



Lessons, Tips and Tools from Sex Education Advocacy in California

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This document describes the work of the ACLU of California in partnership with many valued state and local-level organizations. Included in the “we” who have successfully advocated for improved sex education in California are ACT for Women and Girls of Tulare County, Bay Area Communities for Health Education, California Latinas for Reproductive Justice, California NOW, ETR Associates’ Working to Institutionalize Sexuality Education (WISE) project, Forward Together, Fresno Barrios Unidos, Gay-Straight Alliance Network, California’s Planned Parenthood affiliates, the Public Health Institute’s Center for Research on Adolescent Health and Development, Sierra County Citizens for Choice, and other members of the California Sex Education Roundtable. In addition, California parents and youth have challenged their local school districts to improve sex education—and won.

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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 be found at www.aclunc.org/lessonstipstools-tools.

Introduction

Today, California receives high praise for its commitment to comprehensive sex education. 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; its sex education law, while not the strongest in the country, has been a model for legislation elsewhere.

California hasn't always been a standard-bearer for comprehensive sex education. In fact, in the early 1990's many California school districts used egregious abstinence-only-until-marriage materials like *Sex Respect*, 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 advocates who pursued a variety of strategies to secure a supportive environment for comprehensive sex education in the state.

The passage of state law in 2003 requiring that sex education be comprehensive is the most easily identifiable marker of success. But other victories—won through administrative advocacy and community organizing—helped both to ensure the implementation of the law and to create important change outside the policy arena. There is certainly still work to be done before we can call California a model in all respects, but while we do that work it is also valuable to reflect on how we got where we are today.

This document provides examples of strategies we at the ACLU and our allies (see title page for list of partner organizations) have tried, where we have been successful, and where we would make changes in hindsight. It is intended to help advocates who may be contemplating passing policy in other states and are wondering about implementation, or who are faced with a difficult policy environment and are wondering what else can be done to advance comprehensive sex education at the state and local levels.

Policy Advocacy

Prior to 2003, California law governing sex education emphasized abstinence until marriage and included the requirement that instruction include “a discussion of the possible emotional and psychological consequences of preadolescent and adolescent sexual intercourse outside of marriage,” a phrase that was later adopted in modified form into the federal A-H definition of abstinence. There was a mandate that HIV prevention education be taught, while sex education was optional. HIV prevention instruction could be opt-in (active parental consent), while sex education was only opt-out (passive consent). While the statute did say that instruction should cover the failure and success rates of contraceptives and condoms, many districts interpreted this as permission to exaggerate the “failure” in failure rates. In other words, the law was a mess, and it was used by opponents of comprehensive sex education to justify abstinence-only instruction.

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

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- [1999 Medical Accuracy Act \(AB 246\)](#). This legislation, authored by a Republican member of the state Assembly, was the first in the nation to define medical accuracy in 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 public health science. After it was enacted, this legislation turned out not to be enough to overcome the other problematic aspects of California’s existing law, but it was a good introductory way of framing the issue for legislators and the public.

➤ **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 regulation (see “Administrative Advocacy” below).

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- [2003 California Comprehensive Sexual Health and HIV/AIDS Prevention Education Act \(SB 71\)](#). This bill established that California’s intent was to teach comprehensive sex education, removed all statutory language that could be interpreted as supporting abstinence-only instruction, and significantly strengthened requirements regarding contraception and condoms, putting 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 Learner students.

Because of California’s fiscal situation, we were aware that any bill that required 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 we left sex education as optional rather than making it a mandate. We knew that schools almost universally taught the optional sex education with the required HIV prevention, and thus we 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 districts](#) in California to document the need for it—the survey found that 85% of districts were out of compliance with some aspect of the existing law.

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- **TIP:** By using our survey to document that so many districts were out of compliance with existing law, we were able to promote our legislation as an attempt to help 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.
- **TIP:** Requiring that the instruction be appropriate for specific populations provides an opportunity to work collaboratively with advocates for those populations 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 has allowed us to argue that abstinence-until-marriage instruction violates the anti-bias provisions of law since lesbian and gay couples are not legally allowed to marry in the state. In addition, after our law passed, Los Angeles Unified School District compelled a publisher to produce a new comprehensive supplement to its textbook. Previously abstinence-only, it was the only textbook also available in Spanish, and, following passage of the law, LAUSD had to both provide Spanish instruction for its English Learner students and provide comprehensive sex education—the solution was to create a supplement to the textbook, which benefited students beyond LAUSD.

