



# Let's Talk about Sex

A Comparative Study of Sex Education Policies

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By: Lærke Kathrine Brahe (20173360)

Supervisor: Caitlin McMullin

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## Abstract

Recent years have seen an increased focus on sex education and what students are and are not to be taught in schools. Controversies have followed states' restrictions on topic such as gender identities and sexual orientation and the need, or lack thereof, for comprehensive sexual education has been much discussed. This thesis aims to gain insight into the content of two policies, Florida House Bill 1069 and the proposed New York Assembly Bill A4604. The Two policies tackle the topic of sex education in different ways, with one aiming to restrict and one seeking to expand. With a theoretical background in intersectional feminism, gender theory, and frame theory, this thesis will utilise the 'what's the problem represented to be' method as a structure for the analysis. Answering the six questions in the method by conducting a text-as-data comparative policy analysis and discourse analysis using framing, this thesis found that the policies represent the same subject, sex education, in near opposite ways. House Bill 1069 in Floria frames the sex education policy as a safety measure for children's innocence, having decided that human sexualities and gender identities outside of heteronormative standards are inappropriate. It also represents it as a parental rights issue. Assembly Bill A4604, in contrast, seeks to be as inclusive as possible. It frames inclusivity as a safety precaution for students, and parents do not have the same level of rights to involve themselves in the content of the curriculum. It was found that discourse choices in policies can affect LGBT+ faculty and students negatively if restrictions are passed.

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# Introduction

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*“Political language – and with variations this is true of all political parties, from Conservatives to Anarchists – is designed to make lies sound truthful and murder respectable, and to give an appearance of solidity to pure wind.”*  
(Orwell, 1946).

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Political language, whether it is said in speeches and debates or written into law, holds the power to shape society. Behind the scenes, words are often carefully chosen and put together to present citizens with the intention of being perceived or understood in a specific manner. Chosen with specific intent, politics gives legitimacy and power to certain words and phrases, and in turn opinions and worldviews. Words are never empty or without meaning, and as Orwell noted, can often have hidden meanings and make things seem better on paper than they are in reality. Pelinka, 2007 stated that “language must be seen (and analyzed) as a political phenomenon”, and that politics in turn be seen as a discursive phenomenon (p. 129). Political language holds as much intention in what is being said as it does in what is intentionally being left out. While politicians are voted in, they hold the power to decide which phrasings and words are to be used in political discourse and policies. Power, as explained by Simpson & Mayr (2010) “comes from the privileged access to social resources such as education, knowledge and wealth”, which in turn provide “authority, status and influence” (p. 2). This enables those groups easier establish control, dominance, and the ability to coerce and persuade groups holding less or no power. This also means that certain groups are less likely to achieve power, if they lack the privilege and access to power-granting resources. This power can in turn be used by dominant groups to push their agenda onto society and subordinate groups in an attempt to make the “accept [the dominant group’s] own moral, political, and cultural values” (Simpson & Mayr, 2010, p. 3).

There are several ways political language shapes society, with one being the policies that make up the laws of a country or state. It is no secret that laws and policies determine what is and what is not accepted or allowed in the region it has been adopted. The connection between law and morality

have long been debated. Max Weber, as understood by Habermas (1986), believed that “law possesses its own rationality, independent of morality. In his view, any fusion of law and morality threatens the rationality of any law” (p. 219). However, it can be difficult to completely remove morality from law, as laws as a concept are made by people and decide what is legal and what is illegal. Combined with the passing of time and the continued evolvement of society, laws and policies are amended and changed to reflect the ideas of the people in power and those who grant them that power. Historically, it was not long ago that women were not allowed to vote, own property, or work in certain fields. Homosexuality was illegal, and still is in many countries. The line between rationality and morality in laws are, and have always been, blurred. As certain actions and topics are being banned, society has deemed them wrong, illegal, and in a sense, immoral.

In recent years, one focal point in political discourse has been gender and sexuality. Particularly what should and should not be allowed or included in sex and health education for students. There has been an increase in education laws that restrict the discussion of gender, sex, sexuality, and identities (Yurcaba, 2023; Branigin, 2022). One state that has been a major player in these restrictions has been the state of Florida. In 2022, Florida Governor Ron DeSantis signed House Bill 1557, which aimed to prohibit “classroom discussion about sexual orientation or gender identity” for kindergarteners to third grade students (National Education Association, 2023). It was dubbed the Parental Rights in Education Act. House Bill 1557 was expanded only a year later, in 2023, to include further restriction for schools and an expansion of parental right with House Bill 1069. Other states have sought to improve their sex education curriculums by proposing bills to ensure that schools provide a broad set of knowledge on sexualities, gender identities, relationships, and health. One such state is New York. In 2023, Assemblymember Jessica Gonzáles-Rojas presented a proposal to introduce a requirement on comprehensive sexuality education for the state of New York. It encompasses what the new curriculum should teach and who should be involved in determining and fact-checking its content.

These two states and bills represent two very different approaches to sex education and paints the issue in near opposite ways and each of them use specific political language. These policies hold power and express morality by deciding, or attempting to decide, what is or is not allowed to be taught in schools and who has the right to be involved. This motivates this thesis to look into the political discourse and the language regarding sex education and what the different choice of language and

content can mean for two states within the same country. Thus, the research question for this thesis is as follows:

How is sex education represented in Florida's House Bill 1069 and New York's Assembly Bill A4604 and what are the consequences of the different framing of sex education?

## Literature review

Before I began to write my thesis, I searched Google Scholar and the Aalborg University Library for existing research on the topic of sex education policies in the United States. I focused on more recent research, as the discourse surrounding sex education has shifted through time and the focus on sex education has become very topical in more recent years. I searched for specific keywords and phrases related to sex education, policy analysis, discourse, United States, problem representation, framing, abstinence, and comprehensive sex education. I wanted to see how other researchers worked with policy analysis and sex education and how it related to the focus I wanted to have for my thesis. Several papers have looked into sex education policies, however primarily with the focus of: do they work? I found that sex education policies were often analysed in terms of the outcome of teen pregnancy rates and rates on sexually transmitted infections, and often split into focuses on comprehensive sex education and abstinence-only education. Mattingly (2023) did focus on the content when comparing different sex education policies in the United States and the different requirements but did not conduct a deeper discourse analysis on the phrasing of said policies. Mattingly also followed a trend I noticed in several of the studies I found, which was the inclusion of multiple states and policies. Jones (2023) mapped 543 "anti-LGBTIQ+ rights US state-level proposed Bills" from the years 2018-2022 and utilised a critical discourse analysis in the study. However, Jones focused only on the proposed bills that sought to harm LGBTIQ+ rights and their discourse, framing, and trends. While this does create a bigger and more comprehensive look on the ongoing work that is being done to restrict LGBT+ inclusion in sex education, I also wanted to look into the differences between restrictive bill proposals and those aiming to be more inclusive. Tian (2023) conducted a comparative study of sex education in the United States and sex education in China, but also did not focus on the discourse. The study did however stress the importance of sex education for the well-being of youth in general. Slominski (2021) opted for a historical focus on religion and sex education in the United States, tracing the changes and connection between the two. Religion and the concept of morality plays a large role in sex education history and still does to this day.

Other trends in the field of sex education policy analysis included the question of morality, the role of religion, abstinence, and queer-inclusion. Reading through them, I found that even those that focused on the discourse and effects of it, such as Jones (2023), few touched upon the specific understanding of policy discourse one could find by utilizing Bacchi's 'what's the problem represented to be' approach. Harrison and Hillier (1999) were closest in their analysis on the "normative underpinnings of the formal curriculum on school-based sexuality education" (p. 279). Harrison and Hillier follow a trend noticed in my research, which is the criticism of non-inclusive sexual education and the dangers of not teaching children and youths about safe sex-practices and not only teach abstinence. The topic on sex education and how best to teach it has been discussed for decades, with many of the problems highlighted by research being the same. The question of who is responsible for teaching sex education to children and at what age is also an occurring topic, whether it be the schools or the parents. The right to choose what your child learns and when appears to have an importance when it comes to the contents of policies. Furthermore, due to more recent changes in the political discord and topics about 'wokeness', LGBT+ sex education is targeted more than before, as before it was simply not discussed.

Overall, I found there to be a gap in comparing the different ways states can, and do, approach sex education and the problem representation in policies. The focus was often on the content, in terms of what is being said, taken at its word, rather than focus on the implied notions. When criticising the policies, the studies did tend to focus on what was being restricted by not being included, but the approach to it was different from what I intend. I aim not to critique as much as I aim to understand the importance of discourse and how policies are framed and how it can be done differently in the same country, even if the overall topic, sex education, is the same.

## Theoretical background

### Feminist critical theory

There are multiple ways one can approach a policy analysis, and the chosen perspectives and methods heavily influence the answers one finds to a research question. This thesis will utilise feminism as a critical research theory, specifically using an intersectional lens to the research and sources used. Feminism is a broad umbrella term, encompassing a whole field of study in itself. Feminism, according to Ackerly and True (2019), is:

[A] critical perspective on social and political life. It draws our attention to the ways in which social, political, and economic norms, practices, and structures create injustices that are experienced differently, or uniquely, by women and people who are challenging the gender binary and its hierarchies. (p. 1)

Feminism is rooted in analysing inequality and power imbalances in all aspects of life, be it on a smaller scale, such as interpersonal relations, or on a larger scale, such as political systems and institutions. As feminism is a broad umbrella term for multiple specific focuses, there is a common, overall goal present in all: to “reveal silences and oppressions, and to understand the conditions, processes, and institutions that cause and sustain them.” (Ackerly & True, 2019, p. 7). As this thesis aims to understand, analyse, and compare how policies related to sex education are written and how this affects people differently, it fits the same goal. Illuminating the discourse in policies is an important way to see how language has consequences and how language can hide intentions. Analysing language used in policies and laws are thus a valuable way to find where inequalities and power imbalances are created, upheld, and sustained within critical aspects of government and politics.

## The evolution of feminism

Feminism is often referred to as evolving in “‘waves of change’” (Mohajan, 2022p. 3). Defined by time and a shift in focuses, feminism is currently most often described as being in its fourth wave. According to Mohajan (2022), “the term ‘*The First Wave of Feminism*’ was coined in March 1968” in an article by Martha Weinman Lear (2022, p. 3). In the article, it categorises the first wave as taking place in Western countries such as the USA and UK from the “1820s to 1940s when women being treated as second rate citizens in male-dominated societies” (Ibid, p. 3). At this stage, the fight was primarily about gaining the same rights as men, with one major point being securing women’s right to vote and participate in political society. Inheritance laws, property, education, work – a general aim for equal rights and equal opportunity for women and increasing female independence. According to Malinowska (2020), the first wave “mobilized around the idea of the ‘New Woman’ – an ideal of femininity that challenged limits established by male-centered society” (p. 2). Women were to be considered equal human beings to men, not classed as a subgenre of human beings. Women were their own beings; their lives had more meaning than being born as their father’s property only to then belong to a husband after marriage. Women have opinions, thoughts, wants, and desires – same as



men. Feminism was also met with backlash and pushback from those who aimed to maintain the status quo: “media coverage was overtaken by the stereotypic trope of a bad looking, unfeminine advocate of women’s liberation who hated all men” (Malinowska, 2020, p. 3). Surely, only unattractive women were unhappy with their current prospects for life as just a daughter, wife, and mother and not a person of their own will and agency.

