

MEMORANDUM

TO: Mike Morath, Texas Commissioner of Education

FROM: Crystal Barragan, Health Science Teacher

DATE: June 21, 2016

SUBJECT: LGBTQ youth in Texas public schools need inclusive sex education

As a health science teacher, my educational philosophy is to provide my students with an inclusive, evidence-based approach in addressing sex education in my classroom. The state-mandated teaching standards promoting a biased, abstinence-only program, however, do little in communicating reliable and inclusive information about sexuality. Texas provisions and education codes relating to sex education should sustain amendments that fully address the sexual health needs of every student, regardless of their gender identity, sexual orientation or sexual expression.

Sex Education in Texas

The topic of sex education in the United States has long been a controversial provision stemming from varying notions and disagreements about what students should be taught regarding human sexuality. More than two decades ago, Texas Legislature made the decision to promote abstinence over any other method of sexuality education in Texas public schools. Revised in 1995, Chapter 28 of the Texas Education Code (TEC [§28.004](#)) requires that health educators and health education curricula in Texas public schools direct students to a standard in behavior in which abstinence from sexual activity before marriage is the most effective way to prevent pregnancy and sexually transmitted diseases—a provision still governing our health education classrooms today despite overwhelming research revealing a deep ineffectiveness of such programs.

Without question, Texas' commitment to the abstinence-only philosophy limits our youth's capacity to think critically about their sexual behaviors and experiences. Moreover, our most underrepresented students—the LGBTQ youth—fail to secure a safe and comprehensive source of information about their sexuality and sexual health. According a Texas Freedom Network Foundation Fund (TFNFF) study on sex education in Texas public schools, the language and imagery portrayed in abstinence curricula throughout school districts statewide often promote stereotypes and biases based on gender and sexual orientation:

“The discouraging aspect of this situation, however, is that virtually all curricula, lessons or activities submitted for this study assume that all students are heterosexual. In fact, based solely on materials used in sexuality education instruction, someone might conclude no lesbian, gay, bisexual, transgender or questioning (LGBTQ) students attend public schools in Texas. This is obviously not the case.” (TFNFF, 2009)

LGBTQ Youth in America

Historically, the LGBTQ community has endured discrimination, harassment and even violence at the hands of non-LGBTQ advocates who cast non-heterosexuals and non-cisgenders as wrong, deviant, and different. Of the larger LGBTQ community, its youth is perhaps the most marginalized and ignored by our schools and state institutions. In 2014, the Human Rights Campaign Foundation (HRC), surveyed more than 10,000 LGBT-identified youth ages 13-17. The HRC's findings underlined a clear, anti-LGBT bias present in schools and communities today that is often perpetuated by lingering education codes and non-inclusive legal policies. The HRC survey results revealed that:

- LGBT youth are more than two times as likely as non-LGBT youth to say they have been verbally harassed and called names at youth.
- LGBT youth are twice as likely as their peers to say they have been physically assaulted, kicked or shoved at school.
- Among non-LGBT youth, 67% report being happy while only 37% of LGBT youth say they are happy.
- 92% of LGBT youth say they hear negative messages about being LGBT. The top sources, according to the HRC report, are school, the Internet, and their peers.

Unfortunately, these sobering statistics continue when surveying LGBTQ students about their experiences with health and sexuality. In a survey of over 150,000 students in grades 9-12 between 2001 and 2009, the Centers for Disease Control and Prevention (CDC) found that LGBTQ-identified students were more likely to engage in behaviors relating to violence, attempted suicide, substance abuse and unhealthy weight management. Furthermore, LGBTQ youth experiencing isolation and family rejection are at even higher risks for negative health outcomes. Various studies referenced in HRC's 2015 *Sex Health Brief* ultimately found that the stress and discrimination LGBTQ youth experience in their homes, schools or communities, combined with a lack of inclusive and comprehensive sex education to provide safe and reliable information regarding sexuality, leads to disproportionate adverse sexual health outcomes for LGBTQ youth.

