

THE CURRENT STATE OF SEX EDUCATION AND ITS PERPETUATION OF RAPE CULTURE

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INTRODUCTION*

In a Santa Monica restaurant, a woman's best friend attempted to "roofie" her while she was in the restroom.¹ Across the world in Ireland, a seventeen-year-old girl was raped by a twenty-seven-year-old man in a dark alleyway, but he was acquitted after her lacy underwear was allowed as evidence of her "consent."² Brock Turner, a Stanford student, only served a three-month sentence for sexually assaulting a young, unconscious woman, where the trial largely focused on the survivor's intoxication and the "bright future" Turner had ahead of him.³ These stories have gained national and global attention through the media, but similar assaults occur each day without making headlines.

Many sexual assaults⁴ are not reported,⁵ but worse, some of those reported are not taken seriously. In fact, only 5 perpetrators will be incarcerated for every 1,000 rapes.⁶ To top it off, numerous laws both abroad and in the United States still uphold antiquated notions of

* This Note will predominantly concern school policies and education laws from a heterosexual and gender binary perspective, due to the ways in which many of these policies are implemented or written. However, this is not meant to exclude those in the LGBTQ community or those that are non-binary from this topic.

1. Dexter Thomas, *'That guy just put something in her drink.'* *Women say they stopped a date rape attempt at Santa Monica restaurant*, L.A. TIMES (May 31, 2016), <https://www.latimes.com/local/lanow/la-me-ln-date-rape-20160530-snap-htmlstory.html>.

2. Valeriya Safronova, *Lawyer in Rape Trial Links Thong With Consent, and Ireland Erupts*, N.Y. TIMES (Nov. 15, 2018), <https://www.nytimes.com/2018/11/15/world/europe/ireland-underwear-rape-case-protest.html>.

3. Christine Hauser, *Brock Turner Loses Appeal to Overturn Sexual Assault Conviction*, N.Y. TIMES (Aug. 9, 2018), <https://www.nytimes.com/2018/08/09/us/brock-turner-appeal.html>.

4. In this Note, the phrase "sexual assault" includes sexual harassment, bullying, date rape or violence, and stranger rape. Also, the term "survivor" describes those persons who have been sexually harassed, bullied, or raped.

5. According to the National Sexual Violence Resource Center, 63% of sexual assaults go unreported to the police. *Statistics About Sexual Violence*, NAT'L SEXUAL VIOLENCE RES. CTR. 1, 2 (2015), https://www.nsvrc.org/sites/default/files/publications_nsvrc_factsheet_media_packet_statistics-about-sexual-violence_0.pdf.

6. *The Criminal Justice System: Statistics*, RAINN, <https://www.rainn.org/statistics/criminal-justice-system> (last visited Dec. 4, 2018).

victim-blaming when sexual assault survivors have bravely come forward with their stories. For example, Alabama's sexual assault law strictly defines rape as when one person uses "forcible compulsion" that overcomes "earnest resistance or threat."⁷ Therefore, if a person experiences tonic immobility—a state of paralysis during a traumatic event—and does not physically fight back, the abuser has not "raped" under the law.⁸

Countless women have had experiences with predatory men, ranging from unwarranted catcalls to violent encounters. However, when later confiding in a friend or family member, they may ask, "but, what were you wearing?" or, "what did *you* do?" Women all over the world share this narrative: a sense of helplessness not only with the initial act, but also later with their community when being blamed for what happened or not taken seriously.⁹ Many women experience trauma from repeated sexual assaults, causing them to no longer trust any partner or friend.¹⁰ Worse, some women have learned through their own experiences that there may be no repercussions for their abuser because society has accepted that "boys will be boys."¹¹

Rape culture is defined as "an environment in which rape is prevalent and in which sexual violence against women is normalized and excused in the media and popular culture."¹² This culture "is

7. See Bethy Squires, *Why Do We Still Have Laws that Say It's Not Rape Unless the Victim Fights Back?*, BROADLY (July 27, 2017), https://broadly.vice.com/en_us/article/evdedn/earnest-resistance-laws-that-say-its-not-rape-unless-the-victim-fights-back.

8. *Id.*

9. See Hannah Brenner, *Opinion: DeVos' new guidelines on handling campus sexual assault raise risk of another MSU*, DET. FREE PRESS (Jan. 26, 2018), <https://www.freep.com/story/opinion/contributors/2018/01/26/msu-title-9/1065913001>.

10. Indeed, 94% of rape survivors experience PTSD within two weeks of the assault. Elyssa Barbash, *Overcoming Sexual Assault: Symptoms & Recovery*, PSYCHOLOGY TODAY (Apr. 18, 2017), <https://www.psychologytoday.com/us/blog/trauma-and-hope/201704/overcoming-sexual-assault-symptoms-recovery>.

11. See Anne Godlasky, *Harvey Weinstein is the exception: Most accused of rape aren't charged*, USA TODAY (May 25, 2018), <https://www.usatoday.com/story/life/people/2018/05/25/harvey-weinstein-exception-most-accused-rape-never-charged/645133002>.

12. *What is the "Rape Culture?"*, MARSHALL U., <https://www.marshall.edu/wcenter/sexual-assault/rape-culture> (last visited Nov. 30, 2018).

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perpetuated through the use of misogynistic language, the objectification of women's bodies, and the glamorization of sexual violence, thereby creating a society that disregards women's rights and safety."¹³ Manifestations of rape culture include blaming the survivor, trivializing sexual assault, tolerating sexual harassment, and teaching women to avoid getting raped rather than teaching men not to rape.¹⁴ The prevalence of rape culture was brought to light with the resurgence of the #MeToo movement, when victims of sexual assault and harassment were called to use the "hashtag" to "give people a sense of the magnitude of the problem."¹⁵ Within days, the "hashtag" was used over 1 million times worldwide and Facebook reported 4.7 million people engaged in the conversation.¹⁶

Women are survivors of these actions on a daily basis, not just by strangers but often "by friends, colleagues, 'good guys' who care about the environment and children and even feminism, supposedly."¹⁷ In fact, 91 percent of women actually knew their rapist or sexual assaulter.¹⁸ Supporters of the #MeToo movement have thus called for schools to include gender equality in their curriculums from a younger age to prevent these acts.¹⁹ In 2016, the Center for Disease Control and Prevention ("CDC") reported "comprehensive sex education programs have been shown to reduce high risk sexual behavior, a clear factor for

13. *Id.*

14. *Id.*

15. Nadia Khomami, *#MeToo: how a hashtag became a rallying cry against sexual harassment*, THE GUARDIAN (Oct. 20, 2017), <https://www.theguardian.com/world/2017/oct/20/women-worldwide-use-hashtag-metoo-against-sexual-harassment>. The Me Too campaign was originally started over a decade ago by Tarana Burke, who began the campaign out of her nonprofit, Just Be Inc., to help victims of sexual harassment and assault. See Sandra E. Garcia, *The Woman Who Created #MeToo Long Before Hashtags*, N.Y. TIMES (Oct. 20, 2017), <https://www.nytimes.com/2017/10/20/us/me-too-movement-tarana-burke.html>.

