

The background is a solid blue color. It features several large, black silhouettes of insects and birds. In the top left, there is a large bee silhouette. In the top right, a bird is shown in flight. In the middle right, another bird is perched. In the bottom right, there is a fly silhouette. In the bottom left, a large bird silhouette is partially visible. The text is centered on the page.

LESSONS, TIPS AND TOOLS FROM

SEX EDUCATION ADVOCACY IN CALIFORNIA

ACLU
California

Lessons, Tips, and Tools

From Sex Education Advocacy in California

California now leads the nation in school-based sex education.

Effective January 1, 2016, the California Healthy Youth Act (CHYA) mandates that all public school students in the state, including charter school students, receive accurate and inclusive comprehensive sexual health and HIV prevention education. This document, updated in 2019, describes the work of the ACLU of California to achieve this goal in a multi-pronged, coalition-based advocacy effort that has spanned two decades. Included in the “we” are our many valued state- and local-level partners who have successfully advocated for improved sex education in California: ACT for Women and Girls, Bay Area Communities for Health Education, Black Women for Wellness, California Latinas for Reproductive Justice, Cardea Services, Equality California, Fresno Barrios Unidos, Genders & Sexualities Alliance Network, The Los Angeles LGBT Center, California’s Planned Parenthood affiliates, and other members of the California Sexual Health Education Roundtable. Among the most important stakeholders are the California parents and youth who have challenged their local school districts to improve sex education—and won.

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Originally written by Phyllida Burlingame, Reproductive Justice and Gender Equity Director of the ACLU Foundation of Northern California, this document has been updated by Jennifer Chou, Reproductive Justice and Gender Equity Attorney at the ACLU Foundation of Northern California, and Alexandra Carter, MSW.

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This document’s lessons and tips are integrated into the text. Markers in the margin indicate the hyperlinks for tools, which are listed at the end of the document and can also be found at www.aclunc.org/lessonstipstools-tools.

Access a PDF of this document at www.aclunc.org/lessonstipstools.

Introduction

Today, California has the strongest sex education law in the country. Home to one out of every eight adolescents in the United States, California is the only state never to have taken federal Title V abstinence funds, and the landmark California Healthy Youth Act (CHYA) is praised by many as a model for progressive policy elsewhere. Yet, California hasn't always been a standard-bearer for comprehensive sex education. In fact, in the early 1990s, many California school districts used egregious abstinence-until-marriage materials and the state had its own abstinence-only program.

What happened to bring about this change? To be sure, the overall political context should be taken into account. But California's success is primarily due to the work of dedicated advocates who pursued a variety of strategies to secure a supportive environment for comprehensive sex education in the state.

The passage of CHYA (A.B. 329) in 2015, requiring all public middle school and high school students be taught comprehensive sex education, is the most easily identifiable marker of success. However, the process that led to this eventual win was incremental, and other victories—won through administrative advocacy, community organizing, and litigation—helped to pass and implement a succession of laws and to create important change outside the policy arena. There is certainly still work to be done to ensure that all California students are actually receiving the education required under state law. Yet as we continue that important work, it is also valuable to reflect on how we got to where we are today.

This document provides examples of strategies we at the ACLU and our allies have tried, where we have been successful, and where we would make changes in hindsight. It is intended not as a manual but as a roadmap of California's campaign, to help advocates who may be contemplating, or actively working toward, passing policy in other states and are wondering what else can be done to advance comprehensive sex education at the state and local levels.

“Sex education is important to me, because it has not been something regularly or positively discussed among my family. I was raised in a religious Latinx household and was taught at a very young age that sex is meant for marriage between a man and a woman. This created the illusion that I didn’t need to learn about sex until marriage. As a result, there was a lot of negative misconceptions that I had internalized about my body and relationships. Sex education is so important, because if done properly, it creates a safe space for young adults to address intergenerational curses and receive crucial information that will impact their decisions. It makes me proud to be partnered with Fresno Barrios Unidos, so that I can be a part of creating this space and bring healing to our campus and community.”

Justine, age 21

K.I.S.S: Keeping it Sexually Safer, Fresno Barrios Unidos

Policy Advocacy

Prior to passage of CHYA in 2015, sex education was not required in California schools. A mandate for HIV prevention education had been in place since 1992, but it would be 11 years before the Comprehensive Sexual Health and HIV/AIDS Prevention Education Act of 2003 (S.B. 71) expanded the Education Code to cover sex education. This legislation dictated that *if* sex education was taught, it *must* be medically accurate and adhere to specific content requirements. However, it was not until the passage of CHYA in 2015 that California public school students were finally guaranteed universal access to sexual health information.

In the years preceding S.B. 71, abstinence-until-marriage programming was widespread in California. The law governing sex education included a provision that required instruction to discuss “the possible emotional and psychological consequences of preadolescent and adolescent sexual intercourse outside of marriage,”—a phrase that was later modified and adopted into the federal definition of abstinence. HIV prevention instruction could be opt-out (passive parental consent), while noncompulsory sex education was only opt-in (active consent). The statute did say that instruction should cover the failure and success rates of contraceptives and condoms, but many districts interpreted this as permission to exaggerate the “failure” in failure rates. In other words, the law was a mess, and the ambiguity was used by opponents of comprehensive sex education to justify abstinence-only instruction.

Starting in 1999, we made five key changes to California’s sex education law.

*1999 Medical Accuracy Act (A.B. 246).*¹



This legislation, authored by a Republican member of the state Assembly, was the first in the nation to define medical accuracy with respect to sex education and to require that instruction adhere to it. The legislation also required that all instruction be free of racial and gender bias. Abstinence-only proponents rightly saw this as an attack, but the bill was framed in such a way that their opposition simply made our case for us. Arguing that a medical accuracy requirement was intended to get rid of abstinence-only programs only served to underscore that abstinence-only was grounded in ideology, not health science. It

¹ http://www.leginfo.ca.gov/pub/99-00/bill/asm/ab_0201-0250/ab_246_bill_19990826_chaptered.pdf

became clear after enactment that this legislation was not strong enough to overcome the other problematic aspects of California’s existing law, but it was a good introductory way to frame the issue for legislators and the public and build momentum around the cause.

TIP: An emphasis on medical accuracy is valuable because it forces abstinence-only supporters into an uncomfortable position and opens a dialogue for the public about fundamental values—not only for sex education, but for education overall. But if you’re only going to get one bite at the legislative apple in your state, this type of bill will probably fall short of meeting your needs. You could instead try to require medical accuracy through an administrative guidance (see “Administrative Advocacy” below).

TOOL



2003 California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act (S.B. 71).²

This bill established that California’s intent was to teach comprehensive sex education, by removing all statutory language that could be interpreted as supporting abstinence-only instruction, and by significantly strengthening requirements regarding contraception and condoms to put prevention methods on an even footing with abstinence. In addition, it required that instruction be appropriate for students of all genders, sexual orientations, races and ethnicities, and also be accessible to students with disabilities and English language learners.

Because of California’s budgetary constraints at the time, we were aware that any bill requiring state spending would not get through the Legislature. As a result, we required that any school teaching sex education comply with all of the criteria established by the bill, but left sex education as optional rather than a mandate. We knew that schools almost universally taught optional sex education along with the required HIV prevention components, and thus believed that we would achieve nearly the same result without triggering the price tag associated with a mandate. Our plan was to establish the criteria and later come back at a time of fiscal health in California to put the mandate in place.

