

Gender Ideology as State Education Policy

Daniel Buck and Jay W. Richards

KEY TAKEAWAYS

At least 16 states in America explicitly compel teachers to inculcate gender ideology in their students.

Gender ideology is the displacement of factual, ideologically neutral lessons about biological sex with “gender identity” and “sex assigned at birth.”

Parental pushback has stymied some state efforts to push gender ideology in school, but gender ideologues have campaigns in every state.

The fruits of gender ideology seem to spring up almost everywhere. It seems routine when a conservative journalist uncovers yet another banner¹ celebrating “Young Trans Joy” on school grounds. It is all too easy to find footage online of a school district hosting a drag queen event² or of a rainbow-spangled teacher explaining how he, she, or “they” treat the teacher lectern as a pulpit for indoctrinating children with radical ideology. When parents complain about pornographic books and materials in school libraries and classrooms, the media uniformly attack them as puritanical book banners.

Of course, even if a social media account, such as Libs of TikTok, profiled an activist teacher every day since the onset of the pandemic that would total just a thousand teachers—compared to America’s 3 million teachers. So, are these stories representative, or are they outliers?

This paper, in its entirety, can be found at <https://report.heritage.org/bg3879>

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That is the question this *Backgrounders* seeks to answer. The authors scanned state-level policies in public K–12 education to see how many state health education frameworks and standards explicitly teach and endorse the concepts of gender ideology. The results are deeply troubling.

Gender ideologues encourage children to dissociate their identities from their bodies—to entertain the thought that they *might be born in the wrong body*. This is a falsehood akin to claiming that two plus two may or may not equal five.

Gender ideologues often target children—to judge from the countless picture books, drag queen story hours, and curricular materials that have flooded the market in recent years. As a result, this *Backgrounders* includes the introduction of controversial sexual topics at inappropriate ages as evidence of gender ideology.

The authors found 16 states that explicitly compel teachers to inculcate this ideology in students. Because several of these are populous states, such as California and New York, that amounts to roughly 37 percent³ of American students. And this is surely a lower bound. News stories and surveys reveal even more teachers, schools, and districts cover these concepts—and not just in blue states. Diagnoses of gender dysphoria in minors have exploded in the U.S. in the past decade and a half, and no state is immune.

What Is Gender Ideology?

Gender ideology is the subordination or displacement of factual, ideologically neutral lessons about biological sex with tell-tale notions such as “gender identity,” “sex assigned at birth,” and “cisgender.”

The origins of gender ideology⁴ are byzantine and include threads from critical theory, French postmodernism, and late-stage feminism. A simple way to get a handle on it is by tracing how the use of the words “sex” and “gender” has changed over time.

For centuries, English speakers used two words to refer to the natural difference between male and female, namely, “sex” and—less commonly—“gender.” Gender had a much wider semantic range and applied especially to words. Articles and endings in languages such as German and French are divided into masculine, feminine, and neuter forms.⁵ If English-speakers learn such a language, they will refer to a word’s “gender,” but never to its sex. Sex, in contrast, was the preferred term in biology, since the distinction applies to many organisms, and not just to human beings. Even now, it would seem odd to refer to the “gender” of, say, a fruit fly or a holly tree.

In the 20th century, English speakers began to use “sex” to refer to the sex act itself. This new sense created an incentive for speakers to use the less awkward term “gender” to refer to the natural differences between men and women.

In the 1950s and 1960s, feminists and other theorists began to distinguish these terms: “Sex” would be reserved for the natural, biological differences between men and women, whereas “gender” would refer to the psychological, and especially the social, aspects of these differences.⁶ This distinction had no basis in the etymology of these words. But it allowed these theorists to critique the conventions and stereotypes associated with sex, which, they argued, had led to the subordination of women. Why should a matter of reproductive anatomy—“sex”—dictate a woman’s station in life or her choice of education or profession—“gender”?

This linguistic division of labor did not hold for long, however. For one thing, theorists using the distinction never made clear where the effects of biology leave off and mere convention begins. Over time, they treated more and more of the territory as mere convention.

What one can call gender theory emerged in the 1970s as a response to these “second-wave” feminists. Traditional feminism, these more radical theorists argued, erred by still treating sex, femininity, and womanhood as givens—as rooted in human nature. Sex, as an immutable characteristic of an individual, was, according to these gender theorists, a source of the continuing oppression of women and deserved to be disrupted. To make matters even more confusing, in the past few decades, the word “sex” has been almost entirely eclipsed by “gender,” even on medical forms.