However, considering the time period of the first established wave of feminism, it is no surprise that it has been criticised for the marginalisation of women of colour. Sojourner Truth delivered her “famous ‘Ain’t I a woman’ speech ... at the 1851 Ohio Women’s Rights Convention” (Malinowska, 2020, p. 3), describing the hypocrisy and “ideological inconsistency” of excluding women of colour in the feminist movement. It appeared to her, hypocritical that some would demand and advocate for women’s rights while actively excluding many women based on race and status (Sojourner Truth Memorial Committee, 2022). Were women of colour not considered women and people in the same way that white women sought to be recognised as in the same male-dominated society?

This criticism can be made for many decades following the first emergence of feminism. The second wave of feminism is generally considered to have taken place from the 1960s to the late 1980s or early 1990s (Malinowska, 2020; Mohajan, 2022). Evolving on the achievements of first wave feminism, the second wave focuses on gender roles, such as family and women’s work, and women’s sexuality. The famous phrase “one is not born, but rather becomes, a woman” by French feminist writer Simone de Beauvoir, was first written in 1949 with the publishing of her book, *The Second Sex* (2021, s. 15, trans.). This saying became the baseline for much feminist thinking and a focus on the lived experiences of women and the concept of womanhood. Here, women in the United States first gained the right to have an abortion in 1973 with the now recently overturned *Roe v. Wade*.

As opposed to first wave feminism, the second wave of feminism focused more on the rights of women of colour as this time also saw the emergence of the Civil Rights movement. In 1983, African American Alice Walker coined the term *Womanism* (Walker-McWilliams, n.d.). Womanism focused on combining feminism’s focus on women and the Civil Rights movement’s focus on race, as neither movement specifically advocated for Black women. Here, it was recognised that the lived experiences of women and other marginalised groups cannot be generalised without taking in other factors. The lived experience of a Black woman is different from both that of women of other colours and Black men. They belong to more than one oppressed group based on biological sex and the colour

of their skin. They have unique lived experiences and the two cannot be separated as two experiences instead of one.

The second wave is also categorised by a seeming hostility toward and rejection of forced femininity. Protests against the Miss America pageant in Atlantic City objected to the reduction of women, parading them around like “objects of beauty dominated by a patriarchy that sought to keep them in the home or in dull, low-paying jobs” (Rampton, 2008, p. 3). Identity politics became a staple and the slogan ‘the personal is political’ was coined by Carol Hanisch in 1969. Gender inequality is broadly recognised as being upheld and maintained by political structures and change was demanded.

The third wave of feminism began in the early to mid-1990s. This wave reclaimed the rejected notions of femininity that had previously been associated with the oppression of women. They took the lipstick, the high heels that their mothers had thrown away and went out in more revealing outfits (Rampton, 2008, p. 4). Women no longer felt the need to reject femininity to feel empowered, but rather felt empowered through their femininity (Rampton, 2008; Mohajan, 2022). Women are strong, rebellious individuals, who do not need to live up to femininity, but also need not reject it. Feminism as a whole became more global, continuing to recognise the multifaceted lives and lived experiences of all kinds of women as valid and important for the cause. Furthermore, the word feminism is often rejected, due to its exclusionary and oppressive history, and “reality is conceived not so much in terms of fixed structures and power relations, but in terms of performance within contingencies” (Rampton, 2008, p. 5).

Currently, feminism is considered to be in its fourth wave as of the early 2010s. The movement has become increasingly global with the increased use and access to internet and social media. People are able to reach more people at once and be heard by others on a whole new scale. As more people share their stories, even more feel safe to share theirs. Movements such as #TimesUp and #MeToo have trended online and brought out oppressors and abusers that have otherwise been protected or ignored, even when their wrongdoings were well-known within communities. Twitter, TikTok, Instagram, Facebook are all used to advocate and bring awareness and raise people’s consciousness on social issues and inequalities. There is focus both on interpersonal, social issues, such as rape culture, and the institutional structures that allow the inequalities to continue. However, this wave has seen some recent setbacks, with a major one in the United States being the recent overturn of *Roe v. Wade*, which had secured the right to have an abortion.

The fourth wave continues to advocate for women and other marginalised groups. Due to the continued recognition that people face oppression for more than just their sex, feminism has become more intertwined with the study of oppression in general. Feminists are often seen advocating for other groups, such as LGBT+ rights and safety, people of colour, disabled people, religious minorities, and people who are often silenced. Here, it is also worth to note that transgender women still face exclusion from certain groups, often called TERFs – trans-exclusionary radical feminists. This group does not follow Beauvoir’s notion of *becoming* a woman, but rather upholds the biological sex and do not recognise transgender people as their gender, but only their sex.

## Intersectionality

In between the second and third wave of feminism emerged a new term: *intersectionality*. Intersectionality differs from traditional, first wave feminism, as it recognises that all women are not the same. Stemming from the mindset of second wave feminism, intersectionality recognizes that people cannot be put into only one category. People all belong in different groups, different categories, and cannot be defined as only their sex. Intersectionality as a concept emerged when African American feminists began critiquing the mainstream version of feminism, which focused primarily on white women from the middle class. It was determined by the Combahee River Collective that the traditional form of feminism failed to see the different types of oppression that occur simultaneously in the lives of those who are not a white or middle-class woman. It was clear to them that their life experiences were not only affected by them being women, but they also experienced oppression due to the colour of their skin. Minority women, or simply women who did not fit the mould of what first and second wave feminism had in mind, lived different lives and had different struggles due to them belonging in several groups that each experiences oppression.

White feminism, as it has been dubbed, was the primary focus of the first and second wave of feminism and has been highly criticised for its lack of inclusion. Kimberlé W. Crenshaw coined the term *intersectionality* in 1989. Crenshaw published a paper called *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*. Crenshaw expanded on the criticism that the Combahee River Collective formed and underlined once again that one cannot only look at either race or sex. The two categories are intertwined, like intersections on a road:

"Consider an analogy to traffic in an intersection, coming and going in all four directions. Discrimination, like traffic through an intersection, may flow in one direction, and it may flow in another. If an accident happens in an intersection, it can be caused by cars traveling from any number of directions and, sometimes, from all of them. Similarly, if a Black woman is harmed because she is in the intersection, her injury could result from sex discrimination or race discrimination ... But it is not always easy to reconstruct an accident: Sometimes the skid marks and the injuries simply indicate that they occurred simultaneously, frustrating efforts to determine which driver caused the harm" (Crenshaw, 1989, p. 149).

While Crenshaw's initial theory focused heavily on the expressed opinions on feminism by African American women, intersectionality has grown to become inclusive of all minorities. Sex, gender, race, sexuality, disabilities, linguistic minorities, class, nationality, religious minorities, indigenous people, and more. Intersectionality therefore moved a branch feminism into a minority-based theory, focused on the different ways minorities can experience oppression. Each individual can belong to either a small or large number of groups and experience oppression due to all of them. Due to this, intersectional feminism has become largely relevant for, for example, LGBT+ rights movements.

Intersectionality can therefore play a large role in analysing policies. Having an intersectional focus on the content of policies and the lived effects of them, means that the different minority categories that are affected are easier to identify. Carol Bacchis's 'what's the problem represented to be' method to policy analysis, which will be elaborated on in a later section, is at its core a feminist, intersectional approach to policy analysis. This method focuses on the framing of policy problems and the effects it has on different groups. Applying intersectionality to policy analysis means to consider the implications a policy can have on different minority groups.

## Gender and sex

As this thesis will focus on sex education, certain terms need to be defined before beginning the analysis. For this thesis, I have chosen to use the definitions of the United Nations and the World Health Organization, as the closest one can get to a universal actor in international politics. As the United Nations and its organs, such as the World Health Organization, are collaborative institutions between majority of the world's countries, their words and definition hold a certain power, even if

not all agree completely. The World Health Organization, henceforth WHO, (n.d.), states that sex “refers to the different biological and physiological characteristics of females, males and intersex persons, such as chromosomes, hormones and reproductive organs”; gender “refers to the characteristics of women, men, girls and boys that are socially constructed.”; and gender identity “refers to a person’s deeply felt, internal and individual experience of gender”.

Sex is thus defined as the biological, but is not restricted to only a binary, as intersex people are also recognised by the WHO. There are still a certain set of requirements, defining characteristics, and there are still a multitude of medical aspects that can affect a person’s hormones and reproductive organs, and chromosome development. Gender, however, is more individual.

According to the WHO (n.d.), “as a social construct, gender varies from society to society and can change over time ... gender is hierarchical and produces inequalities that intersect with other social and economic inequalities” (paras. 1-2). Gender as a social construct means that our ideas of gender are built around social norms, behaviours, and expectations that are based on gender. Gender as a social construct is not defined by the binary of girl/boy or man/woman, as per this definition. Gender is something we, as people, perform on a daily basis. People do this by conforming, or not conforming, to what society expects of them in terms of gender norms and gender stereotypes. These norms and stereotypes have been built over time and are more often than not connected to a person’s biological sex due to the restriction of gender and gender expression. Biological females, people with female sex hormones and female reproductive systems, are likely to be expected to perform their gender in a feminine-coded manner, whereas males, with the male sex hormone and reproductive system, are expected to perform gender in a masculine-coded manner. This means that people with biologically female traits are more likely to be expected to be caring, feminine, be good with children, cook, and look a certain feminine way. The opposite is true for those with a male-presenting biology.

People do not always identify with these notions of gender performance. There are men who enjoy stereotypical feminine hobbies, clothing, and work, and there are women who enjoy stereotypical male activities and clothing as well. This is how they perform and express their personal gender. A biological male can wear dresses and skirts and wear makeup and still identify as a cis man (meaning they feel their gender and sex are aligned by birth), and a person with a female physiology can present as masculine, but still identify as a woman.