Prior to introducing the bill, we conducted a statewide survey of more than 150 school districts³ in California to document the need for stronger legislation. The survey found that 85 percent of districts were out of compliance with some aspect of the existing law.

TIP: By using our survey to document the magnitude of non-compliance with existing law, we were able to promote our legislation as an attempt to help the districts by clarifying and strengthening existing law, rather than getting into a head-to-head battle between comprehensive and abstinence-only sex education. The survey addressed teacher training, parental consent, and other non-curricular elements in addition to instructional content.

² http://www.leginfo.ca.gov/pub/03-04/bill/sen/sb_0051-0100/sb_71_bill_20031001_chaptered.pdf

³ https://www.aclunc.org/docs/aclu_2003_statewide_school_district_survey_documenting_need_for_legislative_change.pdf

TIP: Requiring that instruction be appropriate for specific populations of students provides an opportunity to work collaboratively with the advocates for those groups and also provides additional legal hooks for challenging districts' sex education programs. For example, the provision in California's law that instruction must be appropriate for students of all sexual orientations previously allowed us to argue that abstinence-until-marriage instruction violated the anti-bias provisions of law since lesbian and gay couples were not legally allowed to marry in the state prior to 2008. In addition, after S.B. 71 passed, Los Angeles Unified School District (LAUSD) compelled a publisher to produce a new comprehensive supplement to its textbook. Previously abstinence-only, it was also the only textbook available in Spanish. Since LAUSD was now required to provide both Spanish instruction for its English language learners and comprehensive sex education, the solution was to create a supplement. Because the same textbooks are utilized all over the country, this addition benefited students far beyond LAUSD.

2007 Sexual Health Education Accountability Act (SHEAA) (A.B. 629).⁴



Although our 2003 law required that all instruction in public schools be comprehensive and medically accurate, the state of California was still funding some abstinence education through its Teen Pregnancy Prevention (TPP) initiative, which supported community-based programming. A number of the state's abstinence-only grantees were using this funding to teach in public schools as outside providers. Consequently, one arm of the state (the Department of Public Health (DPH), which administers the TPP programs) was facilitating the violation of the law governing another arm of the state (the Department of Education and all local education agencies). So, we decided to introduce new legislation that would bring the DPH funding and programming into alignment with the school-based requirements passed in 2003.

We used the term "accountability" in the bill's title to emphasize that the state should not waste scarce resources on programming that was medically inaccurate, ineffective, and in conflict with the instruction already required in schools. The bill applied to all state funding or state-administered funding for pregnancy-prevention or STI-prevention programs. In order to allow for program flexibility to meet various local needs, the bill did not establish as strict a set of criteria as the 2003 school legislation, but it set the same basic floor: all programming had to be medically accurate, free of bias, include information about condoms and contraception in addition to abstinence, and be appropriate for its target audience; all instructors had to have subject-matter expertise.

Passage of this bill ensured that California had a consistent, uniform approach that supported comprehensive sex education, and closed the door on any state support for abstinence-only programming.

⁴ http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_0601-0650/ab_629_bill_20071013_chaptered.pdf

TIP: Extending the bill beyond state funding to also encompass “state-administered funds” prevented the state from applying for Title V abstinence funding, which is given by the federal government to states as a grant and then administered by the state. Although California had never accepted Title V funds, there has been a perennial effort to convince the state to do so. During the recession of the late 2000s, the state Department of Public Health contemplated applying for Title V under pressure from then-Governor Arnold Schwarzenegger. The passage of SHEAA took the issue off the table for good. In 2018, even after Title V was rebranded under the Trump Administration into a “sexual risk avoidance” program, we were able to use SHEAA and CHYA (see below) to argue that the state could not apply for those funds without violating its own laws.

TOOL

2015 The California Healthy Youth Act (CHYA) (A.B. 329).⁵

The foundation had been laid for a comprehensive sex education mandate. While the previous three bills dramatically improved the policy landscape in California, implementation of the laws raised a number of challenges. Our desire to address shortcomings and strengthen existing requirements informed a bold new piece of legislation—A.B. 329, the California Healthy Youth Act (CHYA). CHYA sought to institutionalize accurate, unbiased, and inclusive sexual health education instruction in all California public middle and high schools. The state had finally reached a point of improved fiscal health, and there was a strong statewide network of advocates and supportive caucuses in the legislature poised to take action on issues of gender equity and LGBTQ inclusion. At the same time, the incidence of sexually transmitted infections (STIs) among California youth was reaching an all-time high, and state funding to support community-based providers of sex education had steadily declined since 2008, making schools indispensable points of access to information. It was the right moment to move legislation forward.

“Everybody wanted a bill that pushed the envelope and made real significant change. We didn't want a window-dressing bill that wasn't actually going to fundamentally change how sex ed was taught on the ground, but we also wanted a bill that was going to pass and was going to be signed.”

Melissa Goodman, ACLU of Southern California

⁵ https://leginfo.legislature.ca.gov/faces/billPdf.xhtml?bill_id=201520160AB329&version=20150AB32993CHP

We knew from our advocacy with individual school districts that the 2003 law, S.B. 71, was not being implemented equitably in all areas. In 2011, we partnered with the University of California San Francisco (UCSF) to conduct a statewide survey that, in many respects, mirrored the one we had done in 2003. The results of the survey showed that significant progress had been made to improve sex education since S.B. 71 was enacted.⁶ It also confirmed at a state level the areas where the law needed to be strengthened. Less than 60 percent of schools were teaching the required information on condoms and contraception in both middle school and high school, and only 30 percent addressed sexual orientation. It was clear that without a comprehensive mandate, many districts would continue to interpret the law as they saw fit. However, Governor Jerry Brown’s preference for local control over education and his wariness of additional state spending posed a major barrier to getting a state mandate passed. For this reason, we were strategic in framing the campaign for CHYA to argue that: 1) this wasn’t new—schools were already providing sex education, which meant that they were already subject to content requirements and the bill would represent a broadening of an existing mandate rather than a new one, with its attendant costs; and, 2) this shouldn’t be seen as state-imposed—individual districts truly wanted more guidance from the state, because they found the existing law, with its different requirements for HIV prevention education and sex education, confusing to implement.



Another study that was helpful in laying the groundwork for CHYA was a survey of California parents’ preferences and beliefs about comprehensive sexual health education.⁷ The survey, which was conducted by the Public Health Institute’s Center for Research on Adolescent Health and Development, found that 89 percent of all California parents supported comprehensive sexual health education. This overwhelming support for comprehensive sexual health education was true across all regions of the state—a critical disaggregation of data for a state as politically and geographically diverse as California—and across other subgroups, such as religion and race.



In writing the new bill, we also sought to modernize language on HIV/AIDS and clarify portions of S.B. 71 that had been misconstrued. Previously, the California Department of Education (CDE) had interpreted what we thought was clear parental opt-out (passive consent) language to instead allow for opt-in (active consent) for sex ed and opt-out for HIV prevention ed. Therefore, we were explicit in CHYA to affirmatively state that opt-in was not permitted for any portion of sexual health instruction. Similarly, we recognized that S.B. 71’s provision that abstinence be covered, “while also providing medically accurate information on other methods of preventing pregnancy and sexually transmitted diseases” did not sufficiently prohibit abstinence-only instruction. Some schools argued that it permitted them to disproportionately focus on abstinence as long as they later provided information about condoms and contraception. To remove any such misinterpretation, we included in CHYA the provision that, “all instruction and materials shall align with and support the purposes” of CHYA, “to ensure pupils receive integrated, comprehensive, accurate, and unbiased sexual health and HIV prevention instruction”—

⁶ https://www.aclunc.org/sites/default/files/uneven_progress_full_report.pdf

⁷ <http://teenbirths.phi.org/2007SummaryReport.pdf>

in essence, all elements of the curriculum must support the overarching goal of comprehensive sex education.