Problems

The legal artifacts mandating exclusionary, abstinence-only instruction in health education programs in Texas actively ignore the sexual health and safety needs of a highly marginalized LGBTQ youth. The health education teaching framework, found within Title 19, Part 5, Chapter 115 of the Texas Administrative Code (TAC [§115](#)), works as a detailed extension of the Texas Education Code provision which mandates the abstinence-until-marriage philosophy (TEC [§28.004](#)). A review of the language and calls to action presented in both artifacts reveal:

- Ambiguous phrasing on the teaching of human sexuality that excludes discussions on gender identity, sexual orientation and sexual expression
- No mention of terms or topics relating to health and safety issues historically faced by LGBTQ-identified youth
- Biased messages regarding marriage and sexual relationships that ignore non-heterosexual and non-cisgender marriages and relationships

Chapter 163 of the Texas Health and Safety Code ([§163](#)) further discloses clear homophobic and exclusionary language that marginalizes our state’s LGBTQ community. In the section relating to “Educational Program About Sexual Conduct and Substance Abuse,” the code specifies that:

“Course materials and instructions relating to sexual education or sexually transmitted diseases should include emphasis, provided in a factual manner and from a public health perspective, that homosexuality is not a lifestyle acceptable to the general public and that homosexual conduct is a criminal offense under Section 21.06 Penal Code.”

Lawrence v. Texas (2003) declared Texas Penal Code 21.06—the criminalizing of sexual activity between two consenting individuals of the same sex—unconstitutional. The Health and Safety Code provision remains intact however, allowing for the continuation of homophobic and anti-LGBTQ language in Texas state laws and codes that ultimately contribute to hostile school environments for our students.

Potential Solutions

Although systematic changes in developing inclusive sex education curricula can be enacted at the local school district level, a state-wide inclusion of LGBTQ-related content in sex education programs is needed to ensure our districts are providing all students, regardless of sexual orientation or sexual expression, safe and reliable information relating to their sexuality.

Potential solutions include:

- Amendments to TEC [§28.004](#), TAC [§115](#) and the Texas Health and Safety Code [§163](#) to include the use of evidence-based, comprehensive sex education materials
- Amendments to TEC [§28.004](#), TAC [§115](#) and the Texas Health and Safety Code [§163](#) that remove biased, anti-LGBTQ messages that promote gender stereotypes as fact
- The inclusion of activities within a state-mandated health education curriculum that raise awareness of issues often faced by LGBTQ-identified youth
- The inclusion of activities and campus initiatives that promote the respect and acceptance of all people regardless of their gender identity, sexual orientation or sexual expression

Challenges

The conservative values that often define Texan policies pose a great challenge to the implementation of these proposed solutions. In claiming more federal abstinence-only funding than any other state, Texas has rightly earned its reputation as the poster-child for the American abstinence movement. Yet recent national advances promoting evidence-based sex education are slowly painting a changing Texan landscape that is more accepting of medically-accurate information concerning sexuality education in schools. Although one or more of the proposed solutions may affect stakeholders who hold deep conservative values, the overall benefits of implementing an evidence-based, inclusive sex education program outweigh the costs of continuing to provide students with incomplete and unreliable information regarding their sexual health. Irrespective of our personal beliefs or opinions on comprehensive sex education or LGBTQ-related topics, we must do more to advocate for the health, safety and inclusion of every student in our health education classrooms. Amending the artifacts that govern sexual health education in Texas will take us one step closer to achieving that goal.

Further Research

With the end goal of raising awareness on the issues relating to the adoption of an inclusive, comprehensive sex education program in Texas, I will be conducting a heuristic evaluation of TEC [§28.004](#), TAC [§115](#) and the Texas Health and Safety Code [§163](#) using principles of technical communication. Furthermore, I will be conducting a survey of community members and students regarding the overall effectiveness of these legal codes in representing LGBTQ youth and in providing reliable sex education for all students in Texas.