Some people, however, do not identify with the physiological sex they were born as. As gender is a social construct, gender also exists on a spectrum. People can be transgender, nonbinary, and more. Nonbinary and others, such as a gender, can identify as both men or women, or none at all. Transgender people usually identify as the opposite gender as the sex they were born as. This is where Simone de Beauvoir also became a person recognising that gender is performed. One is not born a woman, as a woman is something one can become. The same goes for men. Transgender people can transition into their personal gender and expression in many ways. Some undergo surgeries for their bodies to match the gender they identify as, while others do not or cannot afford to. It is also possible to take sex hormones in order for the body to change and align more with the ideal sex as well. There is also the social aspect, where transgender people often change their names, their clothes, and their pronouns to those they prefer.

This distinction is important when analysing policies from an intersectional feminist perspective, as certain groups of marginalised people do not fit into the heteronormative category and need different sexual education than those who do. It is the same with those who do not fit into a gender or biological sex binary, as they would require different knowledge about sexual identities, gender identities, and relationship care. Using an intersectional perspective and understanding the difference between biological sex, gender, and gender identity, one can analyse the chosen policies more directly and compare it to how the three categories are framed in the policies and the effects of that definition.

## Framing theory

With these theoretical backgrounds and perspectives set in place for this thesis, I will present a theory on discourse. Discourse concerns itself with word choices and linguistic aspects. Specifically, this thesis will adapt the theory of *framing*. Framing theory's premise is that "an issue can be viewed from a variety of perspectives and be construed as having implications for multiple values or considerations" (Chong & Druckman, 2007, p. 104)(p. 104). How the problem is represented depends on the frames that have been used to define it, produce it, and spread it. It is "the process by which people develop a particular conceptualization of an issue or reorient their thinking about an issue" (Ibid). This type of theory on language and its importance is important in matters of feminist research. People may not be direct or straightforward in their meanings, especially not in political discourses. This thesis contains the notion that the personal is in fact still political. Gender and sexuality politics

have become more openly discussed and either supported or fought back against. This can be seen in the recent developments in policies related to the topic. The definitions of gender and its correlation to biological sex has been drawn into the public and become a point of contention in politics. This can be seen with the two policies this thesis will later analyse. Framing theory is the belief that there are several ways policies and policy makers write and present their policies in the best possible light, while others aim to find the hidden meanings in the discourse. Both issue definition and agenda setting present certain frames in their choice of words and general discourse surrounding any given policy.

According to Gilardi and Wüest (2020), “the decision-making process consists of several stages, and the stage in which problems are defined as politically relevant is a crucial one” (s. 205). Defining the problem in a given policy proposal heavily affects whether or not a given policy will be adopted or not. While each policy proposal goes through a political process before passing or failing, the initial proposal, problem definition, and political climate influences how far in the process the bill will go. For example, one of the most discussed and more controversial topics in U.S., the right to abortions, would not go over well if they were phrased as ‘anti-bodily autonomy’ or as ‘forced birth’, as the opposition to them have called them. Senate bill no. 2150 in North Dakota, for example, instead uses phrases such as ‘unborn child’ instead of foetus. This bill also defines ‘human being’ as “an individual living member of the species of homo sapiens, including the unborn human being during the entire embryonic and fetal ages from fertilization to full gestation” (68th Legislative Assembly of North Dakota, 2019, p. 4). Thus, either getting or performing an abortion can now be classified as legal murder of a human being except under certain circumstances, such as incest or a medical emergency, at any point of the pregnancy. The definition of what constitutes a medical emergency in which one could be needing an abortion is also limited to a physical emergency but does not include “any psychological or emotional condition” (Ibid, p. 6). This means that even if the pregnant person is mentally unwell, she could be required by law to continue the pregnancy even if it causes further detriment to their well-being. Furthermore, doctors might fear performing abortions due to the legal repercussions, such as fines, losing their license, or even being charged with a crime, and vague definitions within some bills.

Furthermore, part of frame theory is that frames can be influenced or manipulated by both those for a given policy and by those opposed to it. Going back to the abortion discourse in politics, one can see mostly two sides: one called pro-choice, and another called pro-life. Even though both only consist of one word, they frame the issues in a clear-cut way that, if only looking at the words, can

make arguing against them fairly difficult; it is difficult to say you are against bodily autonomy or choice in the same way that it does not sound good to be against life and living beings. Daviter (2007) describes “two theoretical perspectives that share an interest in the role of framing in policy-making and analysis” (p. 656):

The first perspective, or strand, concerns itself primarily with issue definition and how they structure “the ensuing political conflicts and ‘the choice of conflict allocates power’” (Daviter, 2007, p. 656). Issue definition not only influences the bill itself, but the support it gets, the oppositions it meets in the process, organisational interests and “the formation of coalitions and alliances” (Ibid). When the definition changes, so does support and opposition, it can draw in new actors and stakeholders and remove ones that were previously involved. This also opens up for manipulation of a given issue definition, called frame manipulation. Even without bringing in mass media, which is the main focus of analysis when looking at agenda settings, other actors involved can aim to change the perception of the proposed policy, in house as well as for the public. Strategic frame manipulation like this aims to change opinions and create a new division of who would vote for the policy or against it. This, however, is usually met with the actors involved in defining the issue in the first place arguing for their own definition. Frame manipulation meets contest. Daviter, paraphrasing Baumgartner and Jones, stated that “the framing and reframing of policy issues exerts most leverage when it coincides with a parallel shift of institutional venues” (Ibid). This means that policy frames increase their importance when they go from one step in the policy process to the next one, as there will now be a new set of actors involved who will either approve or disapprove certain frames. This, however, also prolongs the process, as the policy has to go through a longer process before it is either approved for adoption or failed and is let go. The proposed policy can get stuck in a bureaucratic stasis if no frames are approved, and an agreement is not reached.

The second research strand has to do with policy controversies, primarily how to overcome them and reach an agreement by having the involved actors reflect on the frame-conflicts. In short, it seeks to look into how compromises and agreements are made through deliberation that “focuses on the social processes through which frame-reflective policy discourse” (Daviter, 2007, p. 657).



# Methodology

## What's the problem represented to be?

The structure of the analysis in this thesis will be based on Carol Bacchi's 'what's the problem represented to be' (WPR). Bacchi (2009) aimed to explore the role policies have within a "particular understanding of the role of government" (p. viiii). This specific approach to policy analysis factors in the undeniable importance of cultural context within policies and their creation and process. Policies are shaped by the context in which they exist, be it "historical and national or international context" (Bacchi, 2009, p. viiii). It seeks to expand the understanding of how governing takes place, how certain things are maintained, such as control and order, and how it affects those living within the area the policy will affect. There are specific things to factor in when conducting such an analysis, underlying assumptions, and terms. This thesis concerns itself with two public policies, one having been adopted by the state of Florida and one that is currently being reviewed in New York. *Public* policies, as the name suggests, are policies that have to do with the public. The voters, the everyday lives of people in a given area. They can therefore be considered government programmes. Bacchi explains that there is "an underlying assumption that policy is a good thing, that it fixes things up" (Ibid), an assumption that stems from the fact that if everything worked the way everyone wanted it, there would be no need for change and no need for a new policy.

The possible need for new policies is made by policy *makers*. These are the people who look at current policies, look at the state of what the policy concerns, and determine if there is a need for things to be fixed. They might determine this due to seeing a problem in society that can be helped, or fixed, by a new policy, or be driven by ideological or personal beliefs in how society should ideally function. Policy makers are usually political actors, but these politicians can also be approached by lobbyists, NGOs, and other interest groups. As politicians are voted in by the people who live in the area, be it the state or the country, there will also be an underlying assumption that these people are acting in ways that reflect the desire of the people they represent.

In deciding that there needs to be a policy change, that something needs to be fixed, means that there has to be a *problem* that needs fixing. According to Bacchi (2009), "the notion of 'problem' can be, but does not need to be, explicitly elaborated" (p. x). Legal language can be vague and broad, sometimes simply implying there is a problem rather than state it directly. This is, in large, the focus

of the WPR approach. “It is important to make the ‘problems’ implicit in public policies explicit, and to scrutinise them closely” (Bacchi, 2009, p. x). WPR therefore focuses on the assumptions, the presuppositions, and underlying frames that the process and language used hints at. WPR provides framework for looking into what is being said, what is not being said, and why. Sometimes, what is not being said is just as important, if not more, than what is being said. Why are some things included and why are others excluded?

For this, Bacchi (2009, pp. 2-19) created these six questions:

**Question 1:** What’s the problem (e.g., of “gender inequality”, “drug use/abuse”, “economic development”, “global warming”, “childhood obesity”, “irregular migration”, etc.) represented to be in a specific policy or policies?

**Question 2:** What presuppositions or assumptions (conceptual logics) underlie this representation of the “problem” (*problem representation*)?

**Question 3:** How has this representation of the “problem” come about?

**Question 4:** What is left unproblematic in this problem representation? Where are the silences? Can the “problem” be thought about differently?

**Question 5:** What effects (discursive, subjectification, lived) are produced by this representation of the “problem”?

**Question 6:** How and where has this representation of the “problem” been produced, disseminated, and defended? How has it been and/or how can it be disrupted and replaced?

## The six questions

These six questions will be the framework for the analysis structure. I will work with one question at a time on both policies. This will be done so in order to create a better overview of the differences and possible similarities between the two chosen policies. I could have chosen to focus on one policy at a time and go through all six questions for one before the other, however it simplifies the comparison process to have them side by side and only focusing on one part at a time.

Question one is relatively straightforward, with Bacchi (2009) describing it as a “clarification exercise” (p. 3). This question aims to clarify and bring to light the true meaning behind the implicit language used in a policy. It relies on the notion that how one feels about a certain problem influences how the new policy will be phrased and framed. Therefore, which policies that are determined to need ‘fixing’, are dependant on who the policy maker is. This is part of why context is important and shows that policies do not exist in a vacuum. The ‘problem’ relies on the opinions and beliefs of the person who ‘finds’ this problem and thus also influence the proposed way to ‘fix’ this ‘problem’. As policies often not only affect one simple ‘problem’, but rather touch upon multiple, there might be more than one “problem formulation within them” (Bacchi, 2009, p. 4). On occasion, in order to have a policy pass and be adopted, policy makers might have to make compromises in their initial problem representation. These are issues that will be explained in a later section regarding frame manipulation and policy tracing. It might be that certain sections can be kept if changed slightly, or if the other part will be allowed to add one in themselves. This also means that the policy can look to be primarily regarding one specific ‘problem’, but actually have a ‘hidden’ agenda that only takes up a small section. This gets certain problem representations into a policy without making a ‘big deal’ out of it. It is therefore possible that an important problem representation in a policy can be snuck in as a small section in a larger document. This can be especially important when tackling more controversial problems, as the policy can be framed to be about one thing that is less controversial instead of the ‘real’ problem. There are dominant problem representations, or perhaps only one, and lesser problem representations. Due to the aforementioned possibility of inserting small, yet important, problem representations, I also argue that there are hidden dominant problem representations.