TIP: Think about all the ways that abstinence and parental consent language could be misinterpreted and misused, and make it as specific as possible before introducing your bill.

TIP: It's key to ensure that comprehensive sex education fully integrates LGBTQ content; it's also key to ensure that schools don't inappropriately apply parental consent requirements for sex education to other instructional content or programming that addresses sexual orientation or gender identity outside the context of sex education—for example, instruction on the contributions of LGBTQ people in history, or anti-bullying assemblies. Opponents had been arguing that any mention of LGBTQ issues equaled sex education and therefore parental consent was required. In an attempt to make the distinction clear, CHYA has a provision stating that the law “does not apply to instruction, materials, presentations, or programming that discuss gender, gender identity, gender expression, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and *do not discuss human reproductive organs and their functions*,” (emphasis added) yet this solution is imperfect. If you come up with something better, please let us know!

A diverse group of stakeholders were included in the effort to pass CHYA, which ensured that the bill's language reflected a broad range of priorities and expertise. CHYA moved sex education away from a primary focus on prevention of sexually transmitted infections and unintended pregnancy to emphasize healthy relationships, incorporating information on relationship abuse, sexual violence, and human trafficking. It also strengthened provisions for affirmative discussions on gender and sexual orientation, garnering significant involvement from LGBTQ advocacy groups that had played a lesser role in previous campaigns. The organizational sponsors of the bill were ACLU of California, Equality California, Forward Together, GSA Network, and Planned Parenthood Affiliates of California. We also worked with a strong legislative author, Assemblymember Dr. Shirley Weber, who had a commitment to education reform and a connection to sexual health through her daughter's work as a gynecologist. As chair of the Assembly Education Committee, Dr. Weber played a key role in influencing health policy in the legislature.

On October 1, 2015, Governor Brown signed CHYA into law, setting a new bar for comprehensive sex education nationwide.

TIP: Support letters drafted by the bill's co-sponsors were sent to legislators from a wide range of supporters including educators, district administrators, youth-serving community organizations, and health professionals. Updated support letters were also delivered to the Capitol for critical moments—votes in committees, floor votes, and ultimately for the governor's signature. This helped legislators to feel confident about supporting the bill and to get over any initial squeamishness that can arise when sex education bills are introduced.

TIP: Getting the major education stakeholders on board, including the School Boards Association, State Superintendent, and Parent Teachers Association, was key. Anticipating pushback at the local level, we pitched the bill as helpful guidance for districts that would create a stronger ground from which to defend their sex ed policies and would therefore make their jobs easier. In the end, all the main educational organizations and administrators who had opposed previous bills came out in support of CHYA.

2018 Charter school inclusion bill (A.B. 2601).⁸



CHYA was undoubtedly the greatest win of our various legislative efforts, but the original law was far from perfect. It still left a large segment of California students without the guarantee of comprehensive sex education—namely, the state’s growing charter school population. We had reluctantly omitted charters from the language of the bill because a past attempt to expand comprehensive sex education to charter schools had been quickly shot down by the California Charter Schools Association (CCSA), an institution wary of state oversight. So, we knew that extending the law to charters would require its own bill, after we could demonstrate that CHYA was accepted and appreciated by traditional public schools. After the law went into effect in 2016, the rollout of comprehensive sex education was met with a great deal of enthusiasm and the latest data on youth sexual behavior indicated that more young people were using contraception than ever before.

By 2017, school districts even in conservative areas of the state had embraced CHYA, and the #MeToo movement had put new attention on the need to prevent sexual harassment and violence. Assemblymember Dr. Shirley Weber, the author of CHYA, was ready to move forward with a bill to extend the law to charter schools. The ACLU of California sponsored the bill, A.B. 2601, along with ACT for Women and Girls, Black Women for Wellness, and Planned Parenthood Affiliates of California.

In advocating for A.B. 2601, we made the case that expanding CHYA to charter schools was a matter of equity, since nearly three-quarters of California charter school students are students of color, who also experience other systemic barriers to accessing comprehensive health care and information. To address charter schools’ fierce protectiveness over their independence, we stressed that while CHYA sets the requirements for educational content, individual schools retain significant autonomy to choose curricula and grade-levels for instruction. While we weren’t able to get the California Charter Schools Association to support A.B. 2601, they also didn’t oppose it, opening the path for it to move through the Legislature.

On September 18, 2018, in his last term in office, Governor Brown signed A.B. 2601, closing the gap to ensure that all of California’s public school students have access to quality, comprehensive and inclusive sex education.

⁸ https://leginfo.legislature.ca.gov/faces/billPdf.xhtml?bill_id=201720180AB2601&version=20170AB260196CHP

TIP: Think incrementally. You don't have to do it all at once. Consider what measures will have the greatest impact and what is achievable in the short term. Once you have some stable ground to stand on, you can work toward your long-term goals and tie up loose ends when the time is right. Just make sure that your short-term steps don't unintentionally compromise your long-term goals.

Lessons learned from policy advocacy.

Many lessons learned from the various iterations of the law were addressed by CHYA. Yet, as with the previous bills, the implementation phase has revealed more lessons to consider:

- **Specify that passive consent applies to all grade levels and all content.** When we passed S.B. 71 in 2003, the legislature had inserted language saying that parents or guardians could opt their students out of “all or part” of sexual health instruction. This language did not arise as a problem in the following years, so we overlooked it when amending the law through CHYA. But once CHYA took effect, administrators zeroed in on the “or part” provision. The option to partially opt-out is challenging to administer in practice as it requires educators to track which students need to be excused from a given lesson, and it can be difficult to shield individual students from recurring content. The “all or part” option also detracts from the bill’s purpose of wholly integrated instruction and, in some cases, has been used to justify excusing students from LGBTQ-affirmative lessons. We believe that while parents can certainly opt students out of all sex education, including the LGBTQ content, if schools were to facilitate parents in selectively opting their students out of LGBTQ content—such that they are there on other instructional days but absent during instruction that addresses sexual orientation or gender identity—that would violate California’s nondiscrimination law. Separately, because the sex education mandate only applies to middle school and high school, some districts misinterpreted the opt-out language as applying only to those grade levels and sought to implement active consent for instruction in elementary school.

LESSON LEARNED:

We should have limited the opt-out to the instruction as a whole and been more precise that, in all grades, schools may only use a passive consent (opt-out) procedure.

- **Consider how to address the timeframe for instruction.** Ideally, we would have stated a minimum number of hours of sexual health instruction, but we knew a requirement of that nature would be met with significant opposition. We also knew that, without a designated, universal curricular home like a mandated health class, individual schools would need some flexibility to fit the instruction into their academic schedules. What we did not anticipate was that some schools would split their instruction between two grade levels rather than keep sex education as a cohesive unit. Now, should a school decide to divide instruction in this way, we remind them that they must take care to adhere to CHYA’s requirement of integrated instruction by not separating related content across grades—for example, not teaching about

childbirth and parenting in grade 7 and leaving abortion until grade 8, since the law requires schools to teach pregnancy outcomes in an integrated manner.

LESSON LEARNED:

We should have pre-empted the issue by specifying a timeframe for completion, such as within the same academic year.

Budget Advocacy

“In California we’re putting ... less than one-twenty-fifth of a penny per student. How can you do meaningful prevention work on that?”

