION CODE §§ 51930-51939
COMPREHENSIVE SEXUAL HEALTH AND HIV PREVENTION EDUCATION

QUESTIONS & ANSWERS FOR SCHOOL DISTRICTS

The California Healthy Youth Act, which took effect January 1, 2016, requires school districts to provide students with integrated, comprehensive, accurate, and inclusive comprehensive sexual health education and HIV prevention education, at least once in high school and once in middle school. The California Healthy Youth Act made other significant changes to previous Education Code requirements for both HIV prevention education and comprehensive sexual health education.

WHAT ARE THE PURPOSES THE CALIFORNIA HEALTHY YOUTH ACT?

The California Healthy Youth Act has several purposes (EC § 51930(b)):

- To provide students with the knowledge and skills necessary to:
 - Protect their sexual and reproductive health from HIV and other sexually transmitted infections and from unintended pregnancy;
 - Develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family;
 - Have healthy, positive, and safe relationships and behaviors;
- To promote understanding of sexuality as a normal part of human development; and
- To ensure pupils receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention instruction and provide educators with clear tools and guidance to accomplish that end.

ARE SCHOOLS REQUIRED TO TEACH COMPREHENSIVE SEXUAL HEALTH EDUCATION AND HIV PREVENTION EDUCATION?

Yes. The California Healthy Youth Act requires that that students in grades 7-12 receive comprehensive sexual health education and HIV prevention education at least once in middle school and once in high school. The Education Code defines comprehensive sexual health education as “education regarding human development and sexuality, including education on pregnancy, contraception, and sexually transmitted infections” (EC § 51931(b)) and HIV prevention education as “instruction on the nature of human immunodeficiency virus (HIV) and AIDS, methods of transmission, strategies to reduce the risk of HIV infection, and social and public health issues related to HIV and AIDS” (EC § 51931(d)). HIV prevention education has been mandated since 1992.

DOES THE LAW PERMIT SCHOOLS TO TEACH COMPREHENSIVE SEXUAL HEALTH AND HIV PREVENTION EDUCATION IN ELEMENTARY SCHOOL?

Yes. Comprehensive sexual health and HIV prevention education may be taught in grades K-6, inclusive. All instruction and materials in grades K-6 must meet the baseline requirements listed below. Content that is

required in grades 7-12 may be also be included in an age-appropriate way in earlier grades. (EC §§ 51933, 51934(b).)

WHAT ARE THE BASELINE REQUIREMENTS FOR ALL COMPREHENSIVE SEXUAL HEALTH EDUCATION AND HIV PREVENTION EDUCATION?

According to the Education Code (EC § 51933), all instruction and materials in all grades (including elementary) must:

- Be age-appropriate;
- Be medically accurate and objective;
- Align with and support the purposes of the California Healthy Youth Act, as described above;
- Be appropriate for use with pupils of all races, genders, sexual orientations, ethnic and cultural backgrounds;
- Be appropriate for and equally available to English language learners;
- Be appropriate for and accessible to pupils with disabilities;
- Affirmatively recognize different sexual orientations and be inclusive of same-sex relationships in discussions and examples;
- Teach about gender, gender expression, gender identity, and the harm of negative gender stereotypes;
- Encourage students to communicate with their parents/guardians and other trusted adults about human sexuality, and provide skills for doing so;
- Teach respect and skills for committed relationships such as marriage;
- Provide knowledge and skills for forming healthy relationships that are free from violence; and
- Provide knowledge and skills for making and implementing healthy decisions about sexuality.

In addition, the Education Code (EC § 51933) specifies that instruction and materials in all grades may not:

- Teach or promote religious doctrine; or
- Reflect or promote bias against any person on the basis of actual or perceived disability, gender, gender identity, gender expression, race or ethnicity, nationality, religion, or sexual orientation, or any other category protected by the non-discrimination policy codified in Education Code § 220.

WHAT ADDITIONAL CONTENT IS REQUIRED IN GRADES 7-12?

Instruction provided in grades 7-12, in addition to meeting the baseline requirements above, must include all of the following content (EC § 51934):

- Information on the nature and transmission of HIV and other sexually transmitted infections (STIs);

- Information about all federal Food and Drug Administration (FDA)-approved methods of reducing the risk of transmission of HIV and other STIs, including antiretroviral treatment, and information about treatment of HIV and STIs;
- Information about reducing the risk of HIV transmission as a result of injection drug use by decreasing needle use and needle sharing;
- Discussion about social views of HIV and AIDS, emphasizing that all people are at some risk of contracting HIV and that the only way to know one’s HIV status is by being tested;
- Information about accessing resources for sexual and reproductive health care and assistance with sexual assault and intimate partner violence, as well as students’ legal rights to access these resources;
- Information about the effectiveness and safety of all federal FDA-approved contraceptive methods in preventing pregnancy (including emergency contraception);
- Information that abstinence is the only certain way to prevent unintended pregnancy and HIV and other STIs; information about value of delaying sexual activity must be included and must be accompanied by information about other methods for preventing pregnancy and STIs;
- Information about pregnancy, including 1) the importance of prenatal care; 2) all legally available pregnancy outcomes, including parenting, adoption, and abortion; and 3) California’s newborn safe surrender law; and
- Information about sexual harassment, sexual assault, adolescent relationship abuse, intimate partner violence, and sex trafficking.

See EC § 51934 for the exact language of these requirements.

Any of these content areas may also be covered in an age-appropriate way prior to grade 7.

DOES THE LAW ALLOW ABSTINENCE-ONLY EDUCATION?

No. “Abstinence-only” sex education, which offers abstinence as the only option for preventing STIs and unintended pregnancy, is not permitted in California public schools.