- [2007 Sexual Health Education Accountability Act \(AB 629\)](#). 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 supports community-based programming. A number of

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the state's abstinence-only grantees were using this funding to teach in the 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 the 2003 legislation.

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; 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 it closed the door on any state support for abstinence-only programming.

- **TIP:** By extending the bill beyond state funding to also encompass “state-administered funds” we prohibited the state from applying for Title V abstinence funding, which is given by the federal government to states as a grant that is then administered by the state. Although California had never accepted Title V abstinence funding, there was a perennial effort by supporters to convince the state to do so, and as California’s fiscal picture worsened, Governor Schwarzenegger vowed to draw down any available federal funding and the state Department of Public Health was contemplating applying for Title V. The passage of AB 629 took the whole issue off the table for good.

Lessons learned from policy advocacy

While these three successful bills dramatically improved the sex education policy landscape in California, implementation of the laws raised unexpected as well as anticipated challenges. Some of those challenges could have been avoided had we phrased the legislation differently. For example:

- **Specify passive consent only.** Prior to the passage of SB 71 in 2003, the statute governing sex education stated that schools had to notify parents of instruction and give them the opportunity to request in writing that their child not participate (opt-out). The statute

governing HIV prevention education went further and specified that districts could instead require active parental consent prior to providing instruction (opt-in).

In writing SB 71, we established one parental consent process for both sex ed and HIV prevention ed. By simply removing the existing clause from the HIV education law that allowed for opt-in and retaining the wording that parents could request in writing that their children not participate, we thought we were establishing a uniform passive consent procedure. This was certainly the impression held by legislators, who debated this provision more than any other in the bill.

However, the California Department of Education (CDE) interpreted the law differently—its position is that the law allows sex education to be opt-in, while HIV ed now can be opt-out only. Extensive arguments that this interpretation makes no sense and violates the legislative intent of the bill fell on deaf ears at CDE, resulting in much confusion by local school districts.

Lesson learned: We should have been more precise with the bill language and specified that schools may only use a passive or opt-out consent procedure.

- **Specify that no element of the curriculum may be abstinence-only.** The 2003 legislation requires that all FDA-approved contraception and STI-prevention methods be covered in sex education, along with abstinence. Because we knew of schools' tendency to cherry-pick parts of the law that supported abstinence-only instruction, we were careful to ensure that the requirement relating to abstinence could not be taken out of context. The provision states that the value of abstinence must be covered "while also providing medically accurate information on other methods of preventing pregnancy and sexually transmitted diseases." We thought this would do the trick. It didn't.

Since passage of the law, some schools districts have argued that it permits them devote part of the curriculum to abstinence-only instruction as long as they later provide information about condoms and contraception. We have maintained that this violates the law both because it presents abstinence in isolation and because it is internally contradictory, since abstinence-only instruction attempts to undermine confidence in the effectiveness of condoms and contraception. But life would be much easier if we didn't have to make this argument.

Lesson learned: We should have been more direct in the bill language and specified that no element of the curriculum may be abstinence-only or otherwise presented in a vacuum—all aspects of instruction must be integrated and support the overarching goal of comprehensive sex education.

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, they develop criteria for disbursing state funding, and they 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.** Prior to the passage of SB 71 in 2003, sex education advocates already had an established relationship with the California Department of Education (CDE). We had previously requested changes to guidance documents that were outdated, notified CDE of problems and confusion at the local level, and otherwise made ourselves both a thorn in the side of and a resource for this agency.

When the law was passed in 2003, we were able to leverage this existing relationship to play an important role in CDE's interpretation of the law and communication about it with schools (the parental consent issue discussed above being a notable exception).

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For example, we wrote a [detailed Q & A fact sheet](#) that presented a very robust interpretation of the law, including those elements we anticipated CDE might be most squeamish about addressing—the abstinence-only prohibition and the requirement that instruction be appropriate for students of all sexual orientations—and convinced CDE to post it on its web site.

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We also documented ongoing abstinence-only instruction in local districts and, two years after the law passed, we argued successfully that the State Superintendent of Public Instruction should issue a [letter to all school districts clarifying the requirements of the law](#). The letter contained in bold the phrase “abstinence-only education is not permitted in California public schools.”