Sharla Smith, California Department of Education

While we have primarily focused our legislative work on passing policy bills, we have also at times engaged in budget advocacy to ensure that California’s state agencies are adequately funded to play their important role in sex education implementation. For example, after California’s budget crisis caused the state to put an extended hold on its development of the health framework, described in the administrative advocacy section below, the California Department of Education (CDE) informed us that, without new, dedicated funding, it would not be able to restart the framework process; we undertook a successful effort to secure the needed funds. In another instance, California’s receipt of funding from the federal Centers for Disease Control and Prevention (CDC) ended in 2018 after many years. The CDC grant had been the only funding supporting two sex education-focused positions at CDE, so advocates worked to backfill the lost federal funding with state dollars to ensure that CDE could continue to provide guidance and assistance to local school districts.

Administrative Advocacy

Administrative agencies, such as departments of education and public health, play an important role in establishing how sex education will be provided at the local level. They create content standards and other guidance documents, develop criteria for disbursing state funding, and communicate their expectations to school districts in ways both large and small.

In California, which has over 1,000 school districts, influencing the decisions of these agencies has been an integral part of our advocacy strategy. While much of this administrative advocacy has been connected to our policy advocacy and has involved implementation of new legislation, the two are not inextricably linked. Administrative advocacy can be successful even in a less supportive policy environment, because advocates can introduce best practices, public health research and other evidence to argue that these agencies can and should support comprehensive sex education.

Below are some highlights from administrative advocacy in California.

Ensuring the California Department of Education took a leadership role in implementing sex education policy.

Long before the campaign for CHYA, sex education advocates had established a working relationship with CDE. In the years before comprehensive content requirements, we requested changes to instructional guidance documents that were outdated, notified CDE of problems and confusion with implementation at the local level, and otherwise made ourselves both a thorn in their side and a resource for this agency.

After passing each in our series of bills, we were able to leverage this longstanding relationship and play an important role in CDE's interpretation and communication of the new law to schools. For example, after both S.B. 71 and CHYA passed, we wrote detailed Q&A factsheets addressing both basic questions about the law and the specific elements we anticipated CDE might have the most questions about.⁹ While we used the factsheets along with other materials to directly provide information to students, parents, advocates and schools districts, we also provided them to CDE to help inform its own guidance.

⁹ www.aclunc.org/sex_ed



Although it took over two years from CHYA’s passage for CDE to update the guidance on its website, much of its final language reflected our materials.¹⁰

TIP: Administrative agencies are bureaucracies and getting them to produce materials can take a very long time! Our most successful approach has been to help the agency do its work—the fact sheets mentioned above are an example. Instead of hounding an agency to produce resources that could be weaker in tone than you would like, providing the language you want to see establishes a benchmark for what should be included, makes the final product stronger, and increases the speed of resource development and publication. It also demonstrates to the agency in question that you are interested in being a collaborative and solutions-oriented partner in the work.

Influencing the adoption of state standards, curriculum frameworks, and instructional materials.

California has a multi-year, three-step process for providing direction to local school districts regarding sex education instruction: 1) the adoption of **health standards**, which establish the skills and knowledge that students are expected to acquire from instruction; 2) the adoption of a **health framework**, which provides guidance on how to incorporate the standards into instruction; and 3) the adoption of **health instructional materials**, including textbooks, for grades K-8 that meet the standards and the framework. Once instructional materials have been adopted, the cycle repeats itself.

This process has enormous importance for classroom instruction throughout the state. The year that S.B. 71 took effect coincided with the health textbook adoption cycle at the time, meaning that by the time the law went into effect, the process was too far along for the textbooks be altered. This resulted in over a decade of health textbooks in California classrooms that were outdated and in violation of California law. Determined not to let another opportunity slip by, advocates vigilantly monitored the state’s next period of content standard revision. It was a good thing we did, because the state’s initial draft of the standards contained inadequate information about condoms and contraception, did not mention sexual orientation at all, and was very heavily weighted towards abstinence. We submitted a detailed list of proposed changes, called the State Superintendent of Public Instruction to intervene, and sent a letter signed by 41 organizations in support of the modified version. The standards adopted in 2008 included nearly all of our requested changes.¹¹ Not only was the standards victory valuable in its own right, it established the content that would then form the basis for the health framework and health textbook adoptions.

Following our victory with the standards, we were ready to move on to the next step—development of the health framework, a document that was now nearly 20 years out of date. But, as a result of California’s budget crisis, the state suspended all framework development and textbook adoption for over five years. This is where our budget advocacy

¹⁰ <https://www.cde.ca.gov/ls/he/se/index.asp>

¹¹ <https://www.cde.ca.gov/be/st/ss/documents/healthstandmar08.pdf>

on behalf of CDE really came into play. Once the budget crisis was over, we lobbied hard for then-Governor Brown to allocate a line item in the state budget for the health framework revisions and, in 2017, we finally secured funds for CDE to begin the process.

Framework development is a multi-year, multi-step process involving the creation of focus groups, committees, multiple drafts, and multiple layers of recommendations before the State Board takes its final vote. We followed this process closely and actively participated at every level—recruiting for focus group and committee membership, reviewing draft chapters, submitting detailed comments and suggested language, and mobilizing our membership and coalition partners to write letters of support and deliver in-person public comment.

TIP: Provide substitute language rather than general comments. This gives you more control over the strength of content and gives writers the option of simply plugging the language you want to see. Citations and explanations for your proposed language also provide a clear justification and help to establish you as a content area expert.

TIP: Be respectful and aware of public accountability and transparency laws. California has laws in place to ensure that proceedings by public agencies are accessible and accountable to the public. This means that communications with decision-makers and staff, including emails, meeting transcripts and videos, are considered public record and can be disclosed. (See “Public Records Act Requests” in the Legal Advocacy section below)

Our participation in the framework development process ended up being critical for a number of reasons. The writers and committee responsible for developing an initial draft of the framework were experts in health, but not regarding the needs of the LGBTQ community, particularly trans and non-binary students. We provided significant feedback and technical assistance around inclusive language and accurate terminology and how to create learning environments for health that would include students of all genders and sexual orientations. Much of our proposed language and edits were accepted and included in the framework. Our participation in this process was also important because towards the end, a vocal minority of people opposed to sex education and LGBTQ people began to organize against the framework. They showed up in the hundreds to public meetings and sent in thousands of emails opposing the framework. Although we had the law on our side, we still mobilized our supporters to remind the State Board of Education to stand firm, and the Board ultimately voted unanimously to adopt the framework.¹²

We are now working to monitor and influence the state’s health instructional materials adoption, which is scheduled for completion in 2020. Although much discussion in the sex education community centers around curricula specifically devoted to sex education and HIV prevention, textbooks and other instructional materials remain important. Many schools still use textbooks that broadly address health as primary or secondary resources for their classes, and currently, many textbooks contain abstinence-only content. We are

¹² <https://www.cde.ca.gov/CI/he/cf/index.asp>



hopeful that California’s adoption process will influence publishers nationwide to produce health textbooks and other instructional materials that contain medically accurate and inclusive information about sex education—if they don’t, they won’t be selected for one of the largest textbook markets in the country.

Participating on state-convened panels.

As mentioned above, successful administrative advocacy is about finding the fine line between being a gadfly and a resource. In an ideal situation, once state agency staff realize that you are not going away and that they will have to deal with you and your concerns, the time comes when—as long as you are respectful and knowledgeable—they decide they may as well take advantage of what you have to offer. Perhaps they are mostly including you because they hope to co-opt you, but so what? You’re included in the process! This, at least, has been our experience in California.