Comprehensive sexual health education in grades 7-12 must include medically accurate, up-to-date information about the effectiveness and safety of all federal FDA-approved methods for preventing HIV, other STIs, and pregnancy. (EC § 51934(a)(9).)

In addition, abstinence may not be discussed in isolation from other methods of preventing HIV, other STIs, and pregnancy. The Education Code requires that instruction and materials include information that abstinence is the only certain way to prevent HIV, other STIs, and unintended pregnancy. However, it also states: “Instruction shall provide information about the value of delaying sexual activity while also providing medically accurate information on other methods of preventing HIV and other sexually transmitted infections and pregnancy.” (EC § 51934(a)(3).)

WHY IS THERE A REQUIREMENT FOR INTEGRATED INSTRUCTION, AND WHAT DOES IT MEAN?

In order to ensure that students receive instruction that best supports their need for accurate, comprehensive information, the requirement for integrated instruction means that there must be internal consistency within sexual health education and HIV prevention instruction and materials. All instruction and materials must support and align with the purposes of the California Healthy Youth Act and with each other; they may not be in conflict with or undermine each other or any of the purposes of the law. For example, schools may not use materials that, in promoting abstinence, focus exclusively on the failure rates or perceived disadvantages of condoms or contraception, even if schools attempt to balance these materials with other, objective information. (EC §§ 51930(b)(4), 51933(c).)

HOW DOES THE LAW PROMOTE HEALTHY RELATIONSHIPS FOR YOUTH?

The California Healthy Youth Act has a strong emphasis on healthy relationships, in both the purposes and the required content. Students must be taught knowledge and skills related to recognizing, building, and maintaining healthy relationships that are based on mutual affection and are free from violence, coercion and intimidation. This includes teaching decision-making and communication skills and helping students to understand the value of and prepare for committed relationships, such as marriage. It also includes information about unhealthy behaviors and risks to their health, such as sexual harassment, sexual assault, intimate partner violence, and sex trafficking. (EC §§ 51930(b); 51933(f), (g), (h); 51934(a)(10).)

DOES THE LAW REQUIRE INSTRUCTION ABOUT LOCAL HEALTH RESOURCES?

Yes. The California Healthy Youth Act requires that students learn about local resources for sexual and reproductive health care, sexual assault and intimate partner violence. The law also requires instruction about how students can access those resources and their rights to access them. For example, under California law, minors aged 12 and above have the right to confidentially access and make their own decisions regarding reproductive health care, including birth control, prenatal care, abortion, and prevention of and treatment for HIV and STIs. (Family Code §§ 6925, 6926; *American Academy of Pediatrics v. Lungren*, 16 Cal.4th 307 (1997)). Students also have the right to obtain sensitive services, including reproductive health care, during school hours, and must be allowed to leave campus for the purpose of obtaining these services. (EC § 48205; EC § 46010.1; 87 Ops. Cal. Atty. Gen. 168, 172 (2004)). In these instances, schools are not allowed to require parental consent or notification, and must mark the student's absence as excused and allow the student to make up full credit for assignments or class time missed.

DOES THE LAW REQUIRE INSTRUCTION ON CALIFORNIA'S AFFIRMATIVE CONSENT STANDARD?

Another law, distinct from the California Healthy Youth Act, also took effect in 2016. This law, Education Code § 33544, requires that all school districts that have health education as a graduation requirement must include instruction on California's affirmative consent standard. This standard is defined as follows: "Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the

affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.” (EC § 67386.)

Instruction on the affirmative consent standard is not mandatory for districts that do not require a health education course for graduation. The law also does not require that this instruction be provided within comprehensive sexual health and HIV prevention education. However, the California Healthy Youth Act does require that comprehensive sexual health education and HIV prevention education address healthy relationships and communication, and consent for sexual activity is an important component of this instruction. Therefore, there is natural overlap between the law relating to the affirmative consent standard and the California Healthy Youth Act.

WHAT DETERMINES WHETHER THE FACTS TAUGHT ARE MEDICALLY ACCURATE?

Instruction is medically accurate if it is verified or supported by proper scientific research, published in peer-reviewed journals as appropriate, and recognized as accurate and objective by agencies with expertise in the field, such as the federal Centers for Disease Control and Prevention (CDC), the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists. (EC § 51931(f).)

WHAT DOES THE LAW SAY ABOUT LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUEER (LGBTQ) STUDENTS, SEXUAL ORIENTATION, AND GENDER/GENDER IDENTITY?

All instruction and materials in grades K-12 must be inclusive of LGBTQ students. Instruction shall affirmatively recognize that people have different sexual orientations and, when discussing or providing examples of relationships and couples, must be inclusive of same-sex relationships. (EC § 51933(d)(5).) It must also teach students about gender, gender expression, gender identity, and explore the harm of negative gender stereotypes. (EC § 51933(d)(6).) This means that schools must teach about sexual orientation and what being transgender means.

The California Healthy Youth Act requires that sexual health education be appropriate for use with students of all genders and sexual orientations and clearly states that part of the intent of the law is “to encourage a pupil to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family.” (EC § 51930.)

The California Healthy Youth Act also prohibits sexual health education classes from promoting bias against anyone on the basis of any category protected by Education Code § 220, which includes actual or perceived gender and sexual orientation.

WHAT DOES THE LAW SAY ABOUT STUDENTS WITH DISABILITIES?

Instruction and materials must be appropriate for and accessible to students with disabilities. This includes but is not limited to providing a modified curriculum, materials and instruction in alternative formats, and auxiliary aids. (EC § 51933(d)(3).)

WHAT DOES THE LAW SAY ABOUT STUDENTS WHO ARE ENGLISH LEARNERS?

The California Healthy Youth Act requires that instruction be made available on an equal basis to pupils who are English learners, whether they are placed in English immersion classes or alternative bilingual education classes, and must be consistent with the existing sex education curriculum. (EC § 51933(d)(2).) In addition, the law requires that instruction be appropriate for use with students of all races and ethnic and cultural backgrounds. (EC § 51933(d)(1).)