- **TIP:** Administrative agencies are bureaucracies, and getting them to produce materials can take almost forever! Our most successful approach has been to do the agency's work for it—for example, the Q & A fact sheet mentioned above. Instead of having to hound CDE to produce a fact sheet that inevitably would have been much weaker in tone, we were able to both get the ball rolling and establish a benchmark for what should be said. Although CDE did water our draft down slightly, the final product was still much stronger, and much more rapidly produced, than it would have been otherwise.
- **Bolstering enforcement efforts.** California's sex education law does not contain an agency enforcement provision, but we advocates have long argued that the state could and should enforce HIV prevention education requirements using its process for monitoring "categorical programs"—programming at the local level paid for by state or federal funds. Since HIV prevention education is a mandate in California, local districts are reimbursed by the state for their expenditures relating to it. In addition, California, like many states, receives federal funds from the CDC to pay for HIV prevention education.

In 2005 CDE agreed with us and introduced HIV prevention education into the list of programs it monitors and enforces. Although only roughly a dozen districts are selected each year for HIV review, the threat of being found out of compliance has been a motivator for some districts to reassess their instruction, and when the state does determine that districts are out compliance, the findings have been helpful for advocacy elsewhere. The state has criteria for selecting which districts to review, one of which is history of past compliance. We therefore provide CDE with information about districts that we know are out of compliance so it can be factored into the agency's selection process.

- **Influencing the adoption of state standards, framework, and textbooks.** California has a six-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 textbooks for grades K-8 that meet the standards and the framework. Once the textbooks have been adopted, the cycle repeats itself.

This process has enormous importance for classroom instruction throughout the state, but although it technically provides opportunities for public input, it has typically taken place in quiet obscurity. As a result, the most recent textbook adoption in 2004—the year the comprehensive sex education statute took effect—actually resulted in the selection of textbooks that did not comply with the law (the state argued that the process was too far along to be altered).

Determined not to let another opportunity slip by, advocates vigilantly monitored the state's development of content standards. It was a good thing we did, because the state's initial draft 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 on the State Superintendent of Public Instruction to intervene, and sent a letter to the California State Board of Education signed by 41 organizations urging it to approve the modified version of the standards. The standards adopted by the State Board in March of 2008 included nearly all of our requested changes and represented a significant improvement over the initial draft. 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. We identified viable candidates to serve on the framework development committee and successfully advocated for their inclusion. Unfortunately, the process then ground to a halt. As a result of California's budget crisis, the state suspended all framework development and textbook adoption for over five years, until the 2015-16 school year. This frustrating delay means that we'll have to retrace some of our steps when the process starts again, but we know it will be worth it.

- **TIP:** Textbooks are important! Much discussion in the sex education community centers around research-validated curricula and other instructional materials specifically devoted to sex education and HIV prevention. However, in California, most schools use health textbooks to teach sex education. We can debate the merits of doing that, but in the meantime it is essential that we take on textbooks, the majority of which are now abstinence-only-until-marriage.

When California's textbook adoption does occur, it will provide an excellent opportunity to influence textbook publishers to produce books that contain medically accurate information about condoms, contraception and sexual orientation—if they don't, they won't be selected for one of the largest textbook markets in the country (Texas is the other, and it pulls the other way). But as the example from LAUSD mentioned above shows, local districts (albeit large ones, or a collection of small ones) can also influence textbook publishers.

- **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 it will 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 to stop using state funds to support community-based abstinence-only teen pregnancy prevention. We met with them repeatedly, we sent them requests under California's Public Records Act concerning their programming (see "Legal Advocacy" below), and we ultimately passed legislation—the 2007 Sexual Health Accountability Act (see above)—requiring them to cease and desist. The years of meetings with agency staff persuaded the Legislature and Governor that a new statute was necessary. Moreover, by the time the 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 a terrific advisory group that included advocates. Similarly, the California Healthy Kids Resource Center involved advocates on a committee to establish [an assessment tool for evaluating curricula](#) against California's sex education requirements.

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- **TIP:** Personal Responsibility Education Program (PREP) state grants require “stakeholder participation.” Thus state agencies themselves have an incentive for involving outsiders in their process. The trick is to make sure that how they define “stakeholder” includes you.
- **Working with state associations of school boards and other influential players.** Although technically “administrative advocacy” 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 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 recreate the wheel. This is convenient for local school boards. It is also convenient for advocates who want to influence local policies!

The policy initially issued by the California School Boards Association (CSBA) following the passage of SB 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.

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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 the fact that HIV was an instructional area monitored by CDE, and provided clarity on parental consent requirements (including the fact that parents could not opt their children out of instruction that was not actually sex education—opponents had been arguing that any mention of LGBT issues equaled sex education and therefore parental consent was required).