For example, for many years we badgered the Department of Public Health (DPH) to stop using state funds for community-based abstinence-only programs. We met with them repeatedly, sent requests under California’s Public Records Act (see “Legal Advocacy” below), and ultimately passed legislation—the 2007 Sexual Health Accountability Act (see above)—requiring them to cease and desist. The years of meetings with agency staff had persuaded the Legislature and governor that a new statute was necessary. By the time the 2007 legislation came along, it was clear to DPH that the advocacy community was not going away. Thus, when DPH needed to develop new program criteria to comply with the recently passed law, it broke with its behind-closed-doors tradition and convened an advisory group that included advocates. In addition, the California Healthy Kids Resource Center involved advocates on a committee that established a tool for evaluating curricula against California’s sex education requirements. This tool was updated in 2016 to reflect CHYA’s requirements.¹³

TOOL

Similarly, immediately after CHYA passed, the Adolescent Sexual Health Working Group (ASHWG)—a collaborative of governmental and non-governmental organizations led by the Departments of Public Health and Education—recruited a subcommittee to evaluate a subset of sex education curricula for alignment with the law. Among them were advocates from CHYA’s legislative campaign who were committed to seeing their policy efforts translated into practice. While the subcommittee was not a governmental body, the involvement of governmental staff charged with implementation of CHYA along with non-governmental advocates meant that, through the process, we developed alignment in our interpretation of what instructional content was and was not legally compliant. The subcommittee released its curriculum reviews a year after the law took effect,¹⁴ curriculum publishers made further edits to bring the curricula into compliance, and many districts have since selected their new curricula from the ASHWG list.

TOOL

¹³ <http://ashwg.org/wp-content/uploads/2018/01/CHYA-CAT-Part-1-Curriculum-Only-ETR.pdf>

¹⁴ <http://ashwg.org/resources/curriculum-review-california-healthy-youth-act/>

Working with state associations of school boards and other influential players.

Although “administrative advocacy” technically refers only to advocacy with governmental agencies, there are non-governmental organizations that play an important statewide role in sex education and therefore should not be overlooked—in particular, state associations of school boards.

The California School Boards Association (CSBA) provides guidance and services to nearly all of California’s 1,000-plus school districts. Notably, its policy department writes model policies and regulations that its members can then adopt, saving them from having to reinvent the wheel. This is convenient for local school boards and also for advocates who want to influence local policies!

The policy initially issued by CSBA following the passage of S.B. 71 in 2003 was not very strong—it mischaracterized some of the parental notification requirements, omitted valuable guidance information, framed sex education very narrowly as disease and pregnancy prevention, and generally left quite a bit of room for school districts to misinterpret the law.

Advocates initiated a dialogue with CSBA about its model policy, pointing to ongoing confusion about and non-compliance with the law by local districts. We then worked with CSBA to strengthen the policy. Ultimately, CSBA issued a new version in 2008 that, among other things, defined sex education more broadly as sexual health promotion, made reference to the newly adopted health standards, and provided clarity on parental consent requirements.

Following this experience, CSBA decided to do more in the area of comprehensive sex education and secured a grant to do further work with member districts, particularly around sexual orientation and student safety issues. When it later came time to create a new model policy for CHYA, we had the foresight and experience to work with CSBA on the language before the model policy was finalized and disseminated to districts.

Lessons learned from administrative advocacy.

- **Administrative advocacy is usually a slow build, not a quick fix.** The State Board of Education has deadlines for adopting health standards and materials, but most of our administrative advocacy has not had the benefit of an externally imposed time window. Instead, we’ve identified a problem, brought it to the administrative agency’s attention, and proposed a solution. In the early days, we were hopeful that once the problem and solution were on the table, the agency would act. Unfortunately, it typically took a lot more prodding from us before anything happened. Ultimately our administrative advocacy has borne fruit and been well worth the effort, but it requires patience and persistence to be successful. One benefit of the extensive time we spent early on was that subsequent requests became increasingly easier—this relates to the “relationships” bullet below.

LESSON LEARNED:

Intervention opportunities with external deadlines are easiest to leverage, so look for them. If there's no externally imposed time pressure, prepare for a longer effort.

- **Relationships are key.** We learned early on that the best way to penetrate a state agency is to build a relationship with a staff member. Because agencies are bureaucracies, often the person we'd be dealing with was not the ultimate decision-maker. But once we established rapport with that person, they could become our guide for the rest of the process. This has been very beneficial, as the agency staff member can become our booster within the agency or alert us to an intersecting issue that we did not even know existed. We are very lucky in California that the staff person currently working on this issue at the State Department of Education is firmly committed to comprehensive sex education. This is certainly helpful, but it is not essential for successful advocacy—we also made progress earlier with less supportive staff. As with any advocacy, the key is to become viewed as a trusted expert. One caveat about relationship-building is that if you rely too much on one person and then that person leaves, you're back almost to square one.

LESSON LEARNED:

Build a network of support! Cultivate relationships with agency staff, but make sure you're building your visibility and making yourself known as a valuable contact to more than one staff person—both junior and senior staff can be helpful.

- **Build capacity and leadership in school districts.** One of the most compelling arguments we had to move CHYA through the Legislature and to the governor's desk was that a clearer, more robust law was necessary to support districts in providing the comprehensive sex education they knew their students needed. Prior to CHYA, many districts felt that they would be sticking their necks out to provide sex education. Based on this, we believed that having the law on their side would have been sufficient to empower districts to build systems of implementation to meet CHYA's requirements. However, in a post-2016 election era, where "alternative facts" and social media reign, for some school districts, effective implementation also meant navigating contentious school board meetings, misinformed parents, and an ever-evolving and increasingly interwoven body of laws around inclusion, harassment, consent, and privacy. And because many districts had spent years approaching sex education timidly, if at all, they had little practice or experience with thinking proactively about what it means to have a strong foundation for robust, inclusive, and comprehensive sex education—for example, culturally specific workshops for parents about the importance of sex education and the role parents have in supplementing and supporting the factual information their students learn in the classroom. After CHYA went into effect, we and our partners found ourselves fielding numerous requests from district leadership for not just basic information about the law and instructional best practices, but also strategic assistance around how to engage parents and respond to media, including messages and talking points.

LESSON LEARNED:

Laws and state-level guidance are important but making sure there is local infrastructure and competency to support implementation is equally key. Pushing back CHYA's effective date to the start of the following school year, rather than having it take effect January 1 after the bill was signed, would have given districts more lead time to prepare and for advocates to develop and gather resources to support implementation.

Community Organizing

The campaign for CHYA exemplified the power of bridging the divide between policymakers and communities. Grassroots advocates were involved at all stages of the process, from defining the issue and suggesting content for the bill to on-the-ground implementation and monitoring. Regardless of how much we have accomplished through state-level policy and administrative advocacy, we have always known that we have to complement it with significant, sustained work at the local level. This participation not only strengthens the integrity and sustainability of our own work, it also strengthens individual district accountability. Many schools simply put off implementing comprehensive sex education without the pressure of parents, students and community members.

Parent organizing.