Once these problem representations have been identified, one moves onto question two: what presuppositions or assumptions underlie this representation of the problem? You dig deeper into the problem representations, asking questions such as “what is assumed? What is taken-for-granted? What is not questioned?” (Bacchi, 2009, p. 5). Bacchi (2009) stresses that here that the “kind of analysis recommended in Question 2 does not elicit the assumptions or beliefs *held by policy makers*” (p. 5). It does not seek to identify personal biases, only those that are lodged “*within problem representations*” (Ibid). Here, the problem representations do exist in a vacuum, and outside context related to policy makers is irrelevant. While outside context is important, the WPR approach does not only concern itself with that. It looks into “deep-seated cultural values – a kind of social unconscious – that underpin a problem representation” (Ibid). Outside of personal beliefs, all people are heavily influenced by hidden, or unconscious, cultural values. Policies regarding families, for example, must

make an assumption regarding family structure and needs, which often relate to a cultural value. If a policy is suggested regarding longer and paid maternity leave, the underlying assumption is that it is the mother who takes care of the child and that this is a form of labour that she should be paid for. It also assumes that the father or other parent is not able to take time off and is less important in the first stages of a new-born baby's life. It also assumes that all couples have a mother that can take maternity leave, and does not consider different family structures, such as single dads or two male parents.

Bacchi also mentions the concept of *governmental or political rationalities*. This “refers to the kind of thinking that lies behind, or the rationalities for, particular styles of governing” (Bacchi, 2009, p. 6). Bacchi (2009) stated that “the position adopted in this book emphasises the simultaneous coexistence of various forms of rule, which are often hybrid” (p. 7). It focuses less on which labels are used to identify the ideology or structure of governance, but rather use it to identify these underlying premises and the effects on those being governed.

Question three has two objectives. One focuses on the history, development, and decisions that “contribute to the formation of identified problem representations”, while the other aims to “recognise that competing problem representations exist both over time and across space, and hence things that could have developed differently” (Bacchi, 2009, p. 10). Using the concept of genealogy, this question seeks to “upset any ... assumptions about ‘natural’ evolution over time” (Ibid). Policy changes are an active decision, not a natural part of evolution. They do not change by themselves. It is therefore important to identify the times where key changes were made or there was a shift in direction. Bacchi uses abortion as an example. When did this become illegal, when did this become legal? When were big changes in abortion laws created and why? Who was in power at the time, who had the most influence? As the primary focus of this thesis is based on discourse analysis, this question while important, will take up less space. Not all six questions are equally important in every analysis. This question steps away from discursive practices and instead looks at statistics and the choices behind which ones are included, who gets counted, and how?

Question four takes a step away from looking at the things that have been said, or implied, and instead looks at what is being left out. Every problem representation has limits, they cannot include everything. Problem representations problematise certain things while others are not. Why? What has not been included? When reading a policy, one might just look at the words and not think about it more, while others will question the choices and what the policy fails to include. Sometimes certain

areas, possible problem representations, are simply overlooked or forgotten, but other times it is a very deliberate choice to leave specific things out.

Question four therefore relies heavily on the findings in question two. Depending on the findings one has made in their previous analysis, it can create a detailed picture of what is included and therefore also what is not. As I have chosen to compare two policies, the differences in the two will highlight what was included in one, but not the other, and therefore make it easier to identify certain things, certain keywords, that have been left out and the different approaches one could take in defining the issue of sex education. Bacchi (2009) provided the example of child-care policies: “the lack of good publicly-funded child care might well have an influence on decisions within families about having children” (p. 13). The intent may be for the government to stay out of people’s personal life and decisions, but it heavily affects the personal choices of people involved. Who is the focus, who is being silenced?

Question five continues the analysis by looking into the effects of the problem representation. WPR analysis is, at its core, founded in the belief that “some problem representations create difficulties ... for members of some social groups more so than for members of other groups” (Bacchi, 2009, p. 15). This question does not concern itself with the direct outcomes of a policy, but rather the effects. Effects are “much more subtle in their influence and rely for their understanding on a number of theoretical perspectives ...”, which for this thesis will be feminist theory, primarily intersectionality, the understanding of gender and sex, and frame theory for discursive purposes. Bacchi (2009) identifies three kinds of effects: discursive, subjectification, and lived effects.

Discursive effects link back to questions two, three, and four. The choices in phrasing and discourse related to a policy can have devastating effects on people and their lives. They can cause harm to certain groups of people while benefitting others. Discursive choices can close off “social interventions” (Bacchi, 2009, p. 16) by silencing certain aspects.

Subjectification is “the idea ... that we become subjects *of a particular kind* partly through the ways in which policies set up social relationships and our place (position) within them”, which “takes place within discourse” (Bacchi, 2009, p. 16). According to Bacchi, “discourses make certain subject positions available” (p. 16), which in turn influences how we feel about ourselves and the world. Policies influence people in relation to which groups they identify with and base their lives around them in a usually subconscious way. Policies places people in groups, for example

employed/unemployed, or “‘problem gamblers’ *versus* ‘recreational gamblers’, ‘binge drinker’ *versus* ‘socially responsible drinkers’” (Ibid). This is called *dividing practices*. These often paint one group as a problem and can often target minority groups, and implies one group to be the reason for the problem. One must therefore look into who is implicitly blamed, or who the responsibility for the problem is placed upon. It is not only ‘what’ is the problem, but also ‘who’ is the problem represented to be? One must therefore also look into who is targeted and how it could affect them negatively. For example, how could it change their feelings about themselves? Who benefits and who is negatively affected.

Lived effects “directs attention to the *material* impact of problem representations” (Bacchi, 2009, p. 17). Going back to the example of the lack of good publicly-funded child care, families are clearly affected as it could change their family plans. However, women, or people able to carry children, are likely to be more affected by this than their partners. While the numbers of stay-at-home fathers have risen slightly over the years, only 7 percent of fathers are stay-at-home parents, compared to 26 percent of women (Fry, 2023). This means that if a couple wants children but cannot afford quality child-care, the mother is statistically more likely to become the stay-at-home parent and therefore more affected by said policy. Lived effects concerns itself with the direct effect policies have on people’s lives.

Question five therefore concerns itself with certain sub-questions like: what is likely to change and what is likely to stay the same? Who is harmed and who benefits? Who is implied to be responsible?

Question six concerns itself with how the legitimacy of the problem representation is created. It looks at the relationship between “discourse, speakers and its destined audience” (Foucault, as quoted by Bacchi, 2009, p. 19). This question therefore requires one to look at mass media and its role in portraying the problem representations. However, it also looks at the opposition the problem representation might run into. Problem representations can be disrupted and manipulated by the opposition and can cause a policy to not be voted through if there is enough negative publicity that defending it could prove unfavourable.

## Comparative Policy Analysis and text-as-data

The way I have decided to approach the discursive parts of a WPR analysis have been drawn from comparative policy analysis methods. Comparative policy analysis (CPA) is “an emerging area in social sciences and already a major one in policy studies” (Peters & Fontaine, p. 1). It can be approached in a multitude of ways depending on the aim of the analysis and the data used. CPA is, in nature, multi-disciplinary. Often, this method is used to compare the outcomes of policies, rather than the content, which is what I aim to do in this thesis. Using the *Handbook of Research Methods and Applications in Comparative Policy Analysis* Peters and Fontaine, I primarily looked into the chapters regarding text-as-data methods and process tracing. I chose these to focus on due to the nature of my thesis and their direct relation to the discursive parts of a policy analysis.

As I will be analysing the policies, the process, and related notes taken from meetings, either before the bill was passed or cast out, the type of data I will analyse is text. Gilardi and Wüest (2020) describes text-as-data methods as “a broad set of techniques and approaches relying on the automated or semi-automated analysis of text” that have become more popular within social and political sciences (p. 203). The process of analysing text has become more automated due to technological advances, meaning that computers are now able to do part of the work that would previously have been done manually. Computer programmes can be made to scan texts, filter out filler words, and help discover patterns, such as how often certain words are being used. This can be especially useful when analysing data from speeches, news, or multiple policies at once. Text-as-data methods are often used when the research question is related to “political communication theories such as agenda setting, issue definition, or framing” (Ibid), which have been defined in a previous section. With the increase in social media use by political actors involved in the policy process, things such as tweets and Facebook posts can also be included in these types of analysis in order to analyse ideals and meanings behind a policy.

For this, I will utilise frame theory as an analytical tool. Framing, with the particular focus on issue definition within the policies, will be the main discursive focus within this thesis. It is clear that how a policy is written is crucial in how it is processed and whether or not the policy ends up being adopted. To do this, I will apply a method called *concept identification*.

As the name suggests, this method focuses on identifying specific concepts and their importance in policy framing. According to Gilardi and Wüest (2020), “concept identification can be separated into dictionary-based approaches and named entity recognition approaches” (p. 210). Dictionary-based approaches focus on finding specific keywords and matching them between the policies. The approach can be criticised for its simplicity; however, the level of complexity increased the more keywords one includes in their analysis. This can be specific words, or the names of political actors involved, be it lobbying groups, politicians, or a whole political party. This approach can be done both manually and via machine learning.

Named Entity Recognition (NER) is a more complex approach that is based on machine learning. Here, models are created within machines to not only recognise keywords, as with the dictionary-based approach, but specific concepts based on “linguistic rules and bag-of-words information from the word contexts of these concepts” (Gilardi & Wüest, 2020, p. 211). As opposed to the dictionary-based approach, one does not have to focus on creating a dictionary, however “they are usually only able to detect a restricted set of concepts, such as persons, locations, dates, or organizations” (Gilardi & Wüest, 2020, p. 211).

For this reason, and the level of availability, I have chosen to apply the dictionary-based approach. The chosen keywords will aid in frame identification, specifically to highlight what has been deemed the most important frame for the policies. What do they focus on and how are the issues defined. The first step of my analysis will be to search for the chosen keywords in each policy to help create an idea of the framing that occurs in the two policies. The chosen keywords were chosen after skimming the two policies and making a quick assessment of the words and patterns that appeared. Repetitions in words, the detailing, and how much space each subject takes up in the policy.

Frame theory and the dictionary-based approach will be important tools when attempting to answer the six questions in the WPR method, which will help in answering the research question. However, I will not only look into the most recent edition of the policy, but also look into the amendments and meeting notes made during the political process. This in itself is an entire field in CPA called *Policy Tracing*.