16. Khomami, *supra* note 15.

17. *Id.* (citations omitted).

18. Lucy Adams, *Sex attack victims usually know attacker, says new study*, BBC NEWS (Mar. 1, 2018), <https://www.bbc.com/news/uk-scotland-43128350>.

19. Jim Heintz, *A year into #metoo movement, what's next?*, PBS (Oct. 23, 2018), <https://www.pbs.org/newshour/nation/a-year-into-metoo-movement-whats-next>.

sexual violence victimization and perpetration.”²⁰ Rape culture does not begin or end with rape, but is “at the heart of all our personal interactions [and is] part of all our social, societal and environmental struggles.”²¹ Sexual violence and assault is only one aspect of this culture. Rather, rape culture has much deeper roots in our antiquated notions of gender roles for both men and women.

While many high schools and colleges in the United States have begun teaching affirmative consent²² in the campus setting, schools should begin educating children at a much earlier age to cease perpetuating this culture. In the Netherlands, comprehensive sex education commonly begins in primary school with children as young as four years old.²³ The Netherlands’ comprehensive sex education has aided the country to have one of the world’s lowest teen pregnancy rates, as well as having lower HIV infection and STD rates than the United States.²⁴ Most importantly, the “Dutch approach to sex education in homes and schools produces some of the world’s best sexual health outcomes and highest levels of gender equality[.]”²⁵

This Note argues that the eradication of rape culture demands an update to our nation’s approach to its sex education policies. Specifically, sex education in the United States should look toward developing a model similar to the Netherlands by teaching health and sexuality from primary school through the implementation of federal

20. Bonnie J. Rough, *How the Dutch Do Sex Ed*, THE ATLANTIC (Aug. 27, 2018), <https://www.theatlantic.com/family/archive/2018/08/the-benefits-of-starting-sex-ed-at-age-4/568225>.

21. Zaron Burnett, *A Gentleman’s Guide to Rape Culture*, HUFFINGTON POST (Aug. 5, 2014), https://www.huffingtonpost.com/zaron-burnett/guide-to-rape-culture_b_5440553.html.

22. Affirmative consent is voluntary and express consent to sexual activities, a departure from the past generation’s “no means no” policy. See Jenée Desmond-Harris, *Yes means yes: California’s new sexual assault law, explained*, VOX (Oct. 9, 2014), <https://www.vox.com/2014/10/9/6951409/yes-means-yes-californias-new-sexual-assault-law-explained>.

23. Saskia de Melker, *The case for starting sex education in kindergarten*, PBS (May 27, 2015), <https://www.pbs.org/newshour/health/spring-fever>.

24. *Id.*

25. Bonnie J. Rough, *The New Birds and Bees: Teaching Kids About Boundaries and Consent*, N.Y. TIMES (Sept. 27, 2018), <https://www.nytimes.com/2018/09/27/well/family/the-new-birds-and-bees-teaching-kids-about-boundaries-and-consent.html>.

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and state legislation. As part of this approach, topics such as consent, boundaries, and healthy relationships should be taught with parental involvement from a much younger age and throughout a child's education. This open dialogue and comprehensive education will promote future generations to respect all genders, communicate their needs and boundaries, and feel safe in coming forward with allegations of sexual abuse or assault. Additionally, this will positively change the way a survivor's community reacts to an assault—by shifting the blame to the perpetrator rather than the survivor.

Part I of this Note will discuss the legislative history and the current state of sex education in the United States. *Part I* will also examine the relevant federal laws, namely those statutes that award grants to abstinence-only state programs. Further, this Note will compare state specific sex education laws with a focus on California because of the State's progressive stance on sex education. *Part II* will then explain the Netherlands' sex education program and its outcomes because of their high levels of gender equality. *Part III* will then make suggestions for comprehensive sex education reform in the United States based on the Netherlands' model.

I. SEX EDUCATION IN THE UNITED STATES

A. Legislative History

Sex education in schools first appeared in high schools during the 1920s after the federal government successfully used sex education to warn soldiers in the military of sexually transmitted diseases.²⁶ Around this time, sex education primarily focused on marriage, human anatomy, and the roles of family members.²⁷ However, many political and religious groups in the 1960s and 70s began fighting to keep sex education out of schools, "claiming that it promoted sexual activity

26. Johannah Cornblatt, *A Brief History of Sex Ed in America*, NEWSWEEK (Oct. 27, 2009), <https://www.newsweek.com/brief-history-sex-ed-america-81001>.

27. *Curriculum Changes of Sex Education Through The Years*, TRINITY C. (May 6, 2016), <https://commons.trincoll.edu/edreform/2016/05/curriculum-changes-of-sex-education-through-the-years>.

among children and encouraged promiscuity.”²⁸ When these groups realized their losing battle in eliminating sex education, they “began putting . . . support behind programs that taught that sexual activity was only proper within the confines of a monogamous marriage, and that the only valid approach towards non-marital sexual activity was complete abstinence.”²⁹ These programs served as the first unofficial abstinence-only approach to sex education.³⁰ Then, in 1981, Alabama’s Republican Senator, Jeremiah Denton, advocated for a “chastity law” that would grant funding to abstinence-only programs in schools, which was the first step towards the abstinence-only movement.³¹

The federal government then became involved in abstinence-only sex education in 1981 under President Ronald Reagan’s administration.³² The Adolescent Family Life Act (“AFLA”), Title XX of the Public Health Service Act, was passed by Congress “to promote chastity and self discipline through a ‘family-centered’ approach.”³³ Although abstinence programs began as a method to discourage premarital teen pregnancy—during a period of heightened teen pregnancies—it later evolved to adopt a strict definition of abstinence.³⁴ Under Title V of the Social Security Act, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (“PRWORA”) was also passed to restrict funding to those educational programs that met these eight requirements:

- (A) has as its exclusive purpose, teaching the social, psychological, and health gains to be realized by abstaining from sexual activity;
- (B) teaches abstinence from sexual activity outside marriage as the expected standard for all school age children;

28. Samuel J. Philhower, *A Moral and Political Roadblock to Viable Sex Education: How Abstinence Education Has Established Itself at the Center of Public Policy*, 31 *WOMEN’S RTS. L. REP.* 147, 159 (Fall 2009).