DOES THE LAW PERMIT THE USE OF OUTSIDE SPEAKERS?

School districts may contract with outside consultants or guest speakers, including those who have developed multilingual curricula or curricula accessible to persons with disabilities, to deliver comprehensive sexual health education and HIV prevention education or to provide training for school district personnel. All outside consultants and guest speakers must have expertise in comprehensive sexual health education and HIV prevention education and have knowledge of the most recent medically accurate research on the relevant topic or topics covered in their instruction. (EC § 51936.)

Instruction provided by outside consultants or guest speakers must fulfill the same requirements as instruction provided by employees of the school district. This instruction must be integrated into and may not conflict with other instruction or with the purposes of the law. If schools use outside consultants or guest speakers, they must provide parents with the name of the provider’s organization and the date of instruction at the beginning of the school year or no fewer than 14 days prior to the date of instruction.

HOW DOES THE LAW SUPPORT FAMILY COMMUNICATION ABOUT COMPREHENSIVE SEXUAL HEALTH?

Instruction and materials shall encourage a student “to communicate with his or her parents, guardians, and other trusted adults about human sexuality and provide the knowledge and skills necessary to do so.” (EC § 51933(e).)

WHAT DOES THE LAW SAY ABOUT PARENT/GUARDIAN NOTIFICATION AND CONSENT FOR INSTRUCTION?

Parents or guardians must be notified by the school or district at the beginning of the school year (or at the time of enrollment) about planned comprehensive sexual health and HIV prevention education, and must be given an opportunity to review materials. The school district must also inform parents/guardians about whether the instruction will be provided by district personnel or outside consultants. If instruction will be

provided by outside consultants, the notice must include the name and organizational affiliation of the outside consultant and the date of the instruction. The notice must also inform parents/guardians of their right to request copies of Education Code §§ 51933, 51934, and 51938. If arrangements for guest speakers or outside consultants are made after the initial notification is sent out at the beginning of the year, districts must notify parents at least 14 days prior to the instruction via mail or another commonly used method.

The law allows parents or guardians to remove their child from comprehensive sexual health and HIV prevention education, as defined in the statute (EC §§ 51931(b), (d), 51932.), using a passive consent or “opt-out” process. Schools may not require active consent (“opt-in”) for participation in comprehensive sexual health and HIV prevention education in any grade, including elementary school. (EC § 51938(a).) The notice sent to parents/guardians informing them about planned instruction must additionally inform them that they may remove their child from the instruction and that in order to do so they must state their request in writing to the school district. (EC § 51938(b)(4).) If the parent/guardian does not request in writing that the child be withheld, the child will attend the instruction. Schools may not require parents/guardians to return a signed acknowledgment that they have received the notice in order for their child to participate in the instruction; this serves as de facto active consent and is prohibited under the law.

WHAT DOES THE LAW SAY ABOUT PARENTAL/GUARDIAN CONSENT FOR SURVEYS?

In order to facilitate the collection of data needed by researchers to evaluate the effectiveness of comprehensive sexual health education and other unintended pregnancy prevention efforts, the law permits schools to administer anonymous, voluntary, confidential, age-appropriate surveys or questionnaires in which students are asked about their sexual activities and attitudes in order to measure their health behaviors and risks. Parents/guardian must be notified of any planned surveys or questionnaires, be given the opportunity to review these surveys or questionnaires and, in grades 7-12, be given the opportunity to request in writing that their child not participate. Schools may not adopt an active consent or “opt-in” policy for these surveys or questionnaires for students in grades 7 to 12. Prior to grade 7, parents must give active consent in order for their child to participate. (EC § 51938(c).)

WHAT DOES THE LAW SAY ABOUT ANTI-HARASSMENT, BULLYING PREVENTION OR SAFE SCHOOLS PROGRAMS?

School districts have an affirmative legal obligation to prevent bias-based bullying, harassment and discrimination and to create a safe and welcoming environment for all students. (EC §§ 201, 220.) The California Healthy Youth Act supports these efforts by requiring inclusive instruction and prohibiting biased instruction. The law does not permit parents to remove their children from anti-harassment programs or other instruction that discusses gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family but does not discuss human reproductive organs and their functions. (EC § 51932(b).) This is to ensure that all students feel safe on and off campus knowing that all their peers received the same messages on acceptable and unacceptable behaviors, resulting in a positive school climate.

DOES THE LAW REQUIRE TEACHERS TO BE TRAINED?

Comprehensive sexual health and HIV prevention education must be taught by instructors trained in the appropriate courses. (EC §§ 51934(a), (b).) This means that instructors must have knowledge of the most recent medically accurate research on human sexuality, healthy relationships, pregnancy, and HIV and other sexually transmitted infections. (EC § 51931(e).)

In addition, school districts must provide periodic training to all district personnel who provide HIV prevention education to enable them to learn new developments in the scientific understanding of HIV. Teachers with a demonstrated expertise in the field or who have received training from the California Department of Education, their affiliates or Centers for Disease Control and Prevention need not be additionally trained by the district. School districts may expand the training to include the topic of comprehensive sexual health education.

ARE THE HEALTH FRAMEWORK FOR CALIFORNIA PUBLIC SCHOOLS AND THE CALIFORNIA HEALTH EDUCATION CONTENT STANDARDS CURRENT WITH RESPECT TO LEGAL REQUIREMENTS FOR COMPREHENSIVE SEXUAL HEALTH AND HIV PREVENTION EDUCATION?

No. The Health Framework is extremely outdated and is inconsistent with the California Healthy Youth Act; it should not be used. The California Health Education Content Standards, adopted in 2008, do not in most respects directly conflict with the California Healthy Youth Act but also do not include all required content. Therefore, the health standards should not be independently relied upon for developing or evaluating sexual health curriculum.