CSBA posted the new model policy in an open area of its website so that it would be available to even those districts that didn't subscribe to its policy service, invited advocates to write a brief article about the new policy, and circulated that article in its newsletter to all member districts. 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.

A second key player was the California Charter Schools Association (CCSA). Because charter schools are exempt from most provisions of the Education Code, they were not required to comply with California's 2003 sex education statute. In 2008, we introduced a bill to make the sex education law apply to charter schools as well. When CCSA opposed the bill—not because of hostility to comprehensive sex education but because the Association jealously guards the autonomy of charter schools—we dropped the bill and instead worked with them to provide guidance to their membership on this issue. CCSA distributed an advocate-written policy brief to all members, invited advocates to present at its annual conference, and convened a working group of charter school teachers and administrators to develop curriculum recommendations. Although this group ultimately fizzled out, a partnership was born between Planned Parenthood and charter schools in Los Angeles County.

Lessons learned from administrative advocacy

- **Administrative advocacy is usually a slow build, not a quick fix.** The State School Board had a deadline for adopting the health standards, 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, she or he could become our guide to 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: 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.

Community Organizing

Regardless of how much we accomplished with state-level policy and administrative advocacy, we knew that we had to complement it with significant, sustained work at the local level—many school districts simply won’t implement comprehensive sex education without being pressured by 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 focused on parent organizing. BACHE—formed by parents to guide and support other parents in sex education advocacy, has a [toolkit with step-by-step instructions for a parent-led organizing campaign](#). [California Latinas for Reproductive Justice and Forward Together](#) also have toolkits for working with Latina/o and Asian Pacific Islander parents and community members, respectively.

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Parent organizing accomplished a significant victory in Fremont, where the school district was using an abstinence-only-until-marriage program. Using the law as leverage and relying on tools such as the CSBA 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.

- **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 back-sliding occurs. 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.
- **TIP:** Presenting advocacy as an effort to educate parents is a successful way of getting districts’ attention. Two [Planned Parenthood affiliates in California have created report cards](#) grading the sex education in all the districts in a particular county and framing it as a tool for parents, so that they can see how the sex education in their district compares to neighboring districts. Districts with low scores have since made efforts to improve their standing. [BACHE has done a similar project](#), modeled on Planned Parenthood’s.

- **Youth organizing.** Organizing students to demand quality sex education is valuable for leadership development as well as for winning curriculum change. In California, one notable youth campaign was conducted by ACT for Women and Girls of Tulare County, with guidance from California Latinas for Reproductive Justice. Taking 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 women in ACT’s Female Leadership Academy ultimately won comprehensive sex education in their district. They surveyed their

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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. ACT is now replicating that effort in two additional Central Valley districts, as is Fresno Barrios Unidos in Fresno Unified, a district of over 70,000 students. In Oakland, Forward Together surveyed over 400 students and [released a report on sex education](#) in the district as the first step of an advocacy effort there.

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Lessons learned from community organizing

- **Weigh the tradeoffs between engagement and efficiency.** 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.

On the other hand, some projects may not be worth the extra effort. We learned this the hard way in 2003, with our statewide sex education survey. We decided to use a participatory action research model that educates and engages community members in addition to collecting data. Working with organizations such as California NOW and Planned Parenthood, we trained their members and volunteers to administer surveys in their communities. Unfortunately, it required enormous effort for limited results, and we ultimately resorted to staff-administered surveys instead. While that 2003 effort was simply too diffuse, ACT, Forward Together and Fresno Barrios Unidos have been successful with youth participatory action research on a more limited, controlled scale.

Lesson learned: While some activities are much more effective with community involvement, just because something can be done in a way that involves the community doesn't mean it's always most strategic to do it that way.

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 agencies, such as the California Department of Education and local school districts. As part of our effort to prohibit state funding for community-based abstinence-only programming, we obtained records through [PRA requests](#) from the California Department of Public Health regarding its abstinence-only grantees.

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Using the information submitted by the grantees themselves, we created a fact sheet that detailed problems with the state-funded programs and used it to educate policymakers about why legislation was necessary. We have also obtained information from local school districts through PRA requests.

- **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 they may be less open to working collaboratively with you moving forward. It is 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 on the PRA request 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 lawsuit against the Clovis Unified School District](#) for teaching biased abstinence-only-until-marriage instruction in its high school classes. The district uses the Holt *Lifetime Health* textbook, which contains no mention of condoms. Instead, in its list of steps to take to prevent STIs 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 for the lawsuit are two parents, the Academy of American Pediatrics in California, and the Gay-Straight Alliance Network. They are 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 is the first to challenge abstinence-only programming over requirements that sex education be medically accurate and comprehensive.