29. *Id.*

30. *Id.*

31. *Id.*

32. Amy Schwarz, *Comprehensive Sex Education: Why America’s Youth Deserve the Truth About Sex*, 29 *HAMLIN J. PUB. L. & POL’Y* 115, 121 (Fall 2007).

33. *Id.*

34. *Id.*

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- (C) teaches that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, and other associated health problems;
- (D) teaches that a mutually faithful monogamous relationship in the context of marriage is the expected standard of human sexual activity;
- (E) teaches that sexual activity outside of the context of marriage is likely to have harmful psychological and physical effects;
- (F) teaches that bearing children out-of-wedlock is likely to have harmful consequences for the child, the child's parents, and society;
- (G) teaches young people how to reject sexual advances and how alcohol and drug use increases vulnerability to sexual advances; and
- (H) teaches the importance of attaining self-sufficiency before engaging in sexual activity.³⁵

PRWORA thus solely funded sex education programs that met these eight requirements, furthering abstinence-only education's hold and discouraging comprehensive sex education in the United States.³⁶ Part G was particularly problematic to abstinence-only sex education because it perpetuated the notion that responsibility fell on the recipient of an unwanted sexual encounter to reject advances. These ideas signal to both potential victims and society as a whole who is to blame after an assault—the survivor. These eight points would later be revised and renamed in February 2018, as discussed in *Part C* below.

Between 1982 and 1996, only \$60 million was spent on abstinence-only education, averaging to roughly \$4 million per year.³⁷ Since then however, five additional programs were created to provide grants to abstinence-only programs, with the most grants given out in 2008—a hefty \$177 million just that year.³⁸ This funding continued to increase, with more than a total of \$2 billion since 1996, until a significant drop during the Obama administration.³⁹ However, under President Trump's

35. Philhower, *supra* note 28, at 161.

36. *See generally id.*

37. *Dedicated Federal Abstinence-Only-Until-Marriage Programs*, SIECUS (Oct. 2018), <https://siecus.org/wp-content/uploads/2018/10/AOUM-Funding-Table-FY19-Oct-2018-FINAL.pdf>.

38. *Id.*

39. Jesseca Boyer, *New Name, Same Harm: Rebranding of Federal Abstinence-Only Programs*, GUTTMACHER INST. (Feb. 28, 2018),

current administration, the funding has begun to increase again.⁴⁰ Just in 2018, \$100 million was given to state programs with an additional \$110 million projected for 2019.⁴¹ These grants helped fund varying abstinence-only educational programs, “from media campaigns such as billboard advertisements, to after-school mentoring programs, to educational programs in public and private schools” for both schools and community organizations.⁴²

The third and most recent federally developed abstinence-only program was implemented in the 2000s and is called the Community-Based Abstinence Education Projects.⁴³ This project is funded through the Special Projects of Regional and National Significance’s (“SPRANS”) maternal and child health block grant, “which provides funding to programs that overtly teach abstinence-only education.”⁴⁴ Because SPRANS funds both school and community organizations, these groups go into a school with the school’s permission to teach abstinence-only sex education to students.⁴⁵ SPRANS programs were also required to comply with the eight points of PRWORA and were prohibited from teaching about contraception.⁴⁶ This program took a new approach in providing grants through bypassing the states completely and providing funds directly to community organizations that could enter schools.⁴⁷

<https://www.guttmacher.org/gpr/2018/02/new-name-same-harm-rebranding-federal-abstinence-only-programs>.

40. *Id.*

41. *Dedicated Federal Abstinence-Only-Until-Marriage Programs*, *supra* note 37.

42. Julie Jones, *Money, Sex, and the Religious Right: A Constitutional Analysis of Federally Funded Abstinence-Only-Until-Marriage Sexuality Education*, 35 CREIGHTON L. REV. 1075, 1082 (2002).

43. Philhower, *supra* note 28, at 161.

44. *Id.*

45. *Id.* at 161-62.

46. *Id.* at 162.

47. Boyer, *supra* note 39.

B. Current State of Sex Education Curriculums

In the United States, the core decision-making of sex education curriculums comes from both state governments and school districts.⁴⁸ Because of this approach, sex education throughout the United States differs state by state.⁴⁹ Differences include comprehensive or abstinence-only sex education and whether sex education is mandatory or even addressed at all.⁵⁰ Additionally, in the states that address sex education, “some do not specify how it should be delivered, while others provide specific guidelines regulating the way schools treat abstinence, [sexually transmitted infections], and contraception.”⁵¹ Only twenty-nine states require sex education in schools, while thirty-one states “require any sex ed offered to stress abstinence—often withholding vital information students need to stay healthy.”⁵² To make matters worse, twenty-one states do not require sex education in schools to “be age-appropriate, medically accurate, culturally appropriate, or evidence-based.”⁵³ These policies are problematic for many students. The policies do not provide adequate information regarding sexuality, such as boundaries or consent, and often perpetuate the traditional notions of gender roles that contribute to victim blaming in rape culture.

Abstinence-only sex education teaches students that abstaining from any form of sexual activity is the only way to prevent pregnancy or sexually transmitted diseases.⁵⁴ These curriculums also often propagate gender stereotypes with strong undertones of female responsibility and shame for male sexuality.⁵⁵ Additionally, abstinence-only programs “reinforce dangerous sex stereotypes such as

48. See Rachel Rubenstein, *Sex Education: Funding Facts, Not Fear*, 27 HEALTH MATRIX 525, 543 (2017).

49. *Id.* at 527.

50. *Id.*

51. *Id.* at 526.

52. Madeleine Lowe, *Sex ed is a human right. It's time we start treating it like one*, SIECUS, <https://siecus.org/sex-ed-is-a-human-right-its-time-we-start-treating-it-like-one> (last visited Nov. 30, 2018).