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GRADES 7 – 12: CALIFORNIA HEALTHY YOUTH ACT COMPLIANCE EVALUATION CHECKLIST FOR DISTRICTS

CALIFORNIA EDUCATION CODE §§ 51930 – 51939

DISTRICT NAME: _____

SCHOOL NAME: _____

GRADES IN WHICH SEXUAL HEALTH EDUCATION IS TAUGHT (circle all that apply): K 1 2 3 4 5 6 7 8 9 10 11 12

PROGRAMMATIC & CONTENT REQUIREMENTS

- | | | |
|--------------------------|--|--|
| <input type="checkbox"/> | 1. INSTRUCTION IN MIDDLE SCHOOL AND HIGH SCHOOL | Comprehensive sexual health education and HIV prevention education are taught at least once in junior high or middle school and at least once in high school. California Education Code (EC) § 51934(a). |
| <input type="checkbox"/> | 2. AGE-APPROPRIATE | Instruction and materials are age-appropriate. EC § 51933(a).

“AGE-APPROPRIATE” is defined in EC § 51931(a) as “topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.” |
| <input type="checkbox"/> | 3. MEDICALLY ACCURATE AND OBJECTIVE | All factual information is medically accurate and objective. EC § 51933(b).

“MEDICALLY ACCURATE” is defined in EC § 51931(f) as “verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists.” |
| | 4. ALIGNS WITH PURPOSE OF CA HEALTHY YOUTH ACT | All components of comprehensive sexual health education align with and support the purpose of the California Healthy Youth Act. EC § 51933(c). Tone and content is consistent across all instruction and materials, even if individual components are provided by different teachers or by guest speakers or outside consultants. |

PURPOSE OF THE CALIFORNIA HEALTHY YOUTH ACT: EC § 51930(b)

- 1) To provide a pupils with the knowledge and skills necessary to protect their sexual and reproductive health from HIV and other STIs and from unintended pregnancy
- 2) To provide pupils with the knowledge and skills they need to develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family
- 3) To promote understanding of sexuality as a normal part of human development
- 4) To ensure pupils receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention instruction and provide educators with clear tools and guidance to accomplish that end; and
- 5) To provide pupils with the knowledge and skills necessary to have healthy, positive, and safe relationships and behaviors.

<input type="checkbox"/>	<p>5. KNOWLEDGE AND SKILLS BASED</p>	<p>Instruction and materials include skill-building activities to enable students to:</p> <ul style="list-style-type: none"> • Protect their sexual and reproductive health from HIV and other STIs and from unintended pregnancy; • Develop healthy attitudes concerning adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family; and • Develop healthy, positive, and safe relationships and make healthy decisions. <p>EC §§ 51930(b); 51933(g), (h).</p>
<input type="checkbox"/>	<p>6. ACCESSIBLE TO ENGLISH LEARNERS</p>	<p>Instruction and materials are equally available to students who are English learners. EC § 51933(d)(2).</p> <p>The Education Code allows for the use of alternate curricula to meet the needs of students who are English learners long as the alternate curricula are consistent with existing curriculum requirements and otherwise comply with other requirements in EC §§ 51930-51939.</p>
<input type="checkbox"/>	<p>7. ACCESSIBLE TO STUDENTS WITH DISABILITIES</p>	<p>Instruction and materials are equally accessible to pupils with disabilities. EC § 51933(d)(3).</p> <p>To meet the needs of students with disabilities, instruction may require modified curricula and materials in alternative formats or with auxiliary aids.</p>
<input type="checkbox"/>	<p>8. NOT PROMOTING OF ANY RELIGIOUS DOCTRINE</p>	<p>Instruction and materials do not teach or promote religion. EC § 51933(i).</p>
<input type="checkbox"/>	<p>9. NATURE OF HIV AND OTHER SEXUALLY TRANSMITTED INFECTIONS (STIS)</p>	<p>Covers the nature of HIV, as well as other STIs, and their effects on the human body. EC § 51934(a)(1).</p>

<input type="checkbox"/>	10. TRANSMISSION OF HIV AND OTHER STIS	Covers how HIV and other STIs are and are not transmitted, including relative risks of infection according to specific behaviors. EC §§ 51934(a)(2), (5).
<input type="checkbox"/>	11. HIV AND STI PREVENTION	Provides information on the effectiveness and safety of all federal Food and Drug Administration (FDA) approved methods that prevent or reduce the risk of contracting HIV and other STIs. EC § 51934(a)(4).
<input type="checkbox"/>	12. HIV AND STI TREATMENT	Provides information about the treatment of HIV and other STIs. EC § 51934(6).
<input type="checkbox"/>	13. SOCIAL VIEWS ON HIV AND AIDS	Discusses social views on HIV and AIDS, including stereotypes and myths. Emphasizes that successfully treated HIV-positive individuals have a normal life expectancy, all people are at some risk of contracting HIV, and the only way to know if one is HIV-positive is to get tested. EC § 51934(a)(7). NOTE: Must be medically accurate and unbiased. <i>See items 3 and 17.</i>
<input type="checkbox"/>	14. CONTRACEPTION	Provides information about the effectiveness and safety of all FDA-approved contraceptive methods in preventing pregnancy. EC § 51934(a)(9). FDA-APPROVED CONTRACEPTIVE METHODS INCLUDE, BUT ARE NOT LIMITED TO: Intrauterine devices (IUDs), emergency contraception, the Pill, male and female condoms and other barriers methods, the Ring, the Patch, implants, and the Shot.
<input type="checkbox"/>	15. ABSTINENCE	Provides information that abstinence from sexual activity and injection drug use is the only certain way to prevent HIV and other STIs and abstinence from sexual intercourse is the only certain way to prevent unintended pregnancy. Covers the value of delaying sexual activity while also providing medically accurate information on other methods of preventing HIV and other sexually transmitted infections and pregnancy. EC § 51934(a)(3).
<input type="checkbox"/>	16. PREGNANCY AND PREGNANCY OUTCOMES	Includes an objective discussion of all legally available pregnancy outcomes, including, but not limited to: <ol style="list-style-type: none"> 1) Parenting, adoption, and abortion; 2) Information about the law on surrendering custody of an infant; and 3) The importance of prenatal care. EC § 51934(a)(9).
<input type="checkbox"/>	17. UNBIASED	Instruction and materials do not reflect or promote bias against any person on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation. EC § 51933(d)(4); <i>see also</i> EC § 220.

