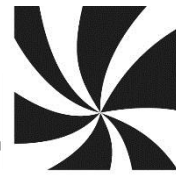


API WELLNESS



LOS ANGELES LGBT CENTER



PACIFIC CENTER



PROJECT INFORM



January 24, 2017

The Honorable Diana Dooley
California Health and Human Services Agency
1600 9th Street, Suite 640
Sacramento, CA 95814

Re: Implementation of The LGBT Disparities Reduction Act, AB 959 (Chiu, 2015)

Dear Secretary Dooley:

The undersigned Lesbian, Gay, Bisexual, and Transgender (LGBT) organizations offer our recommendations for collecting demographic information related to sexual orientation and gender identity (SOGI), which several Departments within the Health and Human Services

Agency are preparing to collect for the first time. Our organizations have expertise in serving and collecting data about LGBT communities and are well equipped to aid departments in the design and implementation of SOGI measures.

The LGBT Disparities Reduction Act, AB 959 by Assemblymember David Chiu, went into effect on January 1, 2016 and must be implemented no later than July 1, 2018. It requires the California Departments of Public Health, Health Care Services, Social Services, and Aging to collect demographic data about SOGI when collecting other types of demographic data.

Thousands of LGBT Californians, like many residents, must fill out forms provided by the state to access a wide variety of services, from healthcare to adoption to unemployment. Many of these forms do not allow LGBT people to check the correct box, or any appropriate box at all in many cases, when it comes to their gender, sexual orientation, or the makeup of their families.

Collecting SOGI data on forms from government agencies such as the four departments covered under the LGBT Disparities Reduction Act will make them more inclusive of LGBT individuals and families and will improve the experience of applying for and receiving these vital services. SOGI data will allow departments to identify needs, track trends, and allocate resources. This information will give officials a picture of what services and programs should be expanded or developed to better serve LGBT communities and address their specific needs.

Attached, please find a memorandum titled “Recommended Measures for Sexual Orientation and Gender Identity Data Collection in California,” which was prepared by Jody L. Herman at The Williams Institute. This memorandum presents recommendations that have been tested for use with a general population. We believe that the use of these measures, in the manner presented, is most likely to yield accurate and robust SOGI data. The memorandum also includes recommendations on how these measures can be tailored to both the method of collecting data and the analytical capacity of the various departments within HHS.

Because of the long history of excluding SOGI data from demographic surveys, practices are constantly evolving. To keep up with new research and best practices for collecting SOGI data, we recommend that HHS conduct periodic reviews of its forms, with the possibility of updating SOGI measures to reflect what is learned through both independent research as well as through the Agency’s own experiences collecting SOGI data. It is important also to recognize areas where researchers still need more information on best practices for collecting SOGI data - including collecting this information from youth under the age of 18 and the potential to expand the enumerated sexual orientations and gender identity options to better represent non-binary Californians. The organizations represented in these materials remain a resource for information about the latest developments in sexual orientation and gender identity measurement.

Collection of SOGI data from minors raises distinct practice issues that must be addressed during implementation. Children and youth are aware of their gender identities and sexual orientations at increasingly younger ages, and it is essential that the state specify the age at which individuals receiving services will be given the opportunity to provide this information. The attached memo also includes information about the limitations of current best practices with regard to youth, and an additional resource for adapting these recommendations for youth.

Finally, we strongly recommend that all staff responsible for administering all relevant forms receive training to feel comfortable assisting people in completing these SOGI questions should they need help. We can connect departments to training providers and additional resource materials, as well as assist departments in developing their own training and resources.

Thank you for your consideration. We appreciate the efforts that your office has made to incorporate stakeholder input and look forward to a continuing dialogue as the Health and Human Services Agency moves forward with implementing the requirements of AB 959 (Chiu). If you have any questions about this letter or the attached memorandum, you may contact Amanda Wallner at awallner@health-access.org or Jo Michael at jo@eqca.org.

Sincerely,

Adolescent Counseling Services
APAIT
AIDS Project Los Angeles Health
Asian & Pacific Islander Wellness Center
California Lesbian, Gay, Bisexual, and Transgender Health and Human Services Network
Equality California
Family Builders
Gender Health Center
Imperial Valley LGBT Resource Center
Los Angeles LGBT Center
The LGBT Center of Orange County
NorCal Mental Health America
Our Family Coalition
Out2Enroll
Pacific Center for Human Growth
Project Inform
Sacramento LGBT Community Center
The Trevor Project
Visión y Compromiso

Attachment:

Recommended Measures for Sexual Orientation and Gender Identity Data Collection in California

Jody L. Herman, The Williams Institute, UCLA School of Law

Introduction. The science of measuring sexual orientation and gender identity through various data collection systems, such as surveys and administrative records, continues to evolve. Yet, much progress has been made over the past decade in developing best practices to measure sexual orientation and gender identity. The recommendations below reflect the current best practices based on the most recent scientific research, with recommendations customized for self-administered questionnaires, interview administered questionnaires, and analytic capabilities. Guidance for analysis of two-step measures for gender identity data collection is also provided. For additional guidance on design, implementation, translation for other languages, and analysis of these measures, please contact Dr. Jody L. Herman of The Williams Institute (hermanj@law.ucla.edu; 310-206-0883).

