

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Kiely Hosmon, Director, Youth Commission

FROM: John Carroll, Assistant Clerk,  
Public Safety and Neighborhood Services Committee

DATE: October 16, 2019

SUBJECT: LEGISLATIVE MATTER INTRODUCED

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The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following hearing, introduced by Supervisor Mandelman on October 8, 2019. This item is being referred for comment and recommendation.

**File No. 191031**

**Hearing on the City's collection and analysis of Sexual Orientation and Gender Identity (SOGI) data for FY2018-2019; and requesting the Department of Public Health, Mayor's Office of Housing and Community Development, Human Services Agency, Department of Aging and Adult Services, Department of Children, Youth and Their Families, and Department of Homelessness and Supportive Housing to report.**

Please return this cover sheet with the Commission's response to John Carroll, Assistant Clerk, Public Safety and Neighborhood Services Committee.

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RESPONSE FROM YOUTH COMMISSION      Date:   November 5, 2019  

     No Comment  
  X   Recommendation Attached

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Chairperson, Youth Commission

Youth Commission  
City Hall ~ Room 345  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4532



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## YOUTH COMMISSION MEMORANDUM

**TO:** John Carroll, Clerk, Public Safety and Neighborhood Services Committee  
**FROM:** Youth Commission  
**DATE:** Tuesday, November 5, 2019  
**RE:** Referral response to BOS File No. 191031 [Hearing - Sexual Orientation and Gender Identity Data - FY2018-2019]

At our **Monday, November 4, 2019, meeting**, the Youth Commission voted unanimously to support the following motion:

BOS File No. 191031 [Hearing - Sexual Orientation and Gender Identity Data - FY2018-2019]

The Youth Commissioners also voted to include the following comments and information:

- The hearing should discuss and create concrete takeaways and action points for services
- The Youth Commission’s history and past work on the unfunded and mandated San Francisco Administrative Code Chapter 12N: Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning Youth: Youth Services Sensitivity Training. While the Youth Commission commends City Departments who are gathering sexual orientation and gender identity data, which was a previous recommendation from the Youth Commission, there are still unanswered questions regarding the implementation of 12N. Please see below for more information on 12N, the Youth Commission’s history on this matter, and the recommendations from the Youth Commission’s 2015 budget and policy priority report.

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Youth Commissioners thank the Board of Supervisors for their attention to this issue. If you have any questions, please contact our office at (415) 554-6446, or your Youth Commissioner.

A handwritten signature in cursive script that reads "Josephine Cureton".

Josephine Cureton, Chair  
Adopted on November 4, 2019  
2019-2020 San Francisco Youth Commission

**CHAPTER 12N:****LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, AND QUESTIONING YOUTH: YOUTH SERVICES SENSITIVITY TRAINING**

- Sec.  
12N.1. Definitions.
- Sec.  
12N.2. Contract Language Requiring Youth Service Providers to Provide Lesbian, Gay, Bisexual, and Transgender Sensitivity Training for Any Employee or Volunteer Who Has Direct Contact With Youth or Whose Work Directly Affects Youth.
- Sec.  
12N.3. Requirement That City Departments Provide Lesbian, Gay, Bisexual, and Transgender Sensitivity Training for Any City Employee Who Has Direct Contact with Youth or Whose Work Directly Affects Youth.
- Sec.  
12N.4. Effective Date.

**SEC. 12N.1. DEFINITIONS.**

As used in this Chapter the following words and phrases shall have the meanings indicated herein:

(a) "City" shall mean the City and County of San Francisco.

(b) "Contract" shall mean an agreement (however titled, including, without limitation, a memorandum of understanding) to grant or otherwise provide funds to an organization for youth services, including funds from another governmental entity administered through the City or any City commission, board, agency or department. "Contract" shall not include (1) an agreement to provide goods to the City pursuant to bids or requests for proposals, where the City is the end user of the goods or (2) an agreement to provide services or benefits to City employees and/or to their family members, dependents, or their other designated beneficiaries.

(c) "Organization" shall mean any corporation formed under California law for any private, public or charitable purpose, or any collaborative, which receives a cumulative total per year of at least \$50,000 in City-provided or City-administered funds.

(d) "Sensitivity training" shall mean any program provided from a list of providers whose programs have been reviewed and approved by a joint Human Rights Commission and Youth Commission committee and shall include, but is not limited to, training regarding issues faced by disabled, HIV positive, immigrant, persons of color, sexually abused, runaways from non-accepting households, and homeless lesbian, gay, bisexual, transgender, queer, and questioning youth.

(e) "Youth Services" shall mean child care, including after school care; job readiness, training, and placement; health, including mental health and substance abuse; social services; homeless prevention, housing or shelter programs or services; education; recreation; delinquency prevention; and library services programs directed at or designed to serve children or youth between the ages of ten and eighteen years old, or older as defined by the organization.

(Added by Ord. 177-99, File No. 990546, App. 6/25/99)

**SEC. 12N.2. CONTRACT LANGUAGE REQUIRING YOUTH SERVICE PROVIDERS TO PROVIDE LESBIAN, GAY, BISEXUAL, AND TRANSGENDER SENSITIVITY TRAINING FOR ANY EMPLOYEE OR VOLUNTEER WHO HAS DIRECT CONTACT WITH YOUTH OR WHOSE WORK DIRECTLY AFFECTS YOUTH.**

(a) Each contracting agency of the City or any department thereof, acting for or on behalf of the City, shall include in every solicitation for youth services under the competitive contractor selection process, provisions requiring any organization submitting such a proposal or request to provide lesbian, gay, bisexual, and transgender sensitivity training for any employee or volunteer who has direct contact with youth, or whose work directly affects youth as part of its proposal or request.