<input type="checkbox"/>	18. CULTURALLY INCLUSIVE AND APPROPRIATE	Instruction and materials are appropriate for use with pupils of all races, genders, sexual orientations, ethnic and cultural backgrounds. EC § 51933(d)(1).
<input type="checkbox"/>	19. INCLUSIVE OF DIFFERENT SEXUAL ORIENTATIONS	<p>Instruction and materials recognize that people have different sexual orientations. EC § 51933(d)(5).</p> <p>Instruction and materials that affirmatively recognize that people have different sexual orientations requires necessarily includes instruction that teaches students about different sexual orientations.</p> <p>NOTE: Must be unbiased and appropriate for students of all genders and sexual orientations. <i>See items 17, 18, and 20.</i></p>
<input type="checkbox"/>	20. EXAMPLES INCLUDE SAME-SEX RELATIONSHIPS	<p>Examples of relationships also include same-sex relationships. EC § 51933(d)(5).</p> <p>NOTE: Must be unbiased and appropriate for students of all genders and sexual orientations. <i>See items 17 and 18.</i></p>
<input type="checkbox"/>	21. GENDER, GENDER EXPRESSION, GENDER IDENTITY	<p>Includes instruction on gender, gender expression, gender identity, and explores the harm of negative gender stereotypes. EC § 51933(b)(6).</p> <p>NOTE: Must be unbiased and appropriate for students of all genders and sexual orientations. <i>See items 17 and 18.</i></p>
<input type="checkbox"/>	22. RELATIONSHIPS	Teaches the value of and prepares students to form and maintain healthy, committed relationships that are based on mutual respect and affection, and are free from violence, coercion, and intimidation. EC §§ 51933(f), (g).
<input type="checkbox"/>	23. SEXUAL ABUSE AND VIOLENCE	Includes information about sexual assault, adolescent relationship abuse, and intimate partner violence. EC § 51934(a)(10).
<input type="checkbox"/>	24. SEXUAL HARASSMENT	Includes information about sexual harassment. EC § 51934(a)(10).
<input type="checkbox"/>	25. SEX TRAFFICKING	Includes information about sex trafficking. EC § 51934(a)(10).
<input type="checkbox"/>	26. COMMUNICATION WITH PARENTS AND OTHER TRUSTED ADULTS	Instruction and materials encourage pupils to communicate with their parents, guardians, or other trusted adults about human sexuality and provide knowledge and skills necessary for these discussions. EC § 51933(e).
<input type="checkbox"/>	27. LOCAL RESOURCES	Provides information about local resources and student rights to accessing sexual and reproductive health care and assistance with sexual assault and intimate partner violence. EC § 51934(a)(8).

CONFIDENTIAL AND SENSITIVE SERVICES MAY INCLUDE, BUT ARE NOT LIMITED TO: HIV or STI testing, mental health or counseling services, drug or alcohol treatment/ counseling, abortion care, obtaining birth control.

PARENTAL NOTIFICATION & OPT-OUT

- 28. NOTIFICATION PROVIDED AT BEGINNING OF THE YEAR** **Parental notification and opportunity to opt-out is provided at the beginning of the school year. EC § 51938(a).**
- 29. PARENTAL NOTIFICATION** **Parents are notified of instruction and given an opportunity to review curriculum. EC § 51938(b).**

 Requiring a signed note from parents acknowledging receipt of this notification can act as a de facto “opt-in” (active consent) for student participation in instruction. As is reflected in the following requirement, schools may not have an “opt-in” policy for comprehensive sexual health education.
- 30. PARENTAL OPT-OUT** **Parents are notified that they may request in writing that their child be excused from participation. EC §§ 51938(a), (b).**

 EC § 51938 explicitly requires that schools have an “opt-out” (passive consent) policy, which means they notify parents and allow them to withdraw their children. They are not allowed to have an “opt-in” (active consent) policy, which requires parents to sign and return a permission slip for their children to participate.

INSTRUCTORS, OUTSIDE CONSULTANTS, & GUEST SPEAKERS

- 31. TRAINED INSTRUCTORS** **Instructors, including outside consultants or guest speakers, are trained in the appropriate courses. EC § 51934(a).**

 “INSTRUCTORS ARE TRAINED IN THE APPROPRIATE COURSES” is defined in EC § 51931(e) as “instructors with knowledge of the most recent medically accurate research on human sexuality, healthy relationships, pregnancy, and HIV and other sexually transmitted infections.”
- 32. OUTSIDE CONSULTANTS AND GUEST SPEAKERS HAVE EXPERTISE IN COMPREHENSIVE SEXUAL HEALTH EDUCATION** **Outside consultants and guest speakers have expertise in comprehensive sexual health education. EC § 51936. They also have knowledge of the most recent medically accurate research on the relevant topic or topics covered in their instruction.**

 NOTE: All instruction provided by outside consultants and guest speakers must comply with items 1 – 27.