For more detailed information on these measures, please refer to best practices guides published by the Williams Institute (hyperlinked):

- [Best Practices for Asking Questions to Identify Transgender and Other Gender Minority Respondents on Population-Based Surveys](#)
- [Best Practices for Asking Questions about Sexual Orientation on Surveys](#)

Limitation. The measures provided below has been tested and fielded with adults (18 and older). When data collection will take place with youth, recommended measures differ slightly. For modifications for youth, please contact Dr. Bianca Wilson of The Williams Institute (wilsonb@law.ucla.edu; 310-267-4382).

1) TWO ITEM MEASURE FOR ASSESSING GENDER IDENTITY

- These two items must be presented together in this order and, if possible, on the same page or screen. Both items are required in order to identify transgender people. One single item out of the two items is not a sufficient measure.
- These items require additional analysis in order to identify transgender respondents. Once data are collected, these two items must be cross-tabulated. An analytic plan for this cross-tabulation and categorization of respondents is presented in the Appendix. If additional analysis is not possible, the single-item measure based on BRFSS is recommended (see #3 below).
- These items have been cognitively tested, pilot tested on population-based surveys, and the interview-administered survey is included in the California Health Interview Survey.

For self-administered questionnaire:

Item #1: Assigned sex at birth

What sex were you assigned at birth, on your original birth certificate? (check only one)

- Male
- Female

Item #2: Current gender identity

How do you describe yourself? (check only one)

- Male
- Female
- Transgender
- Do not identify as male, female, or transgender

For interviewer-administered questionnaire:

Item #1: Assigned sex at birth

On your original birth certificate, was your sex assigned as male or female? (only one answer allowed)

- Male
- Female

Item #2: Current gender identity

Do you currently describe yourself as male, female, or transgender? (only one answer allowed)

- Male
- Female
- Transgender
- None of these (interviewer selects this if respondent offers this response)
- Don't know (optional code for interviewer)
- Refused (optional code for interviewer)

2) SINGLE-ITEM MEASURE FOR ASSESSING TRANSGENDER IDENTITY

- If the necessary cross-tabulation of the two-item measure will not be possible during analysis, a single-item measure to assess transgender identity is recommended.
- The interview-administered version requires a follow-up question to disaggregate trans men, trans women, and gender non-conforming transgender people, but cross-tabulation is not required.
- These items appear in the CDC's Behavior Risk Factor Surveillance System (BRFSS) optional module for measuring gender identity. The self-administered version appears in the Massachusetts BRFSS

For self-administered questionnaire:

Some people describe themselves as transgender when they experience a different gender identity from their sex at birth. For example, a person born into a male body, but who feels female or lives as a woman. Do you consider yourself to be transgender?

- Yes, transgender, male to female
- Yes, transgender, female to male
- Yes, transgender, gender non-conforming
- No

For interviewer-administered questionnaire:

Some people describe themselves as transgender when they experience a different gender identity from their sex at birth. For example, a person born into a male body, but who feels female or lives as a woman. Do you consider yourself to be transgender?

- Yes
- No
- Don't know/not sure (optional code for interviewer)
- Refused (optional code for interviewer)

If yes, ask:

Do you consider yourself to be male-to-female, female-to-male, or gender non-conforming? (only one answer allowed)

- Yes, transgender, male to female
- Yes, transgender, female to male
- Yes, transgender, gender non-conforming
- No
- Don't know/not sure (optional code for interviewer)
- Refused (optional code for interviewer)

3) SINGLE-ITEM MEASURE FOR ASSESSING SEXUAL IDENTITY

- These items have been developed to assess sexual identity for population-based surveys. The interview-administered version of the question is currently administered by the California Health Interview Survey.
- Identity terms do change over time. One additional answer option that could be considered is "Queer," however that option has not been cognitively tested nor has it been fielded in a large-scale population-based survey. The characteristics and size of the population that would identify as "Queer" is currently not known.
- If additional analysis of write-in responses is possible, a write-in option of "None of the above (please specify)" could be added to the self-administered question. In the interview-administered version, interviewers could code unique responses offered by respondents. A write-in option is not recommended unless those respondents would be included in any tabulations or analyses conducted with these items.

For self-administered questionnaire:

Do you consider yourself to be...

- Straight or heterosexual
- Gay or lesbian
- Bisexual

For interviewer-administered questionnaire:

Do you think of yourself as straight or heterosexual, as gay, lesbian, or homosexual, or bisexual?

- Straight or heterosexual
- Gay, lesbian, or homosexual
- Bisexual

- None of these (interviewer selects this if respondent offers this response)
- Don't know (optional code for interviewer)
- Refused (optional code for interviewer)

If definition requested by respondent, interviewer states: "Straight or Heterosexual people have sex with, or are primarily attracted to people of the opposite sex, Gay and Lesbian people have sex with or are primarily attracted to people of the same sex, and Bisexuals have sex with or are attracted to people of both sexes."

Appendix. Analytic Scheme for Two-Item Gender Identity Measure, Categories Based on Cross-tabulation

	Assigned Sex at Birth:	
Current Gender Identity:	Male	Female
Male	Non-Transgender Male	Transgender Person Assigned Female at Birth (Transgender Man)
Female	Transgender Person Assigned Male at Birth (Transgender Woman)	Non-Transgender Female
Transgender	Transgender Person Assigned Male at Birth (Transgender Woman)	Transgender Person Assigned Female at Birth (Transgender Man)
Do not identify as male, female, or transgender	Other Gender Minority Identity, Assigned Male at Birth	Other Gender Minority Identity, Assigned Female at Birth