Prior to resorting to a lawsuit, the parents who are now 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 to its middle school curriculum, but the new curriculum was still problematic. The district also refused to make any changes to high school instruction, so the parents decided to sue. The case has attracted

significant press attention, which we have been 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.

- **TIP:** A sex education lawsuit can generate a lot of media attention—use it strategically to advance your sex education goals more broadly.

Although the case has yet to go to trial, we believe that the involvement by the Academy of American Pediatrics will be helpful for directing a focus on the public health aspects of sex education. Similarly, the GSA Network's involvement is invaluable for pointing to the need for LGBT-inclusive sex education for all students.

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 people start to fall away, while litigation moves at the slow pace of the court system.

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 presents opportunities for community engagement on a sporadic, not regular, basis.

Movement Building

In a narrow conception, sex education advocacy is about implementing programs that prevent teen pregnancy or sexually transmitted infections. But in California we have consistently made an effort to broaden the frame, 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 Sex 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 then being taught in schools, 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 Sex Education Roundtable, and additionally convened by California Latinas for Reproductive Justice and Forward Together, this group promotes networking, cross-fertilization of ideas, and collaborative action. Examples of Roundtable activities include:

TOOL

- Roundtable members widely used results from [a survey of California parents' support for comprehensive education](#) in their local advocacy work. The survey was conducted by the Public Health Institute's Center for Research on Adolescent Health and Development, which is also a Roundtable member.

TOOL

- The Roundtable sends sign-on letters to administrative agencies and legislative committees as part of our advocacy work. Typically the letters have at least 30 signatories representing a wide range of organizations. [Over 80 organizations registered their support for our 2003 legislation.](#)

TOOL

- The Roundtable sought and secured a large group meeting with the California Department of Public Health to [provide stakeholder input into the state's development of the Personal Responsibility Education Program \(PREP\).](#)
- **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 addresses all the factors that can negatively affect young people's health—including racism, sexism, homophobia, poverty, immigration status, and language barriers. By so doing, it 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.

- 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 Sex Education Roundtable has spent significant meeting time exploring intersectional issues—for example, why we need to promote LGBT-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.

Conclusion

The sex education landscape has improved significantly in California over the last 15 years. Although setbacks have occurred, they have been primarily due to California’s budget woes and not to a change of course. Thanks to the work of many advocates in California, the state is slowly but surely moving toward a top-to-bottom implementation of comprehensive sex education.

As we all know, however, policymakers and school administrators can be timorous, 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 strategies available to us. May this document help guide you on your way!

Tools

Policies

1. [Medical accuracy in sex education legislation \(AB 246, 1999\)](#)
2. [The California Sexual Health and HIV/AIDS Prevention Education Act \(SB 71, 2003\)](#)
3. [Committee analysis of SB 71 with list of supporters](#)
4. [The Sexual Health Accountability Act \(AB 629, 2007\)](#)

Guidance documents

5. [California School Boards Association model policy](#)
6. [Letter from State Superintendent to California districts](#)
7. [FAQ document on California law posted by California Department of Education](#)
8. [California Healthy Kids Resource Center curriculum assessment tool](#)

Surveys of schools, parents, and students

9. [ACLU 2003 statewide school district survey documenting need for legislative change and executive summary](#)
10. [University of California San Francisco 2011 statewide school survey showing implementation progress and areas of continued need](#)
11. [Public Health Institute California parent survey](#)
12. [Forward Together 2012 youth survey of sex education in Oakland](#)

Advocacy letters and litigation documents

13. [CA Sex Education Roundtable letter to California Department of Public Health regarding stakeholder priorities for the PREP program](#)
14. [Public Records Act request to the California Department of Public Health regarding funding for abstinence-only programs](#)
15. [Press release regarding Clovis lawsuit and legal complaint](#)

Activist tools

16. [Model student survey](#)
17. [ACLU of California activist resources](#)

Toolkits and report cards

18. [Bay Area Communities for Health Education parent toolkit and district report card](#)
19. [California Latinas for Reproductive Justice toolkit for working with the Latino community](#)
20. [Forward Together toolkit for working with Asian Pacific Islander communities](#)
[Planned Parenthood Public Schools Project school district report cards](#)