Parents can play a critical role in winning comprehensive sex education at the local level. School districts feel accountable to them, and they have the moral standing to talk about the sex education they want for their children. In California, the ACLU of Northern California and Bay Area Communities for Health Education (BACHE) have largely focused on parent organizing. BACHE, a group formed by parents to guide and support other parents in sex education advocacy, developed a toolkit with step-by-step instructions for a parent-led organizing campaign¹⁵ that has since been updated to reflect CHYA. California Latinas for Reproductive Justice¹⁶ and Forward Together¹⁷ also have toolkits for working with Latinx and Asian Pacific Islander parents and community members, respectively. We developed our own set of materials specific to CHYA, including a Parent Toolkit¹⁸ and a Take Action!¹⁹ handout for parents and community members. Internally, we also focused on communication strategies for engaging wary parents who may be skeptical of the new law or have concerns about their parental rights.

In 2009, parent organizing accomplished a significant victory in Fremont, where the school district was still using an abstinence-only-until-marriage program after S.B. 71 passed. Using the law as leverage and relying on tools such as the California School

¹⁵ <http://bacheinfo.org/Toolkit/>

¹⁶ <https://californialatinas.org/resources/sex-ed-action-kit/>

¹⁷ [https://forwardtogether.org/wp-content/uploads/2018/01/Tools for SexEd 2018R4.pdf](https://forwardtogether.org/wp-content/uploads/2018/01/Tools_for_SexEd_2018R4.pdf)

¹⁸ https://www.aclunc.org/docs/advocacy_toolkit.pdf

¹⁹ https://www.aclunc.org/docs/take_action.pdf

Boards Association’s updated model policy and public health data, a group of Fremont parents, organized by the ACLU and BACHE, engaged other parents, students, teachers and community members to demand that the district teach comprehensive sex education instead. They spoke at school board meetings, gained a majority on the district’s sex education oversight committee, and presented the district with a concrete list of problems and proposed solutions. Ultimately, the district changed course and adopted comprehensive sex education in both middle and high schools even before CHYA’s legal mandate was in place. When it came time for the district to update its curriculum to comply with CHYA, the district understood its obligation to be responsive to the community and to the law.

TIP: Community organizing increases the chances that change will be sustainable over time, since the community is both invested in the outcome and still on site to monitor the situation and make sure no backsliding occurs. For example, the relationship we built with parents in Fremont in 2009 was key for flagging issues in the district that arose around CHYA implementation in Fremont in 2017. In addition, parents who have participated in a successful sex education campaign will often become advocates for youth on intersecting issues (see “Movement Building” below).

TIP: School districts often hide behind perceived community opposition as a reason not to improve their sex education instruction. “This is a conservative community,” district officials will say. “People here won’t support teaching anything other than abstinence.” That argument is quickly deflated when administrators are faced with a mobilized, representative cross-section of the community arguing persuasively about why they support comprehensive sex education and demanding accountability from their local schools.

Youth organizing.

Organizing students to demand quality sex education is valuable for leadership development as well as for winning change. In the campaign to pass CHYA, young people played a critical role and were the most effective spokespeople on why the law was needed, drawing direct connections to their experiences and values and to the inadequate sex education they were receiving.

Organizations including Forward Together, Fresno Barrios Unidos, ACT for Women and Girls, Planned

Parenthood Affiliates of California, California Latinas for Reproductive Justice, and GSA Network, all in different ways, engaged youth advocates from across the state to participate in legislative visits, give testimony at the Capitol, generate support letters and

“It's awesome to be able to say my point—instead of someone else speaking for me.”

Rommy Brenner, age 18
Forward Together

petitions, and spread the word about CHYA to their peers and communities. Youth involvement in the campaign culminated with a youth lobby day, in which young people met with Governor Brown’s staff, shared their stories, and urged the governor to sign the bill into law, which he did just two weeks later. Centering the voices, experiences, and needs of youth was also critical for the successful adoption of the revised health framework in 2019.

TIP: Invest in training and leadership development. Placing youth at the forefront of the movement and not just as “token” participants builds power, but it also requires time, energy, and resources not all groups are well positioned to provide. Supportive adult collaboration and guidance are key to preparing young people to tell their stories, answer tough questions, and anticipate pushback. Build on existing relationships and find the community organizations that already do this work well.

TIP: Find creative ways to uplift youth voices through social media, online resources, surveys, and local media outlets. Narrative is a powerful tool for advocacy and for reframing the public debate surrounding sex education. Youth experience sex education firsthand, and are best positioned to convey how they are affected by problematic programming and, conversely, by quality comprehensive instruction. Similarly, parents of children who may not be fully represented in health curricula, such as transgender youth or those with differing cognitive abilities, can be among the most persuasive advocates for equity and inclusion. Telling those stories makes the need for comprehensive sex education personal and urgent.

“The benefits of representation of LGBTQ youth in sexual health education ... is astounding. This normalizes these identities, making allies more common and queer folk more accepted and comfortable. It’s a creation of a more united community where questions can be asked and answered so young people are making informed decisions and are able to act safely.”

**Testimony from Karen, age 17,
Los Angeles, to the California State Board of
Education in support of the Health Education Framework**

ACT for Women and Girls is one example of an organization with deep local ties that has invested in the long game of youth development. Prior to CHYA, ACT conducted a youth campaign with guidance from California Latinas for Reproductive Justice to take on the Visalia school district in the Central Valley, a notoriously conservative part of the state with widespread abstinence-only-until-marriage programs. The young people in ACT’s Female Leadership Academy ultimately won comprehensive sex education in their district. Using participatory methods, they surveyed their peers to determine what sex education they had received and what they wanted. Then they presented their findings at

individual and group meetings of school board members and convinced them that improving sex education was the right thing to do for students in their district. Our other Central Valley partner, Fresno Barrios Unidos, replicated that effort and engaged in a concentrated campaign led by young people that resulted in the adoption of sex education, prior to the passage of CHYA, in Fresno Unified, the fourth largest school district in the state with over 70,000 students.

Rapid response organizing.

As mentioned above, a few years after CHYA passed, we saw a significant uptick in opposition to and misinformation about comprehensive sex education, as well as any instruction that affirms and explicitly includes LGBTQ and non-binary students. This also coincided with a rise in organizing against vaccinations and in favor of charter schools. In a reversal of fortunes, we found ourselves advocating to *support* school districts and school staff who wanted to implement good sex education, rather than advocating *against* recalcitrant districts. We also had to shift from strategies around long-term organizing to rapid mobilization. We realized that the moment called for different tools than the ones we crafted previously, so we developed a separate set of resources to specifically support rapid turnout, including how-tos for mobilization, template outreach materials, and pivots for common opposition messages.²⁰



Lessons learned from community organizing.

- **Weigh the tradeoffs between deep engagement and reach.** Community organizing is labor-intensive, but its rewards are great. The key is to find the right projects and opportunities to maximize the rewards of organizing without overtaxing your capacity. For example, while it might be easier to have a staff person hold a meeting with a district administrator, it is many times more valuable to have parents, community members, and youth also present at that meeting, even though it might require significant preparation time.

But this deep engagement is very hard to maintain in multiple school districts at once. In 2017, two years after CHYA passed, we began to see an uptick in local opposition to the law. Among the first districts to experience backlash were Fremont—our old friends—and San Juan Capistrano Unified in Orange County. Initially, we dedicated significant staff capacity to mobilizing community members in these districts to support sex education. But as opposition spread due to behind-the-scenes efforts by organizational opponents of comprehensive sexuality education, we had to pivot to address the backlash at a broader, more systemic level. As discussed in further detail above, we convened regional rapid response networks and developed messaging and tools that could be utilized by community members who need to mobilize quickly.

²⁰ To see a copy of our Tools for Rapid Response, email sexualhealth@aclunc.org.