GRADES 7–12: CALIFORNIA HEALTHY YOUTH ACT COMPLIANCE EVALUATION CHECKLIST FOR DISTRICTS
EDUCATION CODE §§ 51930–51939

THIS RESOURCE WAS DEVELOPED BY THE ACLU OF CALIFORNIA,
A collaboration of the ACLU of Northern California, the ACLU of Southern California, and the ACLU of San Diego & Imperial Counties
For more information, go to http://www.aclunc.org/sex_ed. If you are concerned that your school is not following the law, contact the ACLU for help.

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 and <https://www.aclusocal.org/issues/lgbt-equality/student-rights-project/>. Or contact us:

ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111
(415) 621-2493
<http://www.aclunc.org>

ACLU of Southern California
1313 West 8th Street
Los Angeles, CA 90017
(213) 977-5254
<http://www.aclusocal.org>

ACLU of San Diego & Imperial Counties
2760 Fifth Ave., #300
San Diego, CA 92103
(619) 232-2121
<http://www.aclusandiego.org>

THE CALIFORNIA HEALTHY YOUTH ACT – EDUCATION CODE §§ 51930-51939
COMPREHENSIVE SEXUAL HEALTH AND HIV PREVENTION EDUCATION

CURRICULAR MATERIALS & RESOURCES

Below is an initial list of curricula that have been updated, or are being updated, with the goal of meeting the requirements of the California Healthy Youth Act, which took effect in January 2016. Some may require additional supplementation to be in full compliance with the new law. Over time we will add more resources to this list. Please check http://www.aclunc.org/sex_ed for the latest version.

PUBLISHED CURRICULA

The publishers of the curricula listed below also provide training for educators.

Positive Prevention PLUS

POSITIVE PREVENTION PLUS

<http://www.positivepreventionplus.com/>

Positive Prevention PLUS is a comprehensive curriculum for grades 7-12 (middle school and high school editions), including lessons with marginal notes, pre-post tests, family home assignments, a CD with PowerPoint and images, and other features. Written specifically for use in California, this curriculum involves 13 lessons of 45 minutes each, and is available in both English and Spanish; there is also a version for Special Education students.

Teen Talk

HEALTH CONNECTED

<http://www.health-connected.org/#!our-curricula/czks>

Teen Talk Middle School (grades 7-8) and *Teen Talk High School* (grade 9) each include 14 lessons, taught over 10 hours, typically across two weeks. *Teen Talk* was developed for use in California schools and was designed to be inclusive of diverse racial, ethnic, religious, and sexual identities, for mixed-gender classrooms. *Puberty Talk* is also available for grades 5 and 6. All activities are available in English and Spanish.

Rights, Respect, Responsibility

ADVOCATES FOR YOUTH

<http://advocatesforyouth.org/3rs-curriculum>

Rights, Respect, Responsibility (2015), is a K-12 evidence-informed curriculum written to meet the [National Sexuality Education Standards](#). As a national curriculum, it does not have all of the specific content required by California (such as information about California's newborn safe surrender law), but its comprehensive approach, focus on healthy relationships and challenging negative gender stereotypes, LGBT inclusiveness, and other elements are aligned with the California Healthy Youth

Act. It consists of free lesson plans—40 minutes each for K-5 and 50 minutes for grades 6-12— that can be used individually or to form a complete curriculum.

CURRICULA BY CALIFORNIA SCHOOL DISTRICTS

The following districts have designed their own curricula to meet California law and health standards and the needs of their students. They have generously offered to make themselves available as a resource for others.

Be Real. Be Ready.

SAN FRANCISCO UNIFIED SCHOOL DISTRICT | CHRISTOPHER PEPPER, pepperc@sfusd.edu
<http://sfusdhealtheducation.org/be-real-be-ready/>

Be Real. Be Ready. (high school) is taught by certified health educators in the context of required health classes in grade 9. This comprehensive curriculum involves 24 lessons and includes a pre-post test, implementation tools for each lesson, and many resources, all available for free online. While this curriculum was designed to meet all California Education Code requirements, there may be some newly required content areas under the California Healthy Youth Act that require supplementation, namely sex trafficking. Contact Christopher Pepper for more information on *Be Real. Be Ready.*

Healthy Oakland Teens

OAKLAND UNIFIED SCHOOL DISTRICT | ISLA BERTOLINI, ilsa.bertolini@ousd.org

Healthy Oakland Teens (high school) is newly designed and has been in use in Oakland Unified schools since spring 2015. As this district does not require health classes for graduation, its curriculum was designed to be taught by science and English/language arts teachers in tandem - each providing 5 lessons for a total of 10 lessons during grade 9. These teachers also received comprehensive training prior to delivering the curriculum, which was critical to their success. Contact Ilsa Bertolini for more information about this curriculum.

**THE CALIFORNIA HEALTHY YOUTH ACT: EDUCATION CODE §§ 51930–51939
CURRICULAR MATERIALS & RESOURCES**

THIS RESOURCE WAS DEVELOPED BY THE ACLU OF CALIFORNIA,
A collaboration of the ACLU of Northern California, the ACLU of Southern California, and the ACLU of San Diego & Imperial Counties

For more information, go to http://www.aclunc.org/sex_ed.
If you are concerned that your school is not following the law, contact the ACLU for help.

KNOW YOUR RIGHTS

TRANSGENDER STUDENT RIGHTS AT SCHOOL

RESPECT FOR YOUR GENDER IDENTITY

You have the right to assert your gender identity at school, regardless of your gender presentation. You do not need any medical diagnosis or treatment to have your identity recognized by your school. However, we recommend talking and working with your school if possible, especially if you transition while in school.

THE RIGHT TO BE YOU

You have the right to be “out” about your gender identity at school.

DISCRIMINATION AND HARASSMENT OF TRANSGENDER STUDENTS

All students have the right to be treated equally and to be free from bullying, harassment, and discrimination, regardless of gender identity or gender expression.