53. *Id.*

54. David P. Friedman, Curtis C. Stine & Shannon Whalen, LIFETIME HEALTH 460, 460-62 (Holt, Rinehart and Winston 2004).

55. Schwarz, *supra* note 32, at 137.

rape and coerced sex by hinting that male sex drives are uncontrollable and women need to be the ‘gatekeepers of chastity.’”⁵⁶ This concept perpetuates rape culture through future generations “in which females are responsible for the consequences of sexual decisions, while having only an inhibited ability to control their own sexual decisions.”⁵⁷ Furthermore, this education does not hold males accountable for their decisions and allows for sexual force and coercion.⁵⁸

Alternatively, comprehensive sex education not only teaches abstinence, but also includes information regarding birth control, sexuality, and further subjects associated with sexual activity.⁵⁹ This method of instruction looks beyond gender stereotypes and teaches all teens communication, decision-making, assertiveness, and refusal skills regardless of a teen’s decision to abstain.⁶⁰ Moreover, comprehensive sex education “addresses the physical, mental, emotional, and social aspects of human sexuality including human development, relationships, personal skills, and society and culture, as well as sexual behaviors and sexual health.”⁶¹ According to a recent Planned Parenthood study, a large majority of parents in the United States support teaching comprehensive sex education in middle school and high school.⁶² However, most high schools and middle schools do not teach all of the sixteen topics that the CDC recommends as essential to sex education.⁶³ Unfortunately, today’s teens and adolescents generally receive less information regarding sex education than in past generations.⁶⁴ Despite this, the number of youths who discuss sex education with their parents or guardians has not increased.⁶⁵

56. *Id.* at 138.

57. *Id.*

58. *Id.*

59. Rubenstein, *supra* note 48, at 526.

60. Schwarz, *supra* note 32, at 139.

61. SIECUS, *2018 Sex Ed State Legislative Mid-Year Report 4* (updated Sept. 5, 2018), https://siecus.org/wp-content/uploads/2018/09/2018_mid-year_State_Leg_9-5-18_Update.pdf.

62. *What’s the State of Sex Education In the U.S.?*, PLANNED PARENTHOOD, <https://www.plannedparenthood.org/learn/for-educators/whats-state-sex-education-us> (last visited Nov. 30, 2018).

63. *Id.*

64. *Id.*

65. *Id.*

C. Federal Abstinence-Only Laws

While the federal government in the United States “does not mandate or directly regulate sex education[,]”⁶⁶ it manipulates states into preferring abstinence-only education by offering federal funds for such programs.⁶⁷ The ultimate decision to offer sex education, and what type, is generally left to the states, while specific decisions regarding the actual curriculum are left to the school districts.⁶⁸ However, regardless of the data demonstrating the failure of abstinence-only education, “the federal government continues to exclusively support this policy” through the continued use of grants.⁶⁹ In 2004, United States Representative Henry Waxman prepared a report assessing “the content of the most popular abstinence-only curricula used by grantees of the largest federal abstinence initiative.”⁷⁰ This report concluded abstinence-only curricula containing incorrect “or distorted information about reproductive health” received over eighty percent of the federal grants available to abstinence-only programs.⁷¹

Recently, the federal government rebranded the term “abstinence-only” to “sexual risk avoidance” and eliminated the eight-point definition.⁷² Despite this name change, these statutes echo abstinence-only education by claiming its purpose “is to enable the State or other entity to implement education exclusively on sexual risk avoidance (*meaning voluntarily refraining from sexual activity*).”⁷³ The language of educational topics to be addressed is also concerning: “[h]ow to resist and avoid, and receive help regarding, sexual coercion and dating violence, recognizing that even with consent teen sex remains a youth risk behavior.”⁷⁴ Although children should indeed be learning these skills, these programs continue to stigmatize sexual experiences as

66. Schwarz, *supra* note 32, at 124.

67. *See id.* at 116-17.

68. *Id.* at 124.

69. *Id.* at 116.

70. Hazel Glenn Beh & Milton Diamond, *The Failure of Abstinence-Only Education: Minors Have a Right to Honest Talk About Sex*, 15 COLUM. J. GENDER & L. 12, 13 (2006).

71. *Id.*

72. Boyer, *supra* note 39.

73. 42 U.S.C. § 710(b)(1) (emphasis added).

74. 42 U.S.C. § 710(b)(3).

“youth risk behavior” and perpetuate victim blaming by placing the responsibility to resist or avoid sexual advances on the recipient of the act.

A likely unintentional consequence of abstinence-only education is the stigmatization of sexual assault survivors.⁷⁵ Because these programs often promote feelings of shame and guilt regarding sex, youths—usually females—who have engaged in sexual activity are negatively branded by their peers for situations that may have been beyond their control.⁷⁶ This commonly contributes to sexual assault survivors choosing not to come forward with their accusations—often blaming themselves or feeling they have no one to confide in.⁷⁷

Further, abstinence-only programs often “reinforce stereotypes about feminine passivity and sexual restraint, while linking masculinity with an intense sex drive, lack of emotional involvement and aggressiveness.”⁷⁸ However, girls are not the only ones affected by these traditional gender roles. Because these concepts are ingrained in boys throughout their lives, they may never learn to appropriately interact with or respect women.⁷⁹ This is due to the concept of “masculinity,” which has traditionally been a social classification that is “deeply hierarchical.”⁸⁰ Females are made inferior by being placed at the bottom of this hierarchy, while a category of men are placed at or near the bottom by being branded as “feminine.”⁸¹ Though boys and men are not innately “masculine,” they are taught these societal expectations both in schools and at home. Studies have shown this social phenomenon “links traditional masculinity to gender-based violence,” which both “provides a potent recipe for bullying and sexual harassment” and “makes sure that the perpetrators of such violence will

75. Boyer, *supra* note 39.

76. *Id.*

77. Associated Press, *Survivors explain not reporting sexual assaults*, CBS NEWS (Sept. 22, 2018), <https://www.cbsnews.com/news/survivors-explain-not-reporting-sexual-assaults>.

78. Boyer, *supra* note 39.

79. Meredith J. Harbach, *Sexualization, Sex Discrimination, and Public School Dress Codes*, 50 U. RICH. L. REV. 1039, 1042 (2016).

80. Nancy Chi Cantalupo, *Masculinity & Title IX: Bullying and Sexual Harassment of Boys in the American Liberal State*, 73 MD. L. REV. 887, 905 (2014).

81. *Id.*

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not be punished or held accountable for their actions[.]”⁸² This not only creates a culture of gender-based violence, but also of silent male bystanders who are afraid of being outcast from their social groups or punished for speaking out.⁸³

D. California’s Comprehensive Sex Education—California Healthy Youth Act

With the passing of the California Healthy Youth Act (“CHYA”) in January 2016, California has a much more progressive stance on sex education curriculum compared to those of other states.⁸⁴ CHYA’s goals are not only to teach children and adolescents about intercourse and sexually transmitted diseases, but also the skills to develop and maintain “healthy, positive, and safe relationships and behaviors.”⁸⁵ Other topics include gender identity, sexual orientation, and various types of relationships and families.⁸⁶ CHYA also encourages students to discuss these topics with their parents or guardians.⁸⁷ California is currently the only state in the United States to require “consent, or the affirmative, conscious, and voluntary agreement to engage in sexual activity[.]” to be taught.⁸⁸ While the topics to be covered are extensive, sex education is only mandatorily taught once in middle school and once again in high school, beginning at the seventh grade.⁸⁹

However, despite CHYA’s move towards comprehensive sex education, its language nonetheless perpetuates rape culture by teaching adolescents and teens “negotiation and refusal skills.”⁹⁰ These skills aim to “mak[e] and implement[] healthy decisions about sexuality”

82. *Id.* at 907.