Finally, the word “gender” has come to stand in for an even slipperier concept, “gender identity.”⁷

One need not follow all the threads of debates over “gender theory” and “queer theory,” since different thinkers have subtly different views, not all of which find their way into K–12 school curricula. Several theorists—Simone de Beauvoir, Donna Haraway, Helene Cixous, and Luce Irigaray among them—have become especially popular within academia. They have also wormed their way into the public conversation through the many consulting firms,⁸ training programs,⁹ and professional organizations that espouse their work.

None, however, is quite as prominent or influential as Judith Butler. Butler, a professor at the University of California–Berkeley, burst onto the scene in 1989 with the publication of *Gender Trouble: Feminism and the Subversion of Identity*. Therein, she argued that “there is no reason to assume that gender also ought to remain as two. The presumption of a binary gender

system implicitly retains the belief in a mimetic relation of gender to sex whereby gender mirrors sex or is otherwise restricted by it.”¹⁰

For Butler, gender is not merely a social construct—an assumption already widely held by fashionable postmodernists in 1990. It is a *performance*. Butler bit the radical existentialist bullet—in which “existence precedes essence.” No one is by nature a woman—a human female. Being a woman is a matter of radical self-determination.

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Butler has become famous for her wordy, obtuse, and award-winningly bad¹¹ writing. She also courts controversy by criticizing prohibitions of adult-child incest¹² and pushing for a *Gender Trouble* kid’s book. Nevertheless, she is nearly ubiquitous on syllabi¹³ within gender and feminist studies, sociology, philosophy, and many other disciplines. She also travels the speaker circuit, charging between \$10,000 and \$20,000¹⁴ for in-person engagements.

This fame extends to the field of education. Academics and practitioners alike have written countless books,¹⁵ articles,¹⁶ studies in classrooms,¹⁷ and training modules¹⁸ that place Butler on a pedestal. They rarely mention Butler directly, but her argument for gender performativity has become nearly ubiquitous in educational research, policy, and practice. As the title of an article by Molly Fischer put it,¹⁹ “it’s Judith Butler’s world”—and we are all living in it.

Butler’s ideas, however, and those of her acolytes, are deeply obscure, and likely not by accident. Dense postmodern prose serves to camouflage a lack of good and persuasive arguments. To see the arguments laid bare with nuance and aplomb, see the recent book *Trouble with Gender* by MIT philosopher Alex Byrne.²⁰

Gender ideology draws inspiration from many sources, including Butler. But its most recent curricular form is distinct from Butler’s view. It is neatly captured by the Gender Unicorn,²¹ a popular catechetical aid that teachers use to reveal the deepest gender mysteries to elementary school students. This explanatory tool banishes sex as a biological reality altogether. What remains is an internal subjective “sense of gender”—a “gender identity”—and a social imposition—“sex assigned at birth.” Wherever these concepts

crowd out all mention of objective sex differences, one can be sure that one has detected gender ideology.

It is only in this conceptual hall of mirrors that one can make sense of the idea that a man who “identifies as” a woman can somehow *be* a woman. For gender ideologists, being a woman is not a matter of biology, but of internal perception. If a person has an internal sense of being a woman, then that person is a woman. QED.

Yet no one has ever received a Nobel Prize in medicine or any other field for discovering that humans all have a “gender identity” that can be incongruent with, and so *distinct from*, the biological body. Indeed, a “trans” gender identity—where a male identifies as female, or vice versa—is only one option. There are many more supposed gender identities—including non-binary, agender, demiflux, two spirit, genderfluid, and genderqueer—that correspond to no biological state.²² Their existence depends entirely on the testimony of those who have already converted to this peculiar faith and studied its lexicon.

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“Gender identity” is always defined either circularly—as one’s “internal sense of gender”—or by appealing to sex stereotypes. No one has ever provided empirical evidence, or even a good reason, why something as poorly defined and gnostic should trump biology. It has no history in the English language and has no historical analogue or synonym. No one is credited with *discovering* that human beings have such a gender identity, let alone that it defines them. The term was coined by a few scholars in the mid-twentieth century and soon became an artifact of a radical anti-realist ideology.

It should be no surprise, then, that this ideology flatly contradicts basic biology. Human beings, like countless other members of the plant and animal kingdoms, reproduce sexually by fusing sex cells—gametes—of different sizes. Females, under normal development, have a reproductive system organized around the production of large, relatively immobile gametes—ova. Males, again under normal development, have a complementary reproductive system organized around the production of the smaller, more mobile gametes—sperm.²³ These realities are not assigned or imposed.