PRIVACY AND “OUTING” STUDENTS

You have the right to keep your gender identity private, which means that school staff cannot “out” you without your permission to other students or other school staff. Schools should also not “out” you to your parents/guardians, but be aware that schools have done this in the past.

NAMES AND PRONOUNS

You have the right to be addressed by the name and pronouns that correspond with your gender identity. This is true even if your name and gender are not legally changed. Your school should use your chosen name and pronouns on everything possible—your student ID, class attendance rosters, yearbook, and more. Your legal name should only appear on your official file.

RESTROOMS AND LOCKER ROOMS

Your school must allow you to use restrooms and locker rooms that align with your gender identity. If you desire more privacy and prefer to use a more private restroom or changing area, your school should accommodate that. Your school cannot force you to use a private restroom (such as in the nurse’s office) if that is not what you prefer.



CONTINUED: Transgender Student Rights at School

SPORTS

Your school must allow you to participate in PE and sports, consistent with your gender identity.

DRESS CODE AND UNIFORM POLICIES

You have the right to wear clothing that expresses your gender identity. If your school has a policy that says what boys and girls may wear to school or for special events, then your school must allow you to wear the clothing that corresponds to your gender identity. It's even better if school dress codes are gender-neutral and do not tell students what to wear based on stereotypes about what some people think boys or girls should wear.

IF YOU ARE BEING BULLIED, HARASSED OR DISCRIMINATED AGAINST: DON'T BE SILENT, FILE A COMPLAINT!

- ◆ Ask for a Uniform Complaint Form from your front office or school district website (if you can't find it, contact us at the information below).
- ◆ Write down a who/what/where/when/why description of every incident.
- ◆ Make sure to get a signed and dated copy of your complaint from whomever you turned it into at the office (principal, secretary, etc.).
- ◆ To find out more about filing complaints, go to www.aclusocal.org/SRP

CONTACT US

If you have more questions or if you think that your school isn't complying with the law, please contact us:

ACLU of Southern California: www.aclusocal.org, (213) 977-9500

ACLU of Northern California: www.aclunc.org,
(415) 621-2493; counselors' direct line: (415) 621-2488

ACLU of San Diego & Imperial Counties: www.aclusandiego.org, (619) 232-2121

GET MORE INFORMATION AT: WWW.ACLUSOCAL.ORG/SRP



LGBTQ STUDENT RIGHTS



Do I have a right to be out at school?

YES. You have the right to be out about your identity and to be yourself at school.

Do I have the right to keep my LGBTQ identity private?

YES. School staff cannot out you to other students or other school staff without your permission, except under very limited circumstances. Schools should not out you to your parents or guardians, but be aware that schools have done this in the past.

Do I have the right to express myself and speak out about LGBTQ issues?

YES. This includes wearing LGBTQ-positive t-shirts, stickers and bracelets, accessing information about LGBTQ issues on school computers, and bringing same-sex dates to prom.

Can I start a Gay-Straight Alliance (GSA) club at my school?

YES. If your school has even one other extracurricular club, the school must allow you to start a GSA and cannot treat the GSA differently than any other club.

Do I have the right to be free from bullying and harassment at school?

YES. All students have the right to be treated equally and to be free from bullying, harassment and discrimination, regardless of sexual orientation, gender identity or gender expression.ⁱ

Do I have the right to unbiased and LGBTQ inclusive instruction?

YES. Your school should teach LGBTQ inclusive historyⁱⁱ and sexual health educationⁱⁱⁱ, and should never allow bias in the classroom.^{iv}

Do I have the right to assert my gender identity at school?

YES. Regardless of your gender presentation, you have the right to assert your gender identity at school. You do not need any medical diagnosis or treatment to have your identity recognized by your school. However, we recommend talking to and working with your school if possible, especially if you transition while in school.

Do I have the right to be addressed by the name and pronouns that correspond with my gender identity?

YES. This is true even if your name and gender are not legally changed. Your school should use your chosen name and pronouns on everything possible—your student ID, class attendance rosters, yearbook, and more. Your legal name should only appear on your official file.

Do I have the right to dress in a way that aligns with my gender identity?

YES. You have the right to wear clothing that expresses your gender identity. If your school has a policy that says what boys and girls may wear to school or for special events, then your school must allow you to wear the clothing that corresponds to your gender identity.

LGBTQ STUDENT RIGHTS



CONTINUED

Do I have the right to participate in sports and PE classes that match my gender identity?

YES. Your school must allow you to participate in sports and PE classes that align with your gender identity.^v

Do I have the right to use the facilities that match my gender identity?

YES. Your school must allow you to use restrooms and locker rooms that align with your gender identity.^{vi} If you desire more privacy and prefer to use a more private restroom or changing area, your school should accommodate that. But your school cannot force you to use a private restroom (such as in the nurse's office).



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ⁱ California Education Code §200-220

ⁱⁱ California Education Code §51204.5 and §60040

ⁱⁱⁱ California Education Code §51930- §51939

^{iv} California Education Code §51500

^v California Education Code §221.5(f)

^{vi} California Education Code §221.5(f)

IF YOU'RE STOPPED WHILE CARRYING CONDOMS...

- You have the right to carry condoms with you at all times.
- If you are prosecuted for a prostitution-related crime, condoms cannot automatically be used as evidence against you.
- The prosecutor has to ask the court's permission to use condoms as evidence.
- If you are in that situation, your lawyer can and should argue against it.

IF YOU'RE QUESTIONED ABOUT YOUR IMMIGRATION STATUS...

You have the right to remain silent and do not have to discuss your immigration or citizenship status with police, immigration agents or any other officials. You do not have to answer questions about where you were born, whether you are a U.S. citizen, or how you entered the country. If you are not a U.S. citizen and an immigration agent requests your immigration papers, you must show them if you have them with you. If you are over 18, carry your immigration documents with you at all times. If you do not have immigration papers, say you want to remain silent. Do not lie about your citizenship status or provide fake documents.