Policy tracing is often combined with Qualitative Comparative Analysis (QCA) and was originally designed for “within-case studies” (Fontaine, 2020, p. 278). It is often used to shine a light on the policy process, making it more transparent or “to improve the decision-making process in



public administration” (Fontaine, 2020, p. 278). In the case of this thesis, it will be used to see how and why the language used within the policy changes throughout the process, which differs from the way it is usually used. As it is usually done as a stand-alone method of study, policy tracing also has its own process. This process begins with a theoretical process, empirical tests design, case selection, congruence analysis, and finally a deep within-case study (Fontaine, 2020, pp. 283-291). I will combine it with my text-as-data method, and rather than improve the decision-making process, I will attempt to utilise policy tracing as an aid in understanding the importance of issue definition by looking into which changes were made in the language throughout the policy process, if possible. This helps deepening the analysis by looking into not just the finished product.

## Data collection

When I had decided on my thesis topic, I began to look into the policies on sex education in the United States. House Bill 1069 in Florida was chosen quickly, as it had garnered much attention due to its content. I had read about it in the news and wanted to conduct my own research into the language used in a bill, which has been framed negatively by the opposition and parts of the populace. I then searched for an opposing policy in a different state and found that most sex education and sexual health policy changes and proposals regarded restriction and parental rights. The states that had policies on more comprehensive sexual education were slightly older policies. However, I found that several places had policy proposals that were relatively new and undergoing the political process. I chose one of these, Assembly Bill A4604 from New York, as I found more recent policies to best reflect the current political climate, which has changed and become further divided in more recent years. Certain topics, such as queer-inclusion, consent, and relationships have also increased in focus. The policies and their amendments were available on the state’s website both as text as well as PDF.

Following that, I decided upon my methodology, analysis method and approaches, and my theories. I utilised the sources I had gotten throughout my education and searched Google Scholar and the University Library for key words and specific sources if I needed them. This ensured that the sources I used were academic, relevant, and appropriate for my study.

## Limitations and justifications

As with any paper, there will be limitations due to the methodological and theoretical choices one decides to make. I have chosen my methods, WPR and a text-as-data approach, as these were the best suited choices for my thesis. I knew I wanted to focus primarily on discourse and the direct content of the policies rather than the outcomes. Furthermore, the policies I have chosen are still newly proposed or adopted, meaning that outcomes and effects cannot be directly measured. WPR provides a clear guide for a deeper perspective on the discourse and effects of the problem representation, or framing, without a need for measurable outcomes. I wanted to include work on not just the content, but also what is being excluded and left out and what that can mean for a policy and the people it affects. My aim is not to criticise, but to analyse how the same topic can be approached differently, even in the same country. These policies show the different priorities states can have when it comes to sex education such as what should be taught, how much do parents have to say in their children's education, and whose responsibility it is to teach sex education. When should it be taught and what materials should be used? I want to highlight the different approaches and the importance of language in policies.

Theories will largely shape the findings of a paper, as they provide the background assumptions with which one approaches the subject. I chose to highlight the definitions of sex, gender, gender identity, and sexuality, as those are important phrases to define when discussing sex education and how policies treat them. The main theoretical background for this thesis, however, is feminism, specifically intersectionality, and frame theory. Both are intertwined in the WPR approach, as WPR assumes that members of certain groups are harmed more than others depending on the problem representation, or frame. The core of intersectionality is that a person does not only belong to one group, but rather several different groups. Feminism, while starting out as focused on white women's rights, has grown to become a tool to invest how minority groups are treated in politics. This includes a focus on how policies often negatively affect minority groups, whether it is intentional or not. Society is not equal, and some social and cultural constructs are normalised to a degree where people do not notice that they perpetuate them and uphold inequalities between people. Feminism is a useful theory to look into those unconscious biases in society and how they influence different groups. Intersectionality can help identify the different groups people belong to and the different ways policies affect even the same person depending on who they are. Intersectionality is a tool in understanding

why some are more susceptible to inequalities than others and how policies can perpetuate these inequalities in their problem representations.

Furthermore, I chose only to focus on two policies as my cases, whereas most other studies regarding sex education policies in the United States often chose to either include a few more or even conduct a large-scale investigation. I chose to do a qualitative case study as it would allow me to go deeper into the policies and properly conduct a WPR analysis. I did not seek to create a generalised overview of the state of sex education policies in general, but rather create an example on difference in priorities and discourse and the importance of how issues are defined and framed. Furthermore, the two policies are at different points of the political process. House Bill 1069 in Florida was adopted earlier this year, while Assembly Bill A4604 was proposed in February this year. This means that House Bill 1069 will have reached its final potential and is no longer going through changes and amendments. One could argue that this would take away from the comparison as there will be uncertainty about the end result of Assembly Bill A4604 and if it will pass and get adopted. Furthermore, I will also use the amendments and meeting notes if they provide interesting changes in the policy phrasing. However, I argue that since this thesis does not aim to measure outcomes, but study the language and framing, a proposed policy can also be analysed and compared to an adopted policy. A proposed bill still provides a good example of how problem representation is formed and its importance. It can still be used to show a different approach to sex education than House Bill 1069 and the differences in framing.

## Analysis

The first step of my analysis will be to count the chosen keywords for each policy to create an idea of the possible frames and priorities each policy presents. Certain words have been set into the same box, such as monogamy/monogamous and reproductive/reproduction, as they are often used in similar context. For the abbreviations STI/STD, I also counted when they used the full description, sexually transmitted infections/diseases. Keywords followed by an asterisk mean that these words have different meanings in terms of context. For the matter of the abbreviation 'LGBT', I chose to also include any abbreviation where more letters have been included, such as Q or I, and the plus sign. This was done to avoid an abundance of keywords where the meaning is essentially the same. The differences will be expanded on in a following section. All words in the keyword grid are written

in singular phrasing, however plural phrasing is included in the count. For example, parent/parents are both counted in the ‘parent’ column.

One might question why I have chosen to do focus on a keyword approach, however I found that it was a useful tool when looking into frames, discourse, and following the WPR method. The number of times certain words are mentioned gives an insight into what the problem is represented to be in each policy. The more often a word is used, the more important it must be to the people who proposed the policy or passed it into law.

Following the keyword count, I will begin the analysis in a structure following the six WPR questions. I will analyse both policies, one question at a time, in order to create a clearer comparison of the two policies. To answer the questions, I will make use of the methods and theories mentioned in previous sections, such as framing, gender theory, intersectionality, and text-as-data approaches. The theories will guide the perspective for the analysis and the method will be tools to answer the six questions.

I will begin with House Bill 1069 from Florida as of 28 January 2024:

Gay	0	Consent*	3	Relationship	0
Lesbian	0	Comprehensive	0	Sexuality*	2
Bisexual	0	Heterosexual	1	Violence	0
Student	43	Marriage	2	Pregnancy/impregnate	2
Transgender	0	Gender*	2	STI/STD	2
Assault	0	Autonomy	0	Education*	25
Pronoun	10	Male	4	Abstinence	2
Sex*	15	Female	5	Monogamy/monogamous	1

Reproductive/ reproduction	5	HIV/AIDS/Im- mune deficiency	4	Material	73
Genital	1	Biology/biologi- cal	3	Parent	42
Hormone	1	Birth	1	School*	117
Sexual*	5	Binary	1	Commission/commis- sioner /committee	9

The keywords followed by an asterisk were in the following context:

- LGBT or any similar abbreviation was never mentioned.
- Consent was twice in context of the right of parents to give or withdraw consent to their child receiving sex education in schools. It was once in context of educational materials not being part of a “consent agenda” (Florida House of Representatives, 2023).
- Both mentions of gender was followed by ‘identity’.
- Both mentions of sexuality refers to human sexuality.
- Education was used 25 times. 12 of those referred to the State Board of Education; four referred to the Commissioner of Education; three referred to the Department of Education; and two referred to Education Codes. The remaining four referred to the education taking place in schools.
- All 15 times ‘sex’ was mentioned in a biological context.
- Sexual activity was mentioned twice, same as sexual orientation. Sexual conduct was mentioned once.
- ‘School’ was mentioned the most. The most predominant being school districts (31) and school boards, district and otherwise (32). Schools, as institutions, were mentioned 19 times. Faculty, such as librarians, principals, and personnel, was mentioned 15 times. Services, such as school libraries and their materials, were referred to 10 times.

Following is the keyword count for Assembly Bill A4604 from New York as of 28 January 2024:

Gay	1	Consent*	1	Relationship	5
Lesbian	1	Comprehensive	15	Sexuality*	17
Bisexual	1	Heterosexual	0	Violence	4
Student	7	Marriage	0	Pregnancy/impregnate	1
Transgender	1	Gender*	6	STI/STD	1
Assault	1	Autonomy	1	Education*	23
Pronoun	0	Male	0	Abstinence	0
Sex*	1	Female	0	Monogamy/monogamous	0
Reproductive/ reproduction	2	HIV/AIDS/Immune deficiency	1	Material	2
Genital	0	Biology/biological	1	Parent	4
Hormone	0	Birth	0	School*	17
Sexual*	8	Binary	0	Commission/commissioner /committee(s)	12

- LBGT or any abbreviation was not used in the proposed bill.
- Consent was mentioned in relation to bodily autonomy.
- Gender was twice written as a stand-alone, and twice as gender identities. Once mentioned was gender expression and gender stereotypes.
- In this bill, the word ‘sexuality’ is usually followed by the word ‘education’. Those two keywords are thus highly intertwined. ‘Comprehensive sexuality education’ is mentioned 13

times. ‘Sexuality’ was thrice written in the context of ‘comprehensive sexuality instruction’, and once referring to human sexuality.

- As above, 13 of the 23 mentions of ‘education’ is in the context of ‘comprehensive sexuality education’. Four times referred to education boards. Education law, and childhood education were both mentioned twice. Education as a whole, as teaching, was also mentioned twice. Education committee was mentioned once.
- The word ‘sex’ was only written once, and in relation to sex characteristics.
- ‘Sexual’ was twice followed by ‘orientation’. ‘Sexual’ was also followed by the words ‘assault’, ‘health’, ‘development’, ‘violence’, ‘harassment’, and ‘behavior’ once each.
- In this bill proposal, the word ‘school’ was mentioned 17 times. Seven of those times were in relation to school districts. School faculty, ‘nurse’, ‘administration’, ‘board members’, were mentioned a total of three times. Schools as institutions, public and charter, were mentioned thrice. School year was mentioned twice, and school board and school authorities were mentioned once each.

Through this preliminary work, patterns and frames are already forming based on how often each word is used. One would assume the more often a word is used, the more important it is for the representation of a policy. Keeping in mind that Assembly Bill A4604, henceforth referred to as AB4604, is in the midst of the policy-making process in New York and can be either denied or passed and changed throughout the bureaucratic process. AB4604 is also a shorter document than House Bill 1069, henceforth referred to as HB1069. It will therefore be interesting to follow the development of AB4604 to see how this may change.