That is a minimal definition of what sex is. But it leads to all manner of differences between men and women that cannot be dismissed as mere social conventions.

Sex is binary—there is no third gamete and no spectrum from one gamete to the other. Many corresponding sex differences rooted in biology are distributed *bimodally*. While some men are smaller or shorter than some women, men and women differ—on average—along such metrics as weight, height, strength, bone density, and even brain function.²⁴

For example, men often outperform²⁵ women in tasks involving geometry or mathematical problem-solving, while women outperform men in tasks relating to verbal fluency, memory, and articulation. The source for these discrepancies, according to the best research available,²⁶ is not socialization or an oppressive culture, but the role of hormones on the brain and brain development, as well as greater brain asymmetry in men. And even where the precise biological mechanism is uncertain, the differences remain.

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Sex differences even appear in how boys and girls play,²⁷ how they see color²⁸—women, on average, can identify more subtle distinctions in color than men can—and how they learn²⁹ and metabolize drugs.³⁰

As a 2023 study³¹ published in *Physiology & Behavior* put it, biological differences between men and women alter “our life in adulthood and a wide spectrum of physical, psychological, cognitive, and behavioral characteristics.” In other words, men and women are equal in worth and natural rights, but they “are not the same.” Some of the differences may be due to culture and convention, but biology plays a large, enduring, and immutable role. To deny this is to deny reality.

To reduce the reality of sex—of men and women—to a mere convention imposed by doctors at birth is scientifically dishonest. It is closer to belief in self-fulfilling astrological predictions.

Moreover, most parents reject this ideology when given a chance to do so.³² For instance, in Fairfax County, Virginia, just outside Washington, DC, school district leaders proposed³³ a radical new sex education plan last year that, among other things, would introduce age-inappropriate, and simultaneous, sex ed to boys and girls, and introduce gender ideology in elementary school. There was a massive outcry among parents:³⁴ 84 percent said that

they opposed co-ed sex ed. And discomfort with gender ideology was a common theme within the community review.

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These results did not matter to the district’s superintendent, who commented, “Honestly, the majority doesn’t always dictate, right?” Apparently, according to this official, public schools should be unconcerned with public opinion. Although the outcry caused the district to postpone implementing the policy, Fairfax County implemented³⁵ a modified version of the standards in summer 2024. Seventh graders will now learn all about gender ideology, despite fierce opposition from their parents.

The majority does not always dictate; but since these are *public* schools, why do entities like Fairfax County defy the people they are meant to serve? And why do school leaders, who are meant to teach the next generation of Americans how to be virtuous, productive citizens, chose instead to defend this pseudoscience?

Unfortunately, Fairfax County is no outlier. Many states have integrated standards rooted in gender dogmas into their school curricula.

Survey of States

“Gender ideology,” like “wokeness,” is hard to capture quantitatively. But some have captured the pervasiveness of “wokeness” in American education.

For example, Heritage Foundation analyst Jay Greene and Ian Kingsbury of Do No Harm devised a “wokeness measure”³⁶ to establish how progressive schools are by scanning student handbooks for ideologically coded buzzwords. Similarly, the Cato Institute’s Neal McCluskey searched public school library catalogs³⁷ for the presence or absence of both progressive and conservative books on various controversial topics, finding a clear left-leaning bias.

This *Background* takes a comparable approach. The authors scanned the state-level standards and frameworks of all 50 states to determine how many of them compel teachers to inculcate their students in the central tenets of gender ideology. Do they encourage a distinction between sex or sex organs, and gender, the latter of which is undefined or treated as a

social construct? Do they introduce concepts of “gender identity” and “sex assigned at birth”? Do they downplay or omit references to biological sex or sex differences? Do they employ terms such as “cisgender,” “transgender,” and “nonbinary”? These are simple questions. Affirmative answers are evidence that a curriculum pushes gender ideology on teachers and kids.

How and where this endorsement first appeared has varied across states. Not every state mandates sex education. But sex ed is only one vehicle for pushing gender ideology in schools. In some states, the ideology shows up in frameworks or standards. In others, a law compels the instruction of the topic. The language and strength of endorsement also vary. Many states are linked to national-level health education standards created by external groups even when state agencies have not created or legislated specific standards themselves.

Table 1 shows a complete list of the states, the documents where the compulsion appears, and lines that include the distinction. Most sets of frameworks and standards contain several references to gender ideology. The table includes only a sampling of the references. To list every reference made in California’s documents, for example, would make this *Backgrounder* comically long.