IF YOU'RE STOPPED WHILE CARRYING CONDOMS...

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KNOW YOUR RIGHTS...

IF YOU ARE LGBTQ AND ARE STOPPED BY THE POLICE OR IMMIGRATION AGENTS.*

The police are supposed to treat us all fairly regardless of sexual orientation, gender identity, gender expression, race, ethnicity, national origin, or religion. Police are not allowed to make homo/bi/transphobic remarks or discriminate against you based on gender identity or sexual orientation.



STAND FOR JUSTICE

213.977.5253
www.aclusocal.org/intake

*Separate rules may apply at checkpoints and when entering the U.S. (including at airports).

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*Separate rules may apply at checkpoints and when entering the U.S. (including at airports).

YOUR RIGHTS

- You have the right to remain silent. If you wish to exercise that right, say so out loud.
- You have the right to refuse to consent to a search of yourself, your car or your home.
- You have the right to be referred to by names, honorifics, and pronouns that reflect your gender identity.
- If you are not under arrest, you have the right to calmly leave.
- It is illegal for cops to frisk you to determine your gender. If you are transgender and in police custody, you should be searched by an officer of the gender you request.
- If you are concerned for your safety, you should ask for protective custody and to be held in a cell by yourself.
- You have the right to a lawyer if you are arrested.
- Regardless of your immigration or citizenship status, you have constitutional rights.

YOUR RESPONSIBILITIES

- **Do** stay calm and be polite.
- **Do not** interfere with or obstruct the police.
- **Do not** lie or give false documents.
- **Do** prepare yourself and your family in case you are arrested.
- **Do** remember the details of the encounter.
- **Do** file a written complaint or call your local ACLU if you feel your rights have been violated.

YOUR RIGHTS

- You have the right to remain silent. If you wish to exercise that right, say so out loud.
- You have the right to refuse to consent to a search of yourself, your car or your home.
- You have the right to be referred to by names, honorifics, and pronouns that reflect your gender identity.
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- **Do not** lie or give false documents.
- **Do** prepare yourself and your family in case you are arrested.
- **Do** remember the details of the encounter.
- **Do** file a written complaint or call your local ACLU if you feel your rights have been violated.

IF YOU'RE STOPPED FOR QUESTIONING...

Stay calm. Don't run. Don't argue, resist, or obstruct the, police, even if you are innocent or police are violating your rights. Keep your hands where police can see them. **Ask if you are free to leave.** If the officer says yes, calmly and silently walk away. If you are under arrest, you have a right to know why. **You have the right to remain silent and cannot be punished for refusing to answer questions.** If you wish to remain silent, tell the officer out loud. **You do not have to consent to a search of yourself or your belongings, but police may "pat down" your clothing if they suspect a weapon.** You should not physically resist, but you have the right to refuse consent for any further search. If you,do consent, it can affect you later in court.

IF YOU'RE STOPPED IN YOUR CAR...

- Stop the car in a safe place as quickly as possible. Turn off the car, turn on the internal light, open the window part way and place your hands on the wheel.
- Upon request, show police your driver's license, registration, and proof of insurance.
- If an officer or immigration agent asks to look inside your car, you can refuse to consent to the search. But if police believe your car contains evidence of a crime, your car can be searched without your consent.
- Both drivers and passengers have the right to remain silent. If you are a passenger, you can ask if you are free to leave. If the officer says yes, sit silently or calmly leave. Even if the officer says no, you have the right to remain silent.

IF YOU'RE STOPPED FOR QUESTIONING...

Stay calm. Don't run. Don't argue, resist, or obstruct the, police, even if you are innocent or police are violating your rights. Keep your hands where police can see them. **Ask if you are free to leave.** If the officer says yes, calmly and silently walk away. If you are under arrest, you have a right to know why. **You have the right to remain silent and cannot be punished for refusing to answer questions.** If you wish to remain silent, tell the officer out loud. **You do not have to consent to a search of yourself or your belongings, but police may "pat down" your clothing if they suspect a weapon.** You should not physically resist, but you have the right to refuse consent for any further search. If you,do consent, it can affect you later in court.

IF YOU'RE STOPPED IN YOUR CAR...

- Stop the car in a safe place as quickly as possible. Turn off the car, turn on the internal light, open the window part way and place your hands on the wheel.
- Upon request, show police your driver's license, registration, and proof of insurance.
- If an officer or immigration agent asks to look inside your car, you can refuse to consent to the search. But if police believe your car contains evidence of a crime, your car can be searched without your consent.
- Both drivers and passengers have the right to remain silent. If you are a passenger, you can ask if you are free to leave. If the officer says yes, sit silently or calmly leave. Even if the officer says no, you have the right to remain silent.

KNOW YOUR RIGHTS WHEN USING RESTROOMS

In California, business establishments, non-profits, and government agencies that serve the public cannot discriminate based on someone's gender identity or gender expression.*

THIS INCLUDES:

- ♂ Stopping you from using a restroom or other sex-segregated facility that matches your gender identity.
- ♂ Asking you to provide ID to prove your gender in order to use a restroom or other sex-segregated facility, such as a dressing room or gym locker room.

Show this card if you think you are being discriminated against.

* Cal. Civ. Code § 51(b)

If you think you have been discriminated against when using a restroom or other sex-segregated facility because of your gender identity or expression, contact us:

ACLU of California
(213) 977-9500
www.aclu-sc.org

L.A. Gay & Lesbian Center
Anti-Violence Project
(800) 373-2227
www.lagaycenter.org

Transgender Law Center
(415) 865-0176
www.transgenderlawcenter.org/help