## What’s the problem represented to be?

### House Bill 1069

Starting with HB1069, the keywords show weight being put on school, material, student, parent, education, and sex. From an overall angle, this may seem like a solid top six for a bill concerning itself with sex education. Only looking at these keywords, one could assume that the bill describes what is to be taught, parental involvement, and that student’s best interests are kept in mind. However, the word school is primarily mentioned in regard to the bureaucratic process of educational materials

and who decides what is or is not appropriate and when it can be used. Furthermore, it would appear as there is a near-equal value placed upon students and parents.

However, as described above, school may be mentioned 117 times, but more than half of those times are in relation to who is in charge of selecting materials for a school district's sex education. In fact, the latter part of HB1069, pages eight through 20, primarily concerns itself with the materials used in sex education, the contents of said material in terms of appropriateness, and the role of the district school boards in determining what can and cannot be used in schools' sex education and in which grades (Florida House of Representatives, 2023). Said pages also concerns the level in which parents are involved in deciding what constitutes appropriate and inappropriate for students to learn from. Parents have the right to be involved in the selection of educational materials, as they can object to the use of any material if they believe it to be inappropriate. In fact, "each district school board must adopt a policy regarding an objection by a parent or resident of the county to the use of specific material" (Ibid, lines 278-280). Material facing objection is then taken out of schools until the issue is resolved. It is the job of the district school board to investigate and determine if the reported material contains content "which: ... is pornographic... depicts or describes sexual conduct... is not suited to student needs and their ability to comprehend the material presented ... is inappropriate for the grade level and age group for which the material is used" (Ibid, lines 298-307). Exceptions are made if the material is used in required courses on "health education; instruction in acquired immune deficiency syndrome" (Florida Senate, 2023a), which also includes teachings on sexually transmitted diseases. This section also includes that any mention of human sexuality must be followed by teachings on abstinence and how it is the best option for avoiding sexually transmitted diseases and unwanted pregnancies.

This leads to the first eight pages of HB1069. These pages seek to define the term sex and restrict the material used in schools to include only material that follow said definitions. HB1069 defines sex as

"... the classification of a person as either female or male based on the organization of the body of such person for a specific reproductive role, as indicated by the person's sex chromosomes, naturally occurring sex hormones, and internal and external genitalia at birth" (Florida House of Representatives, 2023, lines 81-85).



Biological sex is defined by Florida law as a set binary based on biological factors, however, HB1069 goes on to restrict gender identity and gender expression by stating that “a person’s sex is an immutable biological trait and that it is false to ascribe to a person a pronoun that does not correspond to such person’s sex” (Ibid, lines 91-93). While exceptions are made for those with, for example, sex development disorders, HB1069 denies non-cisgender students the ability to socially transition by deciding which pronouns and name they prefer to go by. HB1069 goes on to protect the right to deny using a person’s preferred pronouns, whether they are a faculty member, student, contractor, or any other person involved in the educational system. Furthermore, a student must not be “penalized or subjected to adverse or discriminatory treatment for not providing his or her preferred personal title or pronouns” (Ibid, lines 112-114).

HB1069 continues to define sex within a binary, stating that “biological males impregnate biological females by fertilizing the female egg with male sperm ... and that these reproductive roles are binary, stable, and unchangeable” (Florida House of Representatives, 2023, lines 237-240). This is then followed by a requirement to teach abstinence until marriage as an “expected standard” (Ibid, line 242), and the best way to avoid out-of-wedlock pregnancies and acquiring infections related to sexual activity. Together with abstinence, students will also be taught about the “benefits of monogamous heterosexual marriage” (Ibid line 243) when any material contains information on human sexuality. Any education regarding “sexual orientation or gender identity may not occur in prekindergarten ... through grade 8 ... if such instruction is provided in grades 9 through 12, the instruction must be ... age-appropriate or developmentally appropriate...” (Ibid, lines 154-159), with exception being made to teach abstinence and information on acquired immune deficiency syndrome (Florida Senate, 2023b; Florida Senate, 2023a). However, noteworthy is the lack of a definition on what is age-appropriate and what is inappropriate. While there has been a clarification on that materials are not to include pornographic content or descriptions made with intent to sexually arouse people, the final deciding voice on what is or is not appropriate is up to the district school board and thus open to personal and political bias.

Florida House Bill 1069 thus represents the problem, namely sex education, as a parental rights issue and as a way to protect children from what has been deemed inappropriate and inaccurate information regarding gender identities and human sexuality. Schools are to be protected from gender politics and sexually explicit material. Sex and gender are one and the same. By framing the problem as a protection of children’s innocence and a parental rights issue, HB1069 has restricted children and

teachers from expressing themselves by confining sex education to fit a heteronormative definition. HB1069 was part of what Florida Governor Ron DeSantis called the “Let Kids be Kids bill package” whereas opposition to the bill call it the “Don’t Say Period” or the “Don’t Say They” bill (Florida Governor Staff, 2023; Heubeck, 2023; National Education Association, 2023).

### Assembly Bill A4604

As New York Assembly Bill A4604 is still going through the bureaucratic policy-making process, it is shorter and the specificities are less defined than in HB1069. However, HB1069 also represents sex education as in need of restriction to ensure children’s innocence and safety, and as a parental rights issue, whereas AB4604 is primarily representing sex education as a subject that needs to be expanded and become more informative and inclusive (González-Rojas, et al., 2023). Sex education is thus represented as currently lacking and needing to evolve in order to keep students informed and safe.

As AB4604 is shorter than HB1069, there were fewer keywords to track than in HB1069, however the framing is more inclusive in its framing. Similar to HB1069, the word ‘school’ was mostly in relation to school districts and school boards, rather than schools as institutions and places for teaching. There is heavy focus on ‘sexuality education’ and the need for it to be comprehensive. More sexualities are included and expanded upon, and sex and gender are not restricted to a binary. On the contrary, the word ‘sex’ is only used once to include the “diversity of sex characteristics” (González-Rojas, et al., 2023, p. 3). Parents or guardians will still have the right to withdraw a student in their care from participating in “select lessons regarding HIV/AIDS prevention” (Ibid, p. 2). This must be done for each school year. A comprehensive sexuality education is considered an “integral part of education in grades kindergarten through twelve” but must still be “age-appropriate” and “culturally appropriate” (Ibid, pp. 1-2). HB1069 defined ‘appropriate’ withing specific parameters, such as depicting sexual conduct, but still left the deciding voice on appropriateness up to parents and school boards. AB4604 demands that a comprehensive sex education curriculum be formed with the “recommendations of a broad range of experts” within relevant fields such as health, biology, education, and medical fields (Ibid, p. 1). AB4604 also requires students to be informed on topics such as consent, bodily autonomy, gender expression, diverse sexualities, sexual violence, and healthy relationships on top of knowledge on pregnancy prevention and avoiding sexually transmitted infections. HB1069 requires sex education to focus on cis-gender, binary definitions, restricting

relationship discussion to the promotion of heterosexual marriage as the goal and abstaining from sexual activity until then. AB4604 uses section 11 of New York Education Law to define gender as “actual or perceived sex and shall include a person’s gender identity and expression” (NewYork.Public.Law, n.d.). Overall, the problem, being sex education, is represented as currently lacking and needing to be as inclusive and all-encompassing as possible in order to ensure students are safe, knowledgeable, and aware of the complexities in human sexuality, relationships, and identities. The two policies approach sex education in opposite ways, both aiming to ensure safety for students.

## What presuppositions or assumptions underlie this representation of the “problem”?

Now that the problem representations have been clarified, assumptions and presuppositions must be looked into. Some have already been touched upon in the previous section, but this will expand the analysis more, starting with HB1069.

### House Bill 1069

As established, HB1069 represents the sex education as something in need of restriction to keep children safe and protect their innocence; to let kids be kids. Furthermore, with the inclusion of parental rights, HB1069 also represents sex education as a parental rights issue. Sex education is more up to the parents than others. They are allowed to voice objections and have material taken out of school libraries and education, if the school board agrees with them. Even then, once a parent sends in an objection form, the material must be taken away until the issue is resolved. Furthermore, if the school board denies the objection and keeps the material, it is possible to go further with the objection and start a new inquiry with another body. The focus on parental rights presents the presupposition that sex education is better left to parents than people educated within the field or other teachers who may end up teaching students about sex education. Allowing parents such involvement in school material assumes that parents know what is best for their children, and allowing parents to take their students out of specific aspects of education means that the responsibility to teach their children what they deem to be necessary information on the topic. Making sex education a parental rights issue assumes that parents not only know best, but also that they are capable educators. The policy states nothing about making sure that sex education is received elsewhere if the parents take their student

out of the course. It is left up to the parents with no required supervision. The right of the parents to determine what is best for their children without government interference. The rights of parents are deemed more important than that of the children who will, or will not, receive this education.

Furthermore, framing the problem as an attempt to protect innocent children while prohibiting certain topics and promoting a specific sexuality and abstinence, means that those options are assumed to be the safest and most moral options to live by. Heterosexuality is presumed the optimal sexuality and teaching students about any other sexuality is assumed to be harmful and take away from their innocence. Furthermore, the dismissal of pronouns and protection given to those refusing to use a person's preferred title and pronouns dismisses the existence of non-cis-gendered people and as harmful as other sexualities. HB1069 recognises the existence of people who do not identify with their assigned sex and pronouns but deem them less than and dismiss them. There is also the assumption that students who are taught abstinence until marriage and not end up pregnant. Continuing from this notion, it is also assumed that marriage is the goal for a relationship and that sexual activity must be reserved for a spouse. This is presented as the only moral choice. Abstinence and information on sexually transmitted diseases and AIDS are assumed to be enough to keep students safe and informed and ready for life outside of schools. It is assumed that teenagers will be able to control themselves and their urges. Furthermore, the lack of inclusion in sexualities means that there is an assumption that only heterosexual children are present in schools and classrooms and if they are, they will not be needing sex education related to their sexualities. The same goes for gender non-conforming children, who are also assumed to either not be present or not needing information.

Florida resides in the south, partly within a region known as the Bible Belt. The social and cultural aspect presumably influences the assumptions and presuppositions underlying HB1069. HB1069 takes on traditional assumptions regarding gender, identity, sexuality, and values regarding family planning and sexual activity. Gender, like sex is presumed to be a binary and sex is determined by the reproductive role and genitalia of a person.

Furthermore, the restriction upon when certain information is to be given to students presents several assumptions. HB1069 not only restricts students from exploring, discussing, and learning about personal development regarding human sexuality and genders, but also teachers and other faculty. As any instruction on "sexual orientation or gender identity may not occur in prekindergarten ... through grade 8" (Florida House of Representatives, 2023, lines 154-155) is prohibited, children

are also prohibited from learning about normal bodily functions they may experience in those years due to puberty. It is assumed that children who experience a menstrual cycle will either not need help or information or receive it elsewhere. This assumption that there will be no need for such topic to come up during school hours is what has given HB1069 the nickname ‘don’t say period’. This assumption is, however, relevant to all changes relating to gender and identity that students may experience in those years.