In many of these documents, explicit content strayed far beyond a simple division between sex and gender. An example is the National Sexuality Education Standards, developed by the Future of Sex Initiative, a partnership of Advocates for Youth, Answer, and the Sexuality, Information and Education Council of the United States (SIECUS)—all activist groups committed to gender ideology.³⁸ According to a survey by the Centers for Disease Control (CDC),³⁹ this is the model framework for 41.3 percent of individual districts. It is a progressive wish list for human sexuality. Beyond teaching kindergarteners to distinguish their sex “assigned” at birth from their gender “identity,” it encourages teachers to instruct third graders about hormone blockers.

At the high school level, “reproductive justice” is a common topic of study. The glossary defines this as “a term coined by 12 Black women to define the human right to maintain personal bodily autonomy, have children, not have children, and parent the children we have in safe and sustainable communities. In addition, reproductive justice demands sexual autonomy and gender freedom for every human being.” In other words, it is an explicit endorsement of abortion that treats one’s “gender” as entirely a matter of self-determination. Its only use of “sex” clearly refers, not to a biological reality, but to the “sex act.”⁴⁰

TABLE 1

Sampling of State Curricular Standards and Guidelines: Pushing Teachers to Support Gender Ideology (Page 1 of 3)

State	Source(s)	Text
California	Health Education Framework ^a , Assembly Bill 2586 ^b	<p>“Some children in kindergarten and even younger have identified as transgender or understand they have a gender identity that is different from their sex assigned at birth.”</p> <p>“When providing instruction on sexual and reproductive organs, teachers can introduce the concept that gender does not always match the sexual and reproductive organs described.”</p> <p>“There is a need for medically accurate education that includes information on access to abortion care, rights, services and procedures, health effects and outcomes, resources, practical, [and] support.”</p>
Connecticut	Healthy and Balanced Living Curriculum Framework ^c	<p>“Differentiate among gender expression, gender identity and sexual orientation.”</p> <p>“Define and explain differences between cisgender, transgender, gender nonbinary, gender expansive, and gender identity.”</p>
Delaware	Lists National Health Education Standards as the model ^d	<p>“Diversity: The differences among individuals and groups of people based on factors such as race, ethnicity, sex, gender identity and expression, age, socioeconomic status, class, language, culture, religion, sexual orientation, ability, and geographic area.”</p>
Hawaii	National Health Education Standards in Hawai’i ^e	<p>“Treat all people with dignity and respect with regard to their gender identity and sexual orientation.”</p> <p>“Guidance on Supports for Transgender Students”</p>
Illinois	Public Act 102-0522 ^f requires that schools align their curricula with the National Sex Education Standards ^g	<p>“Describe the role hormones play in the physical, social, cognitive, and emotional changes during adolescence and the potential role of hormone blockers on young people who identify as transgender.”</p> <p>“Distinguish between sex assigned at birth and gender identity and explain how they may or may not differ.”</p>
Maryland	Comprehensive Health Education Instructional Programs for Grades Pre-K–12 ^h	<p>“Maryland family life and human sexuality instruction shall represent all students regardless of ability, sexual orientation, gender identity, and gender expression.”</p>
Massachusetts	2023 Comprehensive Health and Physical Education Framework ⁱ	<p>“Describe the differences between assigned sex at birth and gender identity and explain how one’s outward appearance and behavior does not define one’s gender identity or sexual orientation.”</p> <p>“Explain how gender identity and sexual orientation can vary in each individual.”</p> <p>“Explain how assigned sex assigned at birth, gender identity, and gender expression are distinct concepts and how they interact with each other.”</p>

TABLE 1

Sampling of State Curricular Standards and Guidelines: Pushing Teachers to Support Gender Ideology (Page 2 of 3)