LESSON LEARNED:

While the greatest rewards come from the most in-depth organizing, it's important to be mindful of your capacity and to not overpromise or create an inauthentic relationship with community members. Sometimes working at a level that is broad and shallow rather than narrow and deep—as long as it still engages community members in a respectful and collaborative way—is more appropriate to the context at hand.

SPOTLIGHT ON:

BUILDING RELATIONSHIPS WITH MEDIA

The media can be a useful tool for advocates to unify their messaging, educate and recruit potential supporters, and put pressure on decision-makers. A media strategy should be an integral part of any advocacy effort, including legislative, legal, and community advocacy. Too often, the natural instinct for media when covering sex education is to overemphasize salacious details and misinformation at the cost of accuracy and nuance. For example, much of the coverage around the State Board of Education's adoption of the health framework was authored by reporters with little familiarity about California's history of incrementally progressive policies around sex education and LGBTQ inclusivity or background about the on-the-ground classroom dynamics that have driven our state's movement towards access and inclusion in education. As a result, much of this coverage focused on biased and, in many cases, misleading talking points from those opposed to the health framework ("too much, too soon!" and "Sex ed is sexual indoctrination" and "California is teaching porn in classrooms"). By contrast, reporters with whom we built relationships have covered sex education in California with considerably more accuracy and nuance.

Some examples of pieces written by journalists we worked to develop relationships with:

- David Washburn (EDSOURCE):
<https://edsource.org/2019/california-approves-new-guidance-for-teaching-sex-education/612169>
- Sandya Dirks (KQED):
<https://www.kqed.org/news/11666223/fremont-ends-sex-ed-for-fourth-through-six-graders-after-curriculum-controversy>
- Mackenzie Mays (FRESNO BEE):
<https://www.fresnobee.com/news/special-reports/too-young/article165478887.html>

Lesson learned: Don't wait until you're trying to put out fires to develop relationships with reporters. Reach out to them early on in your campaign to help them frame and build understanding about issues.

Legal Advocacy

Public Records Act requests.

All government agencies must make their records available to the public. The Freedom of Information Act applies to federal agencies. In California, the Public Records Act (PRA) applies to state and local agencies, such as the California Department of Education and local school districts. As part of our effort to monitor CHYA implementation at the local level, we obtain instructional materials through PRA requests from districts we suspect may be out of compliance. After reviewing the materials for alignment with the law, we engage the district by sending letters that specify areas for immediate improvement. This process is generally sufficient to halt the use of any harmful or inadequate content in the classroom and to engage the district in a collaborative process to update their materials. However, in rare cases, the threat of litigation is a necessary tool.

TIP: Because a PRA request triggers a legal obligation to respond, it immediately puts school districts on the defensive. They are compelled to provide documents in response to a PRA request, but may be less open to working collaboratively with you moving forward. It's a good strategic tool, but think carefully about when to use it. If you're trying to build a relationship with a school district or an administrative agency, it may be best to use a PRA as a last resort for getting information.

TIP: Although public agencies are required to comply with PRA requests, sometimes they simply don't. While any member of the public may submit a PRA request, compliance may be improved if the PRA request comes from the ACLU or another organization that might sue a recalcitrant agency. If your organization doesn't fit in this category, think about partnering with one that does.

Litigation.

After many years of convincing school districts to improve their curricula through other strategies, in August 2012 the ACLU filed a lawsuit²¹ against the Clovis Unified School District for teaching biased, abstinence-only-until-marriage instruction in its high school



²¹ https://www.aclunc.org/news/press_releases/parents_and_doctors_sue_clovis_unified_school_district_over_sex_education.shtml

classes. When the lawsuit was initiated, the district used the Holt *Lifetime Health* textbook, which failed to mention contraceptive methods or condoms. Instead, in its list of STI prevention steps the text tells students to “practice abstinence,” “get plenty of rest,” and “go out as a group.” A supplementary video compares a woman who is not a virgin to a pair of dirty shoes. The plaintiffs in this case were two parents, the Academy of American Pediatrics in California, and the Gay-Straight Alliance Network, represented by the ACLU and pro bono attorneys at Simpson Thacher & Bartlett. While there have been lawsuits elsewhere challenging the religious content in abstinence-only programming, the Clovis case was the first of its kind to challenge abstinence-only programming over requirements that sex education be medically accurate and comprehensive. Prior to resorting to a lawsuit, the parents who became plaintiffs presented their complaints to school district administrators and educated other parents about the issue through a community forum. As a result, the district made some changes, but the curriculum was still problematic, so the parents decided to sue. The case attracted significant press attention, which we were able to use to address the larger problem of abstinence-only-until-marriage programs and the need for improved sex education throughout California’s Central Valley, where Clovis is located.

In May 2015, Judge Donald S. Black ruled that the Clovis’s sex education was out of compliance with the law and stated that “access to medically and socially appropriate sexual education is an important public right.”²² This historic ruling was a victory for sex education—not just for the students in Clovis Unified, but for students across the state.

TOOL

Lessons learned from legal advocacy.

- **Litigation is slow.** As a result of the parent plaintiffs’ initial organizing and community education work, others in the community were eager to participate in advocacy efforts, and we tried to pursue a parallel track of community engagement and litigation. However, the two strategies operate on very different timelines—community engagement requires frequent opportunities for involvement (or else people start to fall away), while litigation moves at the slow pace of the court system.
- **Involve partners that highlight broader significance.** The involvement of the Academy of American Pediatrics and the GSA Network helped by directing focus toward the public health aspects of sex education and pointed to the need for LGBTQ-inclusive sex education for all students.

LESSON LEARNED:

It’s important to make sure the community understands the issue and doesn’t just see litigation as an effort by outsiders to impose a solution on the community. But litigation does present opportunities for community engagement on a sporadic, not regular, basis.

²² https://www.aclunc.org/sites/default/files/Clovis_Ruling_05_04_2015.pdf

Movement Building

In a narrow conception, sex education advocacy is about implementing programs that prevent unintended pregnancy or sexually transmitted infections. But in California, we have consistently made an effort to broaden how the issue is framed, in terms of both who is doing the advocacy and how we approach the issue. We see sex education as an intersectional issue that can break down silos and bring together advocates across interest areas, increasing the strength of all. We have pursued this movement-building approach through both the structure and the content of our work.

The California Sexual Health Education Roundtable.

Back in 2002, when we were contemplating sex education legislation, the ACLU of Northern California and Planned Parenthood Affiliates of California brought together educators, researchers, policy advocates and community-based organizations to discuss problems with the sex education being taught in schools at the time, and to strategize policy solutions. We wanted to be sure to connect any resulting policy proposals to the experiences of those working at the local level in schools and community settings.

Our 2003 legislation grew from this meeting, and we have continued to convene the group twice a year for the past decade. Now called the California Sexual Health Education Roundtable, and additionally convened at various times by Forward Together and California Latinas for Reproductive Justice, this group promotes networking, cross-fertilization of ideas, and collaborative action. Examples of Roundtable activities include:

- Workshopping the content and language of CHYA itself, as well as strategies needed for affirmative implementation immediately following the law's passage.
- Mobilizing members for participation at every stage of the health framework revision and adoption process, including serving on the drafting committee, submitting written comments, and providing in-person testimony to support adoption.
- Highlighting successful models of community-led sex education and advocacy during webinars and annual in-person meetings.
- Sending letters to administrative agencies and legislative committees as part of our advocacy work. Typically, the agency letters have at least 30 signatories representing

a wide range of organizations. Over 40 organizations registered their support for CHYA in 2015.²³

TIP: Developing a network that connects local- and state-level work strengthens both, whether you are working on policy change or implementation. It is also invaluable to include the perspectives of members from a range of disciplines and contexts.