Hb1069 also assumes that students are capable of self-control: “teach that each student has the power to control personal behavior and encourage students to base actions on reasoning, self-esteem, and respect for others” (Florida House of Representatives, 2023, lines 248-250). It assumes all students carry a baseline respect for everyone they meet and have adequate self-esteem to set boundaries and not be pressured into things they do not want to do. It assumed that consent is not needed to be taught.

Overall, it is assumed that educating children and youths on matters related to sex, gender, and relationships is not the school’s duty as much as it is left up to parents. It is assumed that teaching about heterosexual marriage and abstinence until that is achieved is enough, combined with information on sexually transmitted diseases and AIDS. Any other information is presumed to be unnecessary or found elsewhere. Students are assumed to not need to talk about matters concerning gender or sexuality.

#### Assembly Bill A4604

As opposed to HB1069, AB4604 aims to be as inclusive as possible, assuming that an extensive knowledge on matters related to sex, sexuality, sexual health, and relationships are the responsibility of schools. It is not assumed that parents or school boards alone should be in charge of sex education curriculums, but rather that they should be as “medically accurate” and “age appropriate” as possible (González-Rojas, et al., 2023, p. 2). It is therefore assumed that students may not have access to or receive this information elsewhere, for example at home. It is assumed that it will be a necessary topic in schools and should be “reviewed periodically” and “updated as necessary” by relevant stakeholders and experts (González-Rojas, et al., 2023, p. 2). Sex education is thus not assumed to be something simple, but rather a complex issue that can change over time and each grade, starting in kindergarten, will need to receive relevant information.

Further stated is that “the curricula need not be uniform throughout the state”, meaning that it is also assumed that each district is able to create a curriculum within the guidelines presented by the commissioner if needed. It assumes that not every district needs the same sex education curriculum.

It is assumed that a comprehensive sex education is needed in the first place. That students need to learn about consent, sexual violence, healthy relationships, sexualities, and identities. AB4604 also assumes that sex education needs to take culture into consideration in order to ensure that “physical, mental, emotional and social dimensions of human sexuality is trauma-responsive and culturally appropriate” is properly addressed (González-Rojas, et al., 2023, p. 2). Culture is therefore assumed to play a part in how people, in this case students, learn and how they respond to different situations relevant for sex education. Furthermore, parents are still given the right to withdraw their student from non-required sex education courses. AB4604 also includes the word ‘guardians’, assuming that not all families have the same structure and not all students have parents.

Overall, a comprehensive sex education is presumed to be a school’s responsibility and a way to ensure that students are best equipped to handle real life situations. It is assumed that inclusivity is a benefit and not harmful to students, as long as it is presented in an appropriate manner.

## How has this representation of the “problem” come about?

The state of Florida has long seen a string of restrictive policies related to what can and cannot be said and taught in schools. As stated earlier, HB1069 was one bill part of what Ron DeSantis branded a ‘Let Kids be Kids’ package (Florida Governor Staff, 2023). This expands on previous policies, including one from 2022, which has been dubbed ‘don’t say gay’ by oppositional actors (Burga, 2023). Abstinence until marriage and heteronormative values, sexualities, and expressions were the norm before as well. What has changed, however, is the national political discourse regarding gender and sexuality inclusivity. It was not previously included in policies as it was not talked about as much. It was therefore also not seen as threatening or corrupting as it is represented to be in HB1069. Children’s innocence, parental rights, and heteronormative, Christian values were not in need of protection. The recent restrictions in certain states, including Florida, are thus a push-back against the emergence of progressive and liberal values. A way to keep “gender politics” and “woke gender ideology” out of schools (Florida Governor Staff, 2023; Diaz, Jr, as quoted by Florida Governor Staff, 2023). It is a conservative attempt to protect the status quo, which is seen as threatened by

conservatives. It is an attempt to protect traditional values and citizens by banning and restricting access to information.

It is therefore also possible that AB4604 has been proposed as a way to ensure that minorities are respected and protected and safe in an increasingly hostile political environment. AB4604 is a sign that New York is opening up to a discussion on making a comprehensive sex education a necessity for students to navigate life as safely as possible.

**What is left unproblematic in this problem representation? Where are the silences? Can the “problem” be thought about differently?**

#### House Bill 1069

When answering question one and two, it is difficult to not immediately look into the opposite, namely what is not being said and who is not being included. HB1069 presents the problem as a safety issue, a parental rights issue, and a morality problem. The heavy focus on parental rights and parental involvement in materials considered appropriate for students and teachers to use silences the needs of students in an attempt to protect them. In the assumption that parents know best and have the right to object to materials deemed immoral and inappropriate, the student's voices are being silenced. The students, who are the ones who will be receiving the classes on sex education, will be the ones to face the consequences of school restrictions, not the parents. It is the students who receive the education, yet parental rights are the focus, whereas student's voices may be silenced and left out. Students are not assumed to know what is best for them, even in the higher classes.

Furthermore, the focus on promoting the benefits of heterosexual marriage, abstinence until marriage, and shaming pregnancy out of wedlock, many people are being stigmatised, shamed, and silenced. By assuming this is enough to teach students, any student who does not fit into the heteronormative, Christian ideal will be lacking adequate sex education. Students who are not cis gender or heterosexual can miss out on crucial information they might not get from home. This restriction, in the guise of protecting children, also shelter them from those who are different than heterosexuals. Furthermore, this policy directly protects a person's choice to be discriminatory toward any student and faculty member who happens to use pronouns and titles different from their assigned sex. The people falling into that category are not indirectly silenced, they are directly silenced and

painted as an enemy, as the policy dismisses any gender identity or sexuality that does not adhere to their preferred gender stereotypes. Stating one's preferred title and pronouns and wanting them to be respected has been dismissed by law, and people who do so cannot face consequences. The complete dismissal of any who does not perform their gender in alignment with their biological sex may no longer feel safe and protected by their place of study or work. Parents who do not agree with HB1069 and its definitions on gender identities may also take their students out of school. As it is a statewide policy, the state of Florida now legally permits the discrimination of transgender people and any who do not perform their gender in a stereotypical way.

By only promoting heterosexuality and abstinence, anyone who may have sex before marriage or anyone who is not heterosexual is shamed and portrayed as inappropriate. The only appropriate teachings promote only one human sexuality, one form of relationship, and shame normal sexual development. Anything related to for example homosexuality is therefore automatically deemed inappropriate and can be banned from schools if they are objected to. Furthermore, banning any discussion on gender identity does not only restrict those who do not conform, but also those who do. The prohibition on gender identity discussions encompasses any gender identity, hence the nickname 'don't say period'. HB1069 also never mentions the word 'consent' in relation to bodily autonomy and sexual activity. Instead, it assumes that teaching each student that they have "the power to control personal behavior and encourage students to base actions on reasoning, self-esteem, and respect for others" (Florida House of Representatives, 2023, lines 248-250).

Overall, any gender non-conforming, or in some cases also the conforming, are being silenced and ignored. Any LGBT+ person must go without being heard, but rather be ignored or presented as wrong, immoral, and inappropriate for students, children, to learn about. They are presented as a threat to innocence and children. Normal bodily functions that happen during puberty are also represented as inappropriate and not to be brought up, despite children as young as eight may experience their first menstrual cycle. Parents are assumed to have reasonable judgement and authority over their children and what they are allowed to be taught.

#### Assembly Bill A4604

While HB1069 is comprehensive in terms of restriction, AB4604 is comprehensive in its inclusion. As it aims for inclusion, it appears not much is being left unsaid. However, in its inclusion, AB4604 does not mention heterosexuality or the validity in choosing to stay abstinent until marriage. AB4604



does include a clause to focus on “consent, bodily autonomy, boundary-setting, bullying, and peer pressure” (González-Rojas, et al., 2023, p. 3), in which this could be covered. While all WPR questions would be interesting to apply to this policy if it goes further in the process and is met with changes before adopted, it would be especially interesting to see how its goal of being as inclusive as possible would end up. As a proposal that has not yet faced changes, it is presenting an ideal. As this ideal is a comprehensive sexual education, not much has been left unsaid and not many have been silenced. Gender and sexual orientation are already defined by Education Law Section 11 (NewYork.Public.Law, n.d.)

## What effects are produced by this representation of sex education?

### House Bill 1069

One of WPR’s core beliefs is that some people are more affected by problem representations than others. Some benefit, while some end up facing difficulties of different degrees. Although HB1069 has only been in effect since 2023, there has already been effects seen from the policy. One of the more noteworthy effects has been the much-discussed book bans that have taken place in schools across Florida. This is a discursive effect of the parental involvement that HB1069 allows parents and residents to have in the materials used in schools. The vagueness of what is appropriate and what is not has led to parents and lobbying groups taking actions to get books banned from school libraries, while students show up to protest and voice their opinions on the bans (Blumetti, 2023). According to Tolin (Tolin, 2024) the list of banned books is nearing 700 in Orange County alone, including classic, well-known literary works by Maya Angelou and Marcel Proust and recent best sellers from authors like J.K Rowling and Dan Brown. One of the most challenged books in the United States is ‘Gender Queer: A Memoir’ by Maia Kobabe (Alter, 2022). The book depicts a coming out story based on Kobabe’s own story. They wrote the book in the hopes that it could help people struggling with their identity and may feel alone, as Kobabe themselves felt alone and had no words to describe how they felt before finding the right words. Alter goes on to state that many of the books that have been banned or challenged are “by or about Black and L.G.B.T.Q. people”. The vagueness of what is appropriate and what is sexual conduct has led to many books in gender and sexuality being targeted, as those topics can be especially difficult to write about without mentioning sex and attraction. LGBT+ subjects are even more exposed to bans, as under HB1069, only heterosexual content and abstinence promotion is allowed, with the exception of teachings on sexually transmitted diseases.

Thus, HB1069 can be used by people who believe anything that does not conform to heteronormativity is a threat to their children to ban any child from seeing the material. Even if said material could help a child. HB1069 validates fears that LGBT+ people are out for children's innocence and promotes that books on the subjects are part of an agenda and promotes what is deemed inappropriate. Student's rights are simply not the focus. Students are reduced to beings who without access to material on, for example, gender identities and human sexuality, will never be questioning their gender or sexuality. Being LGBT+ is seen as contagious.