83. *Id.*

84. *See generally Sex Education*, ACLU, <https://www.aclusocal.org/en/know-your-rights/sex-education> (last visited Nov. 30, 2018).

85. Cal. Educ. Code § 51930(b)(5).

86. Cal. Educ. Code § 51930(b)(2).

87. Cal. Educ. Code § 51933(e).

88. *State Profiles Fiscal Year 2017*, SIECUS 9, <https://siecus.org/wp-content/uploads/2018/07/SIECUS-SP-FY17-State-Law-and-Policy-Chart.pdf> (last visited Dec. 5, 2018).

89. Cal. Educ. Code § 51934(a).

90. Cal. Educ. Code § 51933(h).

while failing to emphasize affirmative consent or healthy boundaries.⁹¹ While refusal skills are surely important for developing teens, they are reactive rather than preventative. This reactionary focus also heavily burdens survivors with the responsibility of refusing without simultaneously teaching any preventative education to understand boundaries that may prevent conflicts altogether. By placing a heavier emphasis on preventative skills, the rates of sexual coercion will likely decrease dramatically.

1. Los Angeles Union School District

One particular example of progressive and comprehensive sex education in California is a new sex education program being tested in the Los Angeles Union School District (“LAUSD”).⁹² A number of schools within LAUSD, the second-largest school district in the nation, have adopted a new sex education program by Wendy Sellers called “Puberty: The Wonder Years,” which is implemented as early as the fourth grade.⁹³ This program uses gender neutral names to dispel gender stereotypes, and students are “introduced to concepts like communicating with parents or trusted adults about puberty, animal reproduction, [and] male and female reproductive systems[.]”⁹⁴ One more pioneering trait of The Wonder Years is that children are taught to challenge traditional gender roles.⁹⁵ LAUSD has received \$24,000 in federal grants to purchase teaching sets for roughly fifteen middle schools within the district, with the intention of later standardizing sex education courses across the district.⁹⁶ Additionally, the district is testing The Wonder Years, along with several other programs, while

91. *Id.*

92. See Lauren Young, *Fourth Graders in Los Angeles Could Define the Future of Sex Ed*, BROADLY (Dec. 26, 2017), https://broadly.vice.com/en_us/article/43qx5w/fourth-graders-in-los-angeles-could-define-the-future-of-sex-ed.

93. *Id.*

94. *Id.*

95. *Id.*

96. Antonie Boessenkool, *LAUSD to try out sex ed classes for middle school students*, LOS ANGELES DAILY NEWS (Sept. 7, 2017), <https://www.dailynews.com/2017/09/07/lausd-testing-sex-ed-courses-for-middle-school-students>.

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California's Board of Education works to create a new health textbook.⁹⁷ LAUSD anticipates permanently adopting one of these programs to supplement the new textbook.⁹⁸

Unfortunately, many high schools in California—including some schools in LAUSD—continue to teach abstinence-only education despite CHYA.⁹⁹ A textbook used in LAUSD promotes abstinence-only methods while claiming teen sexual activities prevent teens from accomplishing goals, such as finishing high school, going on to college, or beginning a career.¹⁰⁰ While this textbook outlines useful refusal skills, it fails to mention consent or boundaries.¹⁰¹ Additionally, the text also conveys to teens the importance of good nonverbal skills “because sending a mixed message may confuse the other person and weaken your refusal.”¹⁰² This unhealthy idea expresses that anything less than a direct and verbal “no” may be construed as consent and unjustly burdens the recipient of a sexual proposition rather than the perpetrator. However, the text is silent on signs of refusal or affirmative consent. Thus, perpetuating the message to teens that it is the recipient's responsibility to refuse a sexual encounter without any responsibility on the initiating partner.

Further, the textbook shames those that may already be sexually active.¹⁰³ In its arguments supporting abstinence, the text claims the benefits of abstinence include “better reputation among peers” and “staying true to your personal values, such as respect, honesty, and morality.”¹⁰⁴ These statements suggest to teens, whether or not their sexual encounters have been consensual, that *any* sexual activity leads to a poor reputation. This also imposes on teens what their own personal values should be and the suggestion that sexual activity violates those values. By promoting abstinence in this way, educators attach shame to sexual activity. Consequently, this results in the unwillingness of sexual assault survivors to come forward and

97. *Id.*

98. *Id.*

99. *See generally* Friedman, Stine & Whalen, *supra* note 54, at 460.

100. *Id.* at 463.

101. *Id.* at 466.

102. *Id.*

103. *Id.* at 462.

104. *Id.*

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perpetuates rape culture by normalizing peer shaming teen sexual activity.

2. *San Diego Unified School District*

Similar to LAUSD, San Diego Unified School District (“SDUSD”) has taken a progressive approach to sex education by partnering with and receiving grants from the CDC’s Division of Adolescent and School Health.¹⁰⁵ SDUSD’s Sexual Health Education Program (“SHEP”) is taught twice in middle school, in sixth and eighth grade, and once in high school.¹⁰⁶ SHEP’s “education and prevention strategies are researched-based and aim to increase the health, academic success, and overall well-being of our students.”¹⁰⁷ In addition to teaching accurate information about sexual health, they also teach important skills such as “decision-making and refusal skills, [how to] identify[] healthy and unhealthy relationships, and [how to] communicat[e] with trusted adults about sexual health.”¹⁰⁸

SDUSD’s curriculum, “Rights, Respect, Responsibility,” was created by Advocates for Youth, an organization funded and supported by the CDC, which also collaborates with the California Department of Education.¹⁰⁹ In the sixth grade, students learn fundamental topics including gender roles and gender expectations, sexual harassment, and setting and respecting boundaries.¹¹⁰ While this curriculum emphasizes abstinence,¹¹¹ the eighth grade curriculum also discusses birth control,

105. *Sexual Health Education Program*, SAN DIEGO UNIFIED SCH. DIST., <https://www.sandiegounified.org/shep> (last visited Dec. 5, 2018).

106. *Id.*

107. *Id.*

108. *Id.*

109. *Id.*; see *Sexual Health Education and Academic Success Effective Programs Foster Student Achievement*, SAN DIEGO UNIFIED SCH. DIST., https://www.sandiegounified.org/sites/default/files_link/district/files/dept/sexual_health_education/SexualHealthEdandAcademicSuccess.pdf (last visited Mar. 31, 2019).

