



***LOVE IS
• LOVE •***

Happy Pride
Month!



HELLO!

Welcome to the Teen Legal Clinic June 2021
presentation on LGBTQ rights!

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*Quiz
Time!*

01.

Freedom of expression

How students are legally allowed to express themselves

02.

Health class taught in school

States inclusive health classes in public school

03.

Trans Youth in sports

Trans youth being allowed/not allowed to participate in sports





“We must push back against those who threaten the safety of LGBTQ Californians and challenge our progress. And we must continue to make the case that all human beings share something fundamental in common.”

—Gov. Gavin Newsom
when officially declaring
June pride month.



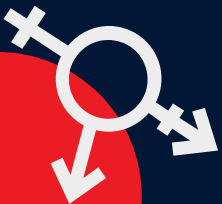
01

Freedom of Expression

Tinker v. De Moins

Issue: Students rights to free speech in public school

- No right is absolute not even Freedom of Speech
- Facts
- Holding/Take Away "Students do NOT shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."
- balance between expression and materially disruption of the educational process





Hypothetical

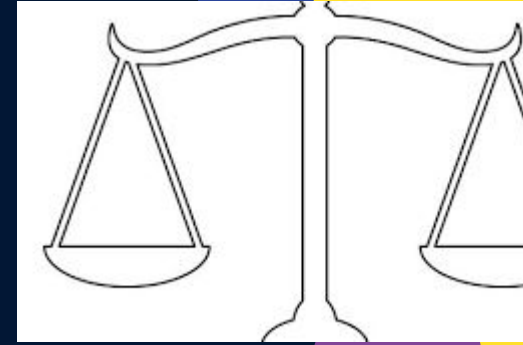


Can you wear these t-shirts to school? Why or why not?

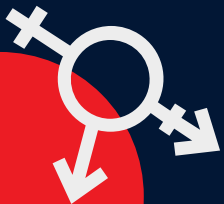


● Dress Code

- Allowed but what are the limits



- What does the school have to show to legally limit what students can wear to school





How does this affect the LGBTQ community?

- LGBTQ students have a right to express themselves
- Schools have an affirmative duty to create a safe learning environment.

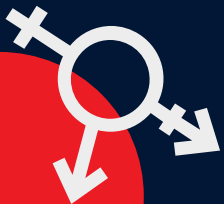


02

***Health
classes in
public
schools***

● ***California Sex Education Laws***

- AB 329 requires a comprehensive sexual health education and HIV prevention
- Who decides the Sex Education curriculum
- What must the curriculum include
- Can a parent opt their child out of the sex education classes
- What is the difference between requiring families to "opt out" of sexual education classes vs. "opting in?"





***Santa Barbara
School District
Teen Talk v.
Heart
Curriculum***

California Fair Education Act



- Who does it apply to: Public schools and schools that accept state funding
- Expanded the protected classes against discrimination from race, sex, color, creed, handicap, national origin or ancestry
- TO INCLUDE: race or ethnicity, gender, religion, disability, nationality and sexual orientation
- Expanded instructional material used in schools to when discussing the development of CA and the US to include lesbian, gay, bisexual and transgender Americans and person with disabilities.
- Can a parent "opt" their child out of lessons such as a Social Studies class learning about, for example, Harvey Milk. Why or why not?





What about other states?

Do they require health class
and LGBTQ information in
their sexual education?



6 states

*And the district of
Columbia*

Require LGBTQ inclusive sex
education

15 states

Do not require any kind of sex
education classes or HIV prevention

29 states

Mandate sex education classes

● *Not all State Laws are Created Equal*



California

when providing examples of relationships and couples, include examples of same-sex relationships.

North Carolina

may not include a discussion of alternate sexual lifestyles from heterosexual relationships including, but not limited to, homosexual relationships except in the context of instruction concerning sexually transmitted diseases." S.C. Stat. § 59-32-30(5).



● ***Not all State Laws are Created Equal***

California



California Healthy Youth Act (CHYA), which requires that students get sex education that includes information on HIV and pregnancy prevention, healthy relationships, gender identity, and more — including abstinence — All course materials must be medically accurate, and discussions of relationships must be inclusive of same-sex couples.

Oklahoma

Oklahoma does not require schools to teach sex education only the prevention of diseases such as HIV. “Engaging in homosexual activity, promiscuous sexual activity, intravenous drug use, or contact with contaminated blood products is now known to be primarily responsible for contact with the AIDS virus; Avoiding the activities specified [above] is the only method of preventing the spread of the virus”



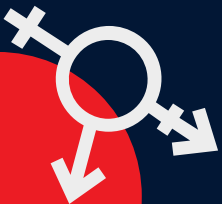


03

Trans Youth in Sports

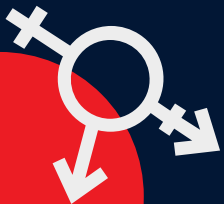
● ***What does it mean to be a transgender person?***

- A person that identifies as a different gender than they were born as
- A trans person may “transition” which means to take hormones or to have surgery to physically present as their identity
 - Testosterone is the hormone used to transition from female to male
 - Estrogen is the hormone used to transition from male to female



● ***What is the issue at hand and where did it come from?***

- A cisgender female athlete was ranked top in her state for track when she lost to a transgender athlete
- She wrote an article about her loss and got the article published
- This made many states question if transgender athletes should be allowed to compete
- Now, there is an increasing number of states that are banning transgender athletes





- ***Do transgender women athletes have an advantage over cisgender women athletes?***



1

Testosterone

Potentially causes advantages with gaining muscle mass and overall performance

2

Height

When a man transitions to a woman, they keep their height which can make an impact in certain sports

3

Menstrual Cycles

Transgender women do not have a menstrual cycle

● *Is this significant enough?*

Testosterone: There has not been an agreed upon confirmation in the medical community that testosterone offers a large enough advantage for athletes

Height: This is a factor that varies among men and women so even though it is an advantage in certain sports, it is a fair advantage

Menstrual Cycles: Transgender women experience similar symptoms during their menstrual cycle which also impedes their training, the main difference is that they do not experience the bleeding itself



● ***How will these laws impact trans youth?***

- ***Sport:*** Trans athletes will be banned from competing in sports
- ***Mentally:*** Trans youth can experience mental and psychological trauma if and when these laws are passed
- ***Authenticity:*** Athletes will have to prove their gender in order to be able to play on a team they want to play on



● ***What states are passing these laws?***

- Idaho
- Alabama
- Arizona
- Georgia
- Iowa
- Indiana
- Kansas
- Tennessee
- Washington
- Arkansas
- West Virginia

States that are still deciding on passing laws that ban transgender athletes:

- Connecticut



● ***What can we do about this?***

- Spread awareness online
 - Educate your friends
 - Educate yourself
- Send letters to state governors and state senators
- Sign petitions
- Start online movements
- PEACEFUL protests
- Attend programs to learn about issues impacting the community
- Get involved with advocacy groups
- Help LGBTQ+ individuals get elected into office
 - Vote when you become of age
- Speak out against anti-LGBTQ+ behavior
- Work on inner bias
- Use gender neutral language





ONE LAST QUIZ

THANKS!

Do you have any questions?

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