But not only does it harm students, especially young people who happen to be LGBT+ themselves. It also harms faculty, as teachers are also prohibited from discussing their personal lives if they happen to be LGBT+. By painting LGBT+ people as an enemy, it validates differential treatment based on gender and sexuality. They will not be allowed to talk to children who may need help or guidance and may even reconsider their jobs, as schools can be seen as hostile environments. Teachers have already cited the restrictive policies as reasons to leave their professions or even the state (Guan, 2023). Furthermore, students are shamed for natural bodily functions, such as menstruation. If an 11-year-old can have their menstruation while at school, but is not allowed to speak about it, how will they receive help if they need it? Will they be allowed to ask for a hall pass if they need to change their menstrual hygiene products? Will they have to hide their hygiene products, because it is inappropriate? Menstruation is already a sensitive subject for some and something that some people are shamed out of discussing already.

It can therefore result in the subjectification of certain groups, when homosexual people, for example, are painted as inappropriate for children, despite some being children themselves, and heterosexual people are painted as the ideal. It creates an us vs them mentality and creates further stigmatisation for minority groups. They take innocence away from children, it forces them to think about such things in a much too early age, taking away part of their childhood. In this way, it also suggests that LGBT+ people specifically want to target children. LGBT+ people who wish to learn about themselves and be respected are represented as the problem. As a minority group in an increasingly hostile environment, these people may no longer feel safe or may internalise these feelings and begin to feel wrong. LGBT+ youths are already "more than four times as likely to attempt suicide than their peers" (The Trevor Project, 2021), with transgender and nonbinary youths ranking especially high. Further stigmatisation of the LGBT+ community can have life-threatening results for young people who do not feel welcome in society.

### Assembly Bill A4604

As AB4604 has not yet been, and may not be, approved, it is more difficult to analyse the lived effects outside of the intentions implied in the policy. Due to its inclusive nature and how it takes culture into account, AB4604 presents a hopeful set of guidelines to ensure all students are accommodated by the public-school systems in New York. Creating a comprehensive curriculum that includes teaching students about more than STI prevention and pregnancy. By assuming that students, specifically teenagers, will eventually become sexually active, it aims to teach how best to prevent pregnancies, which can therefore result in fewer teenage pregnancies. It aims to be inclusive to other sexualities which in turn can make people feel safer, more secure, and less discriminated against and othered.

AB4604 focuses on the student and working on making them as well-equipped for the world outside of school. How healthy relationships work, managing interpersonal relationships, setting boundaries, and learning about signs of abuse, sexual violence and harassment. The goal is clearly that the more informed a person is, the safer they will be. Thus, by ensuring that citizens are informed about such matters, including sexual orientation and gender identity, and exposed to it as a norm from an appropriate age and in an appropriate manner, LGBT+ people may simply be considered as normal as heterosexual and cis gendered people. Making it normal can possibly limit discrimination based on gender identity and sexual orientation, among other minority groups. AB4604 hopes to tackle harmful stereotypes and create unity in diversity, not division.

ACLU of New York state that the current lack of any requirement for sex education in New York schools lead to either no sex education at all or “inaccurate, incomplete, and stigmatizing” curricula (ACLU of New York, 2021). This results in reinforcement of harmful gender stereotypes, inaccurate knowledge on anatomy, and continued stigmatisation of LGBT+ students. The goal is that a comprehensive sex education will increase condom use, lessen bullying and harassment, and help teens develop healthy relationships and avoid intimate partner violence. Providing information will make students less vulnerable to harmful people and behaviours.

## How and where has this representation of the “problem” been produced, disseminated, and defended?

### House Bill 1069

HB1069 has faced much back up and much controversy in its short existence. Before HB1069, Florida Governor Ron DeSantis signed House Bill 1557, also called the Parental Rights in Education bill, in 2022 (Florida Governor Staff, 2023). This bill was the precursor to HB1069, which was part of a bill package set to extend parental rights and protect children. The previous bill, House Bill 1557, as presented Governor DeSantis’ website, set the foundation for “reinforcing parents’ fundamental rights to make decisions regarding the upbringing of their children”, and prohibited “classroom instruction on sexual orientation or gender identity in kindergarten through 3<sup>rd</sup> grade”, which HB1069 extended to prekindergarten through eighth grade (Florida Governor Staff, 2022). DeSantis described one reason for the act was to protect children from “schools using classroom instruction to sexualize their kids as young as 5 years old” (DeSantis, as quoted by Florida Governor Staff, 2022). To garner support for the bill he directly told his constituents that any discussion on gender identity and sexual orientation, with the exclusion of required information on abstinence until heterosexual marriage and STD prevention, is an attempt to sexualise children. This was further expanded on and continued in what the Governor’s office called the Let Kids Be Kids bill package, of which HB1069 was one of three bills introduced into law. Here, Governor DeSantis’ statement was that “as the world goes mad, Florida represents a refuge of sanity and a citadel for normalcy”, stating that the bill package further protects children from “permanent mutilating surgical procedures, gender identity politics in schools, and attending sexually explicit adult performances” (DeSantis, as quoted by Florida Governor Staff, 2023; Florida Governor Staff, 2023). Teachers should “not interject their own opinions or worldview into the classroom” and will therefore not be teaching “woke gender ideology or inappropriate topics” (Diaz, Jr, as quoted by Florida Governor Staff, 2023).

The framings presented by the governor himself are very clear in their implications. Simply informing students about different sexual orientations and gender identities, or even discussing them or making any sort of mention of them, is an attempt to sexualise and harm innocent children. It is unnatural, false, mental illnesses, an agenda, and wrong opinions and worldviews. Biological sex cannot be overridden by gender and students are protected from declaring pronouns or respecting others’ preferred pronouns.

For HB1069 and its expansion on parental rights in education, groups such as Moms for Liberty have come forward in support and in their goal to, in their opinion, protect children from what they deem inappropriate and sexual materials by banning and challenging books in school librarians. Reading the most explicit parts of books in hearings regarding the books as an attempt to get their, and in turn DeSantis', points across. Opposition, however, has given HB1069 the nickname 'don't say period', and students have voiced their opinions in the same hearings as Moms for Liberty, talked to journalists and spread awareness. 'Don't say period' reflects the nickname given to House Bill 1557, 'don't say gay', to highlight its restrictive nature and simplify the consequences of the bill. It also points out the implicit homophobia and transphobia within the bill and highlights how it bans discussing even natural bodily functions such as menstruation even in grades where students are likely to have already gotten theirs. There are thus attempts to dissuade the bill and fight against restricting access to queer material and painting LGBT+ people and material as predators who sexualise children and as inappropriate.

#### Assembly Bill A4604

As opposed to HB1069, AB4604 has not garnered much attention by media. In a memo of support from April 2023, The American College of Obstetricians and Gynecologists, the National Institute for Reproductive Health, ACLU of New York, Planned Parenthood, and the New York Civil Liberties Union expressed their support of several proposed bills, including AB4604 (New York Civil Liberties Union, 2023). It is stated that the state of New York currently has no requirement for schools to provide any sex education, resulting in previously mentioned issues from either a lack of or inaccurate and harmful sex education. The memo, and thus the organisations in support of the included bills, supports the bill as representing a much-needed curriculum to ensure students are able to make informed choices about their health, have healthy relationships, and that inclusivity of gender identities and sexual orientations will lower bullying and harassment. The problem is represented as a necessity to help students "navigate into adulthood" and that "access to this crucial education shouldn't depend on which school district a child resides in" (Ibid, p. 2). As New York state currently lack any sex education mandate, it would result in schools needing teachers to teach a possibly new subject. It would require each school to have at teachers qualified and knowledgeable in the subject of sex education, which is currently a problem as the schools that do offer sex education often provides subpar sex education.

## Conclusion

To conclude, the two policies present near opposite approaches to sex education policies. Florida has in recent years increased the focus on restrictive policies on sex education by presenting it parental rights in education acts and protection of children from inappropriate information and political agendas. Under this representation, parents have gained near complete rights to involve themselves in what is being taught in schools related to sex education. Parents are presented as the decider of what can be taught in order to give them control of the own children's upbringing. Having sex education as an outlier in school, where students are supposed to learn facts and how to navigate the world as adults, means that the knowledge students could get from the now-banned topic are deem non-essential and as opinions rather than facts. A comprehensive sex education would be seen as gender identity politics and incorrect and inappropriate for schools. A political agenda, that this bill seeks to condemn. In the process, however, any discussion on gender identities have been banned, creating an issue of banning the information on normal bodily changes and behaviours during puberty and in the teenage years. Student's rights and freedom of expression are being set aside to favour parental veto rights on one topic of education.

Children's innocence and purity are favoured over the belief that accurate information would help students to make informed decisions on their own sexual health and relationships. Schools are required to teach abstinence until marriage and the benefits of specifically heterosexual monogamous marriage as the staple for relationships. Any discussion of gender identity and sexual orientation is considered inappropriate and a sexualisation of children. This reinforces the belief that LGBT+ people are inappropriate and harmful, abnormal and purely sexual in nature and something students up to the eighth grade must be protected from. Grades nine through 12 can only learn about it in special situations where it is allowed, but only within certain guidelines.

These restrictive policies and their framing of inclusive sex education as a problem has currently resulted in mass book challenges and bans, on classic literature as well as recent bestsellers. Primarily targeted are books by and for minority groups, as any mention of sex, sexuality, and social issues is enough to get a book banned. LGBT+ youth already face more stigmatisation and the statistics on LGBT+ youth attempted suicides are already much higher than that of their peers. Now, they are losing access to information that could help them and make them feel less lonely and stigmatised. LGBT+ teachers and faculty face new difficulties due to the restrictions, as they now cannot discuss

their personal lives, as they are immediately classed as inappropriate. People using different pronouns than those correlating with their biological sex can now also face open discrimination as the right to not use a person's preferred pronouns and titles is now protected by law, making schools a more hostile place for both LGBT+ students and teachers.

On the contrary, the state of New York is actively attempting to create a statewide requirement for comprehensive sex education for both public and charter schools. Currently, there is no requirement for any schools to provide sex education at all. The sex education students do receive is therefore often inaccurate and promotes negative gender stereotypes. Here, sex education is clearly framed and represented as a school's duty as part of making sure children are safe and ready to navigate adulthood and make informed choices on their own sexual and reproductive health. The need for a proper comprehensive sex education is presented as a way to keep students safe, not only from pregnancies and sexually transmitted infections, but also as a way to lessen the amount of bullying, harassment, and stigmatisation students may face. Increased access to knowledge is represented as a protective measure the same way Florida is representing restriction as a protective measure. With the lack of current policies on sex education, New York has a blank slate for creating one, whereas Florida is making changes to existing policies. The proposed sex education policy in New York presents a big task on creating a curriculum that encompasses all the subjects within the policy, but the consequences they hope to achieve with it are positive. Increased awareness of oneself and others, understanding diversity, and not creating further stigmatisation of LGBT+ people, who will exist whether or not students learn about diversity in human sexuality and identity. The consequences of AB4604 are based on the hope of what the policy will achieve, however it might be different when, or if, the policy passes into law.

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