110. Grade 6 Sexual Health Curriculum Overview, SAN DIEGO UNIFIED SCH. DIST., https://www.sandiegounified.org/sites/default/files_link/district/files/dept/sexual_health_education/SHEP_Grade6_Overview_1.pdf (last visited Dec. 5, 2018).

111. *Id.*

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consent,¹¹² the impacts of assault and abuse, decision-making skills, and consent skills.¹¹³ In high school, students learn to “[d]ifferentiate between situations in which consent is clearly given [and] when it is not” and how to “understand that clear consent is part of a respectful relationship.”¹¹⁴

However, the new changes in California’s sex education program were met with some pushback from different communities. In San Diego, a conservative group of parents, the Concerned Parents of San Diego, protested SDUSD’s new sex education curriculum, which taught ways to show affection besides sexual intercourse and normalized “self-pleasuring.”¹¹⁵ This protest involved a one day protest “asking school parents to keep their kids out of school” in response to SDUSD’s use of SHEP.¹¹⁶ Although SHEP was created with “input from parents, faith leaders, and community residents,” some parents equated the program with pornography.¹¹⁷ In response to this protest, SDUSD released a statement to “encourage all parents to learn the facts about sexual health and how [the District] teach[es] it” and stated that “less than 1 percent of parents chose to exclude their children from [the program]” after learning more about SHEP.¹¹⁸

112. Grade 8 Sexual Health Curriculum Overview, SAN DIEGO UNIFIED SCH. DIST., https://www.sandiegounified.org/sites/default/files_link/district/files/dept/sexual_health_education/SHEP_Grade8_Overview_0.pdf (last visited Dec. 5, 2018).

113. *Id.*

114. High School Sexual Health Curriculum Overview, SAN DIEGO UNIFIED SCH. DIST., https://www.sandiegounified.org/sites/default/files_link/district/files/dept/sexual_health_education/SHEP_HighSchool_Overview_0.pdf (last visited Dec. 5, 2018).

115. Artie Ojeda, *Parents Call for ‘Opt Out Day’ to Protest Sex Ed Curriculum*, NBC SAN DIEGO (May 24, 2018, 8:38PM), <https://www.nbcsandiego.com/news/local/Parents-Call-for-Opt-Out-Day-to-Protest-Sex-Ed-Curriculum-483663361.html>.

116. *Id.*

117. *Id.*

118. *Id.*

E. Comprehensive Sex Education and Abstinence-Only Education in Other States

Less than half of the United States require sex education to be taught in schools, and the education largely focuses on heterosexual relations and traditional gender roles.¹¹⁹ Additionally, sex education is primarily abstinence-only and narrowly focuses on disease and pregnancy prevention, rather than a broader focus on sexuality and consent.¹²⁰ Thirty-one states require schools to emphasize abstinence and most states do not require teachers to be trained in the sex education curriculum.¹²¹ Only twenty-nine states require sex education to be included in a school's curriculum, and of those twenty-nine states, only thirteen require the information to be medically accurate.¹²²

However, sex education remains an area that many states are working to improve. Just this year, 139 bills were introduced in legislative sessions relating to sex education.¹²³ Of those 139, 108 seek to improve the quality of sex education by including sexual abuse and assault prevention, establishing medically-accurate requirements, and creating teacher training requirements.¹²⁴ Eighty-five of these bills were introduced in the wake of the #MeToo movement to address sexual abuse, assault, and harassment.¹²⁵

While twelve bills were actually enacted in ten states, only six of these new laws helped to advance sex education.¹²⁶ For example, Georgia enacted Act 449, which "requires age-appropriate sexual abuse and assault awareness and prevention education in grades K-9 as well as related teacher training."¹²⁷ Maryland also enacted law that defined consent and required instruction on its meaning, "including how to

119. de Melker, *supra* note 23.

120. *Id.*

121. *State Profiles Fiscal Year 2017*, *supra* note 88.

122. Zach Eisenstein, *We're starting to make the link between sexual assault and sex ed. But we need to do better.*, SIECUS, <https://siecus.org/were-starting-to-make-the-link-between-sexual-assault-and-sex-ed-but-we-need-to-do-better/> (last visited Dec. 5, 2018).

123. *2018 Sex Ed State Legislative Mid-Year Report*, *supra* note 61, at 3.

124. *Id.*

125. *Id.* at 7.

126. *Id.* at 3.

127. *Id.* at 5.

respect personal boundaries.”¹²⁸ Further, a Kentucky law restricts the quality of sex education passed by requiring instruction on abstinence and advocacy for “permanent mutually faithful monogamous relationship[s].”¹²⁹

Three new laws had neutral effects. Indiana’s new law permits parents to review the sex education curriculum and requires schools to attempt to notify parents twice before the instruction.¹³⁰ Louisiana now requires schools to provide parents with information regarding the risks of pornography,¹³¹ while Tennessee requires that Bible course curricula be available online and allows schools to provide such course.¹³² While Tennessee’s law is not directly related to sex education, it may impact how students think about sex and/or sexuality.¹³³

Two states also passed laws that had a mixed impact on sex education. Wyoming’s “law allows school districts to provide education and training to parents, students, and school employees on child sexual abuse” but also requires an opt-in—rather than opt-out—policy.¹³⁴ Utah also passed a law that adds refusal skills to the sex education curriculum, as well as the “harmful effects of pornography[.]”¹³⁵ The law also requires that students receive sex education at least twice in high school, and replaces the term “human sexuality” with “sex education.”¹³⁶

F. Dress Code Policies Similarly Contribute to Rape Culture in Education

Not only are many sex education curriculums harmful to gender stereotypes, but dress code policies in schools contribute to this problem as well. “Neutral” dress code policies that apply to all genders disparately impact females. Specifically, many dress code policies sexualize girls—even from a young age—by banning tank tops, shorter

128. *Id.*

129. *Id.*

130. *Id.*

131. *Id.*

132. *Id.* at 6.