Using a wider lens.

The conveners of the California Sex Education Roundtable engage in sex education advocacy using a reproductive justice approach, which emphasizes structural factors that can negatively affect young people’s health—including racism, sexism, homophobia, poverty, immigration status, and language barriers. Using this approach expands sex education advocacy from preventing unintended pregnancy and disease to promoting a holistic vision of well-being for young people. This approach also brings together a wider cross-section of the community, engaging them on a wider range of issues. For example:

- Non-traditional partners, such as disability rights organizations and organizations working on the environment and immigrants’ rights have participated in our advocacy, giving it added breadth and depth.

“I transitioned in 4th grade ... I remember in 5th grade they split us up into boys and girls, and I went with the girls. We talked about periods and tampons and pads and I remember thinking ‘none of this applies to me...’ Because of this, for the longest time, I thought that I just couldn’t have sex, and that I couldn’t ever be in a real relationship. Since then I’ve realized that it’s not true—I can be in a relationship just like any straight, cis person can, but I’m still affected by my miseducation. I have a deep-rooted insecurity about relationships and my ability to participate in them. If I’d had good sex ed that reflected my identity and my experience, I would be so much more comfortable in my skin. I would have been saved a whole lot of pain and self-hatred.”

Testimony from Tacy, age 18, GSA Network Youth Council, to the California State Board of Education in support of the Health Education Framework

²³ http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201520160AB329#

- Parent activists who secured a sex education victory in Fremont (see “Community Organizing” above) later rallied to oppose the school district’s attempt to ban the play *Angels in America* from high school English classes. While the district claimed the play offended Mormons, to the parents it was a clear continuation of the anti-gay bias that they had already witnessed during their sex education advocacy effort.
- Organizations dedicated to teen pregnancy prevention participated in legislative visits organized by the Sex Education Roundtable to educate policymakers about the need to preserve a state-funded program that serves pregnant and parenting students. Our talking points stayed away from the stigmatizing language that often surrounds teen pregnancy and parenting. Instead, we talked about the need to remove barriers so that all young people can be healthy and achieve their educational goals.

Lessons learned from movement building.

- **Culture shift is a long-term process.** Some organizations that have participated in advocacy with us are used to seeing the world through a more traditional teen pregnancy prevention lens. The California Sexual Health Education Roundtable has spent significant meeting time exploring intersectional issues—for example, why we need to promote LGBTQ-inclusive sex education or instruction that is free of gender bias. Participants have welcomed these discussions. They have also acknowledged that it can be challenging to move to a new way of thinking about their work, even when it is what they want to do. To continue moving forward requires a steady, consistent effort. Over the lifetime of the Roundtable, the growth in understanding of these intersectional issues has been heartening and significant.

Conclusion

The sex education landscape in California has improved dramatically over the past 20 years, delivering knowledge and skills that our young people need to live healthier lives. However, the process to arrive at this point has been an incremental, and multi-level, group effort. Setbacks inevitably occurred, but advocates' vision and commitment to the long game have allowed us to stay the course and ultimately achieve the most progressive sex education law in the nation. While we still (always!) have implementation work to do, thanks to the work of many, California has slowly but surely moved toward a top-to-bottom implementation of comprehensive sex education.

As we all know, however, policymakers and school administrators can be timid, and sex education is an issue many of them would rather avoid. The only way to ensure that forward progress continues, both in California and in other states, is for advocates to keep holding decision-makers' feet to the fire—using all of the tactics available to us. May this document help guide you on your way!

Tools

Policies

1999 Medical Accuracy Act (A.B. 246) - http://www.leginfo.ca.gov/pub/99-00/bill/asm/ab_0201-0250/ab_246_bill_19990826_chaptered.pdf

2003 California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act (S.B. 71) - http://www.leginfo.ca.gov/pub/03-04/bill/sen/sb_0051-0100/sb_71_bill_20031001_chaptered.pdf

2007 Sexual Health Education Accountability Act (A.B. 629) - http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_0601-0650/ab_629_bill_20071013_chaptered.pdf

2015 California Healthy Youth Act (A.B. 329) - https://leginfo.legislature.ca.gov/faces/billPdf.xhtml?bill_id=201520160AB329&version=20150AB32993
[CHP](#)

- A.B. 329 Senate Education Committee Analysis - http://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201520160AB329#

2018 Charter school inclusion bill (A.B. 2601) - https://leginfo.legislature.ca.gov/faces/billPdf.xhtml?bill_id=201720180AB2601&version=20170AB260196
[CHP](#)

Guidance documents

California Department of Education information about CHYA - <https://www.cde.ca.gov/ls/he/se/index.asp>

- CDE FAQ about CHYA - <https://www.cde.ca.gov/ls/he/se/faq.asp>

2008 California Health Education Content Standards - <https://www.cde.ca.gov/be/st/ss/documents/healthstandmar08.pdf>

2019 California Health Education Framework - <https://www.cde.ca.gov/Ci/he/cf/index.asp>

2016 ETR Associates Curriculum Assessment Tool for CHYA - <http://ashwg.org/wp-content/uploads/2018/01/CHYA-CAT-Part-1-Curriculum-Only-ETR.pdf>

2016 Adolescent Sexual Health Work Group CHYA Curriculum Review - <http://ashwg.org/resources/curriculum-review-california-healthy-youth-act/>

Surveys of schools, parents, and students

2003 ACLU statewide school survey documenting need for legislative change -

https://www.aclunc.org/docs/aclu_2003_statewide_school_district_survey_documenting_need_for_legislative_change.pdf

- Executive summary - https://www.aclunc.org/docs/executive_summary_-_2003_statewide_school_district_survey.pdf

2007 Public Health Institute California parent survey - <http://teenbirths.phi.org/2007SummaryReport.pdf>

2011 University of California, San Francisco statewide school survey showing implementation progress and areas of continued need -

https://www.aclunc.org/sites/default/files/uneven_progress_full_report.pdf

Advocacy letters and litigation documents

ACLU lawsuit against Clovis Unified

- Press release - https://www.aclunc.org/news/press_releases/parents_and_doctors_sue_clovis_unified_school_district_over_sex_education.shtml
- Complaint - https://www.aclunc.org/sites/default/files/clovis_legal_complaint.pdf
- Ruling - https://www.aclunc.org/sites/default/files/Clovis_Ruling_05_04_2015.pdf

Implementation and activist toolkits and factsheets

ACLU Implementation Toolkit including factsheets, Q&As, and curriculum resources -

www.aclunc.org/sex_ed

- ACLU Parent Advocacy Toolkit - https://www.aclunc.org/docs/advocacy_toolkit.pdf
- ACLU Parent Advocacy Factsheet - https://www.aclunc.org/docs/take_action.pdf
- ACLU Tools for Rapid Response – email sexualhealth@aclunc.org

Bay Area Communities for Health Education Parent Activist Toolkit - <http://bacheinfo.org/Toolkit/>

California Latinas for Reproductive Justice Latin@ Sexuality Education Action Kit -

<https://californialatinas.org/resources/sex-ed-action-kit>

Forward Together Transforming Asian Pacific Islander Communities: Tools for Sexuality Education -

https://forwardtogether.org/wp-content/uploads/2018/01/Tools_for_SexEd_2018R4.pdf



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