State	Source(s)	Text
Minnesota	Recommends the National Health Education Standards ^j	“Diversity: The differences among individuals and groups of people based on factors such as race, ethnicity, sex, gender identity and expression, age, socioeconomic status, class, language, culture, religion, sexual orientation, ability, and geographic area.”
New Jersey	2020 New Jersey Student Learning Standards—Comprehensive Health and Physical Education ^k	“Gender Assigned at Birth means the gender that someone was thought to be at birth, typically recorded on their [sic] original birth certificate. The gender someone was assigned at birth may or may not match their [sic] gender identity.”
New York	A Guidance Document for Achieving the New York State Standards in Health Education ^m	“[Sexual orientation] is easily distinguished from other components of sexuality including biological sex, gender identity (the psychological sense of being male or female) and the social gender role (adherence to cultural norms for feminine and masculine behavior).”
Oregon	2023 Oregon Health Standards ⁿ	“Define gender identity, gender expression, gender roles, and sex assigned at birth, and sexual orientation.” “Define sexual and romantic orientations including heterosexual, bisexual, lesbian, gay, queer, asexual, two-spirit, and pansexual.”
Rhode Island	Curriculum Framework for Health Education K-12 ^o	“When students are able to identify persistent health disparities and learn skills to advocate for change on many issues, such as gender identity, gender expression, sexual orientation, race, ethnicity and/or socioeconomic status, they develop the confidence to reflect on their own values, social norms, and assumptions.”
Vermont	Official website ^p , Health Education—Sample Proficiency-Based Graduation Requirements and Performance Indicators ^q	“Sexual Health education should address a variety of health-related issues including but not limited to healthy relationships, consent, LGBTQ education, HIV/AIDS and Sexually Transmitted Infection (STI) education, and sexual violence prevention.” Performance indicators list “gender identity” as topic for instruction.
Washington	Washington State Learning Standards—Health & Physical Education ^r	“Distinguish between biological sex, gender identity, gender expression, and sexual orientation.” “Gender: A social construct based on emotional, behavioral, and cultural characteristics attached to a person’s assigned biological sex.”
Wisconsin	State site ^s recommends the National Sexuality Education Standards ^t as a model	“Differentiate between gender identity, gender expression and sexual orientation.”

TABLE 1

Sampling of State Curricular Standards and Guidelines: Pushing Teachers to Support Gender Ideology (Page 3 of 3)

State	Source(s)	Text
Wyoming	Wyoming Health Education Content and Performance Standards ^u	“SEXUALITY: the sum of the physical, functional, and psychological attributes that are expressed by one’s gender identity and sexual behavior.”

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State-level frameworks, such as New Jersey's, insist that middle school students be able to differentiate between anal, vaginal, and oral sex.

Local documents and curricula are not only ideologically skewed, but they are also brimming with graphic and explicit content. For example, a recently adopted curriculum⁴¹ in Wauwatosa Public Schools in Wisconsin includes magnified depictions of adult genitalia, naked cartoon children, and a reminder for children that abortion is a “valid response to pregnancy.”⁴² State-level frameworks, such as New Jersey's, insist that middle school students be able to differentiate between anal, vaginal, and oral sex. In fifth grade, in Oakland, California, children learn about erections, ejaculation, and lubrication in a video⁴³ that is not available for public review.

And, of course, none of this covers areas of school instruction where students may encounter gender ideology outside of health and sex education courses. This includes the selection of books in English class or the lens through which they read them, units in social studies, diversions from standard content during gay pride month, school assemblies, the passing comments of teachers, school libraries, district events, pronoun policies and student handbooks, and decorations around the building. These are all mechanisms through which schools inculcate gender dogmas beyond health and sex education.

Conclusion

The evidence described here reveals the *minimum* number of students who encounter gender ideology through public schools. Combined with other reports, surveys, and investigations, it is safe to assume that instruction in gender dogmas is endemic in public schools.

As mentioned, 41.3 percent⁴⁴ of local districts cite the National Sex Education Standards as their model. Another CDC survey⁴⁵ found that even states that do not compel the teaching of gender ideology still include it. For example, half of Michigan high school personnel report teaching about “gender identity or gender expression.” Even red states, such as Alabama, have similar numbers.

Moreover, many of the other institutions in American education promulgate gender ideology. Houghton Mifflin Harcourt, one of the largest publishers of teacher, resources, textbooks, and other curriculum materials,

is just one example. Under the subheading “Pronouns in the Classroom,” it never mentions “sex,” but tells teachers⁴⁶ that there is no such thing as a “gender binary.” It implores them to avoid anachronistic phrases, such as “boys and girls,” and provides a “pronoun survey” as a resource for students. Many teacher education programs⁴⁷ include foundational works of gender ideology on their syllabi for prospective educators.

Finally, efforts to advance comprehensive sex education (and similar curricula in other content areas) are afoot. In Nebraska, for example, the board of education drafted a revised framework⁴⁸ in 2021 that included many of the tenets of gender ideology. Parental pushback stymied that effort, but such policy initiatives from progressives are active in almost every state.

It would be absurd if schools taught children that two plus two could be four, but it could also be five, or any other number. So, too, it is unconscionable that state-level policy in 16 states indoctrinates students in pseudoscientific gender ideology instead of basic biology.

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Endnotes

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