133. *Id.*

134. *Id.*

135. *Id.*

136. *Id.*

skirts, and shorts. For example, the dress code for one school in San Diego Unified School District states “halter tops, short skirts or blouses, asymmetrical shirts or cut off t-shirts” are not allowed, while shirt straps “must be at least 2 inches thick in width.”¹³⁷ The overall “sexualization [of girls] can negatively impact cognitive and physical function, mental and physical health, sexuality, and their attitudes and beliefs about gender and sexual roles.”¹³⁸

Additionally, sexualization further “contribute[s] to the harassment, violence, and exploitation of girls.”¹³⁹ Because this culture of sexualizing girls has become so wide-reaching, the American Psychological Association created the Task Force on the Sexualization of Girls to research and report on this phenomenon.¹⁴⁰

One example of female sexualization occurred recently in Florida, where a female student went to school one day without a bra because of a bad sunburn.¹⁴¹ The student went to school wearing “a long sleeve, oversize, crew neck gray T-shirt . . . so she wouldn’t draw attention to her chest.”¹⁴² However, the student was called out of the classroom that morning to meet with the Dean and Principal of the school, where she was told she was violating the dress code.¹⁴³ To Note, the school dress code did not say bras must be worn by female students.¹⁴⁴ The school officials “told her to put on an undershirt because boys were ‘looking and laughing’ at her,” though the girl later reported she never witnessed this.¹⁴⁵ After putting on the undershirt, she was told her nipples were still showing, so the Dean required her to use bandages to cover

137. *Dress Code*, KEARNY HIGH SCH., <https://www.sandiegounified.org/schools/kearny-high-stanley-e-foster-school-engineering-innovation-and-design/dress-code> (last visited Dec. 5, 2018).

138. Harbach, *supra* note 79, at 1042.

139. *Id.*

140. *See id.* at 1058. For further information, *see Report of the APA Task Force on the Sexualization of Girls*, AMERICAN PSYCHOLOGICAL ASSOCIATION, <https://www.apa.org/pi/women/programs/girls/report> (last visited Mar. 2, 2019).

141. Hayley Krischer, *Is Your Body Appropriate to Wear to School?*, N.Y. TIMES (Apr. 17, 2018), <https://www.nytimes.com/2018/04/17/style/student-bra-nipples-school.html>.

142. *Id.*

143. *Id.*

144. *Id.*

145. *Id.*

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them.¹⁴⁶ Rather than reprimanding any boys who were laughing at the student, the school employees instead punished the girl while sexualizing her body.¹⁴⁷

These dress code policies signal to teens that females are also responsible for the “distractions” their bodies may cause. While boys are rarely punished for their inappropriate behaviors and their sexuality, girls are often blamed through both sex education and dress code policies merely for their gender. This in turn reinforces an aspect of rape culture, which asks girls what they were wearing when they were assaulted, just as in the rape survivor’s trial in Ireland where her lacy underwear was used as an indication of consent.¹⁴⁸

III. SEX EDUCATION IN THE NETHERLANDS

In the Netherlands, the Dutch have an open dialogue on various social issues, including drugs, prostitution, homosexuality, and abortion.¹⁴⁹ Perhaps because of this cultural context, sex education is “explicit and universal in Dutch schools” and “[t]here are open debates on moral issues, a plurality of views, and an overall atmosphere of permissiveness.”¹⁵⁰ The Netherlands developed one of the most prominent sex education programs in the world, known as “Lang leve de liefde,” or “Long Live Love.”¹⁵¹ This program was developed by the Dutch government in the 1980s “to promote the development of strong communication and decision-making skills, backed by substantive, scientific knowledge of reproductive health.”¹⁵² Indeed, several health organizations believe Long Live Love is the reason for the Netherlands’ “lowest teen pregnancy rate in Europe and the highest use of contraceptive devices by adolescents.”¹⁵³ Moreover, the

146. *Id.*

147. *See* Krischer, *supra* note 141.

148. *See* Safronova, *supra* note 2.

149. Raphael Cohen-Almagor, *Why the Netherlands?*, 30 J.L. MED. & ETHICS 95, 100 (Spring 2002).

150. *Id.*

151. Nicole Phillis, *When Sixteen Ain't So Sweet: Rethinking the Regulation of Adolescent Sexuality*, 17 MICH. J. GENDER & L. 271, 308 (2011).

152. *Id.*

153. *Id.*

Netherlands ranks third “as one of the most gender-equal countries in the world,” while the United States falls short of the top 40.¹⁵⁴

A. Sex Education Mandated by Law

Since 2012, Dutch law requires all primary school students to receive some form of sexuality education.¹⁵⁵ While the law “allows for flexibility in how it’s taught . . . it must address certain core principles – among them, sexual diversity and sexual assertiveness.”¹⁵⁶ These provisions are included in “attainment targets” that are set for each required subject,¹⁵⁷ meaning that all children *must* be taught about sex education.¹⁵⁸ Attainment targets only apply to courses that students are required to take and “indicate what children should know and what they should be able to do by the end of primary school.”¹⁵⁹ However, schools are given the freedom to decide which teaching materials to use and how these subjects are taught.¹⁶⁰

B. Topics in Netherlands’ Sex Education

Children in the Netherlands are taught as early as four-years-old about sexual diversity and sexual assertiveness as “encouraging respect for all sexual preferences and helping students develop skills to protect against sexual coercion, intimidation and abuse.”¹⁶¹ This method does not teach sexual intercourse to young children, but rather provides a more encompassing conversation about sexuality, including self-image, identity, gender roles, and boundaries.¹⁶² Conversations like these teach young children how to communicate and be more assertive about

154. Rough, *supra* note 20.

155. de Melker, *supra* note 23.

156. *Id.*

157. Gov’t of the Netherlands, *Subjects and attainment targets in primary education*, <https://www.government.nl/topics/primary-education/subjects-and-attainment-targets-in-primary-education> (last visited Dec. 5, 2018).

158. *Id.*

159. *Id.*

160. *Id.*

161. de Melker, *supra* note 23.

162. *Id.*

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when they do and do not want physical contact.¹⁶³ Students receive annual lessons and by the third grade, students “learn about love, including how to be kind to your crush.”¹⁶⁴ By middle school, they have learned about “sexual diversity, gender identity, deciding when to have sex, and how to use barriers and contraceptives.”¹⁶⁵ Meanwhile, students throughout their education learn about healthy relationships and rejecting gender-role stereotypes.¹⁶⁶

The Dutch have the world’s best sexual health outcomes and the highest levels of gender equality because three important topics are included in Dutch sex education: (1) emphasizing body positivity, (2) not treating body parts as shameful, and (3) teaching the importance of consent.¹⁶⁷ Children are taught that exploring their own bodies is a healthy act, and the dialogue is not focused on risks or warnings that could lead to shame.¹⁶⁸ This allows children to discover what they like and don’t like. Further, “[b]y normalizing *all* body parts and speaking of them regularly and straightforwardly with correct language, we send the message that every part of a person’s body is healthy, wholesome and worthy.”¹⁶⁹

C. Parental Involvement

Dutch schools also educate parents and provide them with the tools to talk to their children about sex. This includes talking to their children throughout their upbringing, “rather than one awkward, all-encompassing ‘birds and the bees’ talk.”¹⁷⁰ Parents are also advised to normalize self-pleasure: “if you walk in on your child masturbating, don’t react shocked; don’t punish or scold them. Have a talk about

163. *Id.*

164. Rough, *supra* note 20.

165. *Id.*

166. *Id.*

167. See generally Bonnie J. Rough, *The New Birds and Bees: Teaching Kids About Boundaries and Consent*, N.Y. TIMES (Sept. 27, 2018), <https://www.nytimes.com/2018/09/27/well/family/the-new-birds-and-bees-teaching-kids-about-boundaries-and-consent.html>.

168. *Id.*

169. *Id.*

170. de Melker, *supra* note 23.

where it is appropriate for such behavior to occur.”¹⁷¹ Likewise, parents are encouraged to model the importance of consent, such as by reminding children to ask before climbing on them.¹⁷² Parents “can [also] model respect for the importance of consent, too, when a child is reluctant to give a high-five or kiss – especially to an adult, and this does include Grandma – by suggesting a contact-free alternative like a verbal greeting or a wave.”¹⁷³ Because children are “expect[ed] to ask, give and deny consent at their own discretion, sexual transgression stick out as clear violations.”¹⁷⁴

IV. SUGGESTED SEX EDUCATION REFORMS

The United States should adopt a policy similar to the Netherlands’ that requires comprehensive sex education for children beginning in primary school. Not only should the federal government provide grants to programs teaching comprehensive sex education rather than abstinence-only programs, it should also require, at minimum, that programs be medically accurate. Also, comprehensive sex education should be mandatory throughout a child’s education. Similar to PRWORA, the federal government should also adopt several points required of comprehensive sex education—such as medical accuracy, communication and boundary skills, and birth control options. However, the federal government should not otherwise regulate sex education curriculums because this arena has often been reserved for the states, and individual states should act as “laboratories of experiment” for successful sex education programs. Additionally, allowing the federal government to dictate the sex education curricula could leave room for political manipulation in a more harmful way than leaving this to the states. The federal government, therefore, should encourage the states to adopt comprehensive sex education programs that work for each state’s needs.

Not only should scientifically accurate sexual anatomy and disease prevention be taught, but also skills for healthy communication and boundaries. Concepts such as affirmative consent should also be

171. *Id.*

172. Rough, *supra* note 167.

173. *Id.*

174. *Id.*

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included in a school's curriculum. This would teach students that it is not solely the responsibility of one party to refuse a sexual encounter, but that both parties are responsible for receiving consent before proceeding. Further, schools should encourage parents to become involved by providing materials or holding parent-school meetings. Rather than one or two "birds and bees" conversations with their children, discussions about sex and sexuality should become a comfortable and ongoing conversation throughout the child's upbringing. This method would allow sexuality to be normalized and destigmatized, and children can feel safer throughout their adult lives in communicating their needs and boundaries. This will also teach the next generation that they need not be ashamed of being survivors of assault, but rather have a safe and supportive platform to come forward with any allegations.

Moreover, schools should teach sex education more than once or twice in a child's life. This curriculum should be ongoing throughout their education to cease shaming body parts or sexuality. Normalizing sexual anatomy and sexuality would also aid students in communicating sexual needs and boundaries because feelings of shame would not attach to their conversations. This would further reinforce any education related to consent, boundaries, and communication. Gender expression and sex education should also be taught in a manner that ceases to perpetuate gender stereotypes so that no child feels as if one gender is "weaker" or "stronger" than the other. Rather, schools should teach the equality of all genders and gender expressions so all children, and later adults, are able to respect and feel safe with one another without feeling the need to coerce or submit.

In conjunction with teaching sex education more consistently throughout a child's education, schools and parents should encourage dialogue and debate to allow children to see multiple points of view, different lifestyles, and interests. This open dialogue would help to instill communication skills and set boundaries. Additionally, these conversations would further respect for ourselves and others. Because a misunderstanding of gender stereotypes can cause a lack of respect or an expectation of gender roles, breaking these down through extensive conversations would be beneficial for the equality and safety of all.

Further, schools should help children communicate with parents and guardians all they have learned in sex education by facilitating this process. Schools could provide adults with materials or hold meetings

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with teachers and parents to discuss the curriculum's goals. Sex education should be an ongoing conversation that is included throughout a child's education and at home, rather than a course they take twice in their lives. Implementing these methods would help eradicate rape culture by (1) educating children that there are no gray areas to consent, (2) that consent should always be given in the affirmative, and (3) teaching children to be comfortable with communicating about sex within their community. Therefore, children and their families learn about communication and consent, thereby increasing the rate of survivors coming forward and community support for those survivors.

CONCLUSION

Sex education should, at minimum, educate students about medically-accurate anatomy and diseases. However, the United States should take a step further by adopting the Netherlands' approach to comprehensive sex education. Girls should no longer implicitly or explicitly learn that they are responsible for male actions, that their voices are not equal, or that their gender defines their power. Boys should learn to respect boundaries and seek consent before any physical encounter. Additionally, all sexes should be taught that traditional gender roles do not define them or others. Boys and girls should learn to universally respect others, their wishes, and their bodies. Rape culture does not begin or end with adults but rather with how we educate our children. Rape culture will prevail if children continue to learn that a survivor's assault can be excused by what actions they did or did not take. However, the end of rape culture will begin when our children learn to respect all genders and their boundaries, and to communicate their needs and dislikes. Therefore, an effective comprehensive sex education would greatly help to end the current pervasive rape culture we see and experience today.

A more comprehensive sex education policy in the United States with a larger emphasis on boundaries, consent, and sexuality would likely end the current prevalence of rape culture and victim shaming. Also, more comprehensive sex education would help both adults and children learn how to set boundaries and communicate with one another. This could potentially decrease the amount of gender-based violence and sexual assaults overall and facilitate safer communications

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between survivors and their community or legal authorities. With the prevalence of the #MeToo movement and the new awareness of how often sexual assaults go unreported, education must be emphasized and begin from a younger age to prevent the perpetuation of this culture. Our nation will have succeeded in learning from our mistakes in the #MeToo movement's wake when a person's gender does not excuse their behavior and a sexual assault is no longer blamed on the survivor's actions.

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* J.D. Candidate, California Western School of Law, Spring 2020. I would like to thank Mimi Akel and the California Western International Law Journal editorial team for their time, effort, and energy spent preparing this Note for publication, and Professor Hannah Brenner for her insight and encouragement as faculty advisor. I would also like to thank my partner, my family, and my friends for their unwavering love and support.