(b) Each contracting agency of the City or any department thereof, acting for or on behalf of the City, shall include in all contracts between it and any organization that is subject to this Chapter a provision requiring lesbian, gay, bisexual, and transgender sensitivity training for any employee or volunteer who has direct contact with youth or whose work directly affects youth. The contract shall require the organization to conduct such a training on an annual basis, unless the contracting agency of the City or any department thereof requires more frequent trainings. The contract shall require the organization to provide documentation certifying to its Board of Directors and the City agency or department administering the contract that such a training was conducted and the requirements of the training were fulfilled on an annual basis.

(c) In furtherance of the purposes of this Chapter, the Controller, in consultation with the City Attorney, shall create the provisions described in subsections (a) and (b) above, consistent with the provisions of this Chapter.

(d) Each City department or agency administering contracts with organizations providing youth services shall provide copies of the documentation certifying that such trainings were conducted, as required in Chapter 12N of the San Francisco Administrative Code, to the Commission, if any, that oversees the sponsoring department or agency and the San Francisco Youth Commission.

(e) Failure to comply with any provision required by this Chapter shall constitute a material breach of the contract and may be grounds for termination of the contract. Every City agency or department must report all contract breaches to the Human Rights Commission at their next regularly scheduled meeting.

(Added by Ord. 177-99, File No. 990546, App. 6/25/99)

**SEC. 12N.3. REQUIREMENT THAT CITY DEPARTMENTS PROVIDE LESBIAN, GAY, BISEXUAL, AND TRANSGENDER SENSITIVITY TRAINING FOR ANY CITY EMPLOYEE WHO HAS DIRECT CONTACT WITH YOUTH OR WHOSE WORK DIRECTLY AFFECTS YOUTH.**

Each City department shall provide lesbian, gay, bisexual, and transgender sensitivity training for any employee who has direct contact with youth or whose work directly affects youth.

(Added by Ord. 177-99, File No. 990546, App. 6/25/99)

**SEC. 12N.4. EFFECTIVE DATE.**

This Chapter shall not apply to any contract for which a solicitation was issued 90 days following the effective date of this Chapter. This Chapter shall apply to all contracts for which a solicitation was issued more than 90 days following the effective date of this Chapter.

(Added by Ord. 177-99, File No. 990546, App. 6/25/99)

# Priority #13: Expand Implementation of 12N Cultural Competency Training and Efforts to Track LGBTQ Youth in City Services

*Dedicate support to ensure that youth-serving City Departments are undertaking efforts to identify the needs of LGBTQ youth, use inclusive intakes, assume best practices, and train staff in accordance with section 12(N) of the San Francisco admin code*

## **Background**

Adopted in June of 1999, Chapter 12N of the San Francisco Administrative Code—entitled *Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning Youth: Youth Services Sensitivity Training*—mandates training with very specific criteria regarding Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) youth sensitivity of all City employees who work with youth and all City contractors who receive \$50,000 or more in City (or City-administered) funds.<sup>1</sup>

For the past sixteen years, this well-intentioned mandate that was designed to help queer youth access culturally competent services has been an unfunded mandate. In 2012, the Department of Public Health (DPH), the Human Rights Commission (HRC), and the Youth Commission prepared a training tool which is being piloted at DPH sites. However, there are few resources to support other departments in developing relevant staff trainings, developing capacity to make appropriate referrals for LGBTQ youth, or identifying administrative barriers that keep queer and trans youth from equally accessing their services. Notably, most city departments and contractors do not currently collect information regarding the sexual orientation or gender identity of youth they serve.<sup>2</sup> As a result, there are few means of determining how and whether

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<sup>1</sup> San Francisco Administrative Code, Chapter 12N: *Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning Youth: Youth Services Sensitivity Training*, Retrieved from [http://www.amlegal.com/nxt/gateway.dll/California/administrative/chapter12nlesbiangaybisexualtransgend erq?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco\\_ca](http://www.amlegal.com/nxt/gateway.dll/California/administrative/chapter12nlesbiangaybisexualtransgend erq?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca)

<sup>2</sup> As of 2014, DPH was revising intakes to collect this demographic data. Other departments, such as the Juvenile Probation Department, may ask the question during interviews, but do not collect or store the information as a retrievable data point. April 17, 2014 Personal Communication with Michael Baxter, MSW, Director of Family Planning (MCAH) and Youth Programs (COPC), San Francisco Department of Public Health; and February 19, 2014 Personal Communication with Allen Nance, Chief Juvenile Probation Officer, San Francisco Juvenile Probation Department

queer and trans youth are accessing services, let alone determining what outcomes they experience.

Fifteen years after the passage of 12N, San Francisco's LGBTQ youth are still very in need of excellent services. Nationally, 20-40 percent of homeless youth identify as LGBTQ, which is disproportionately high compared to the number of LGBTQ youth in the general population.<sup>3</sup> Among 18-24 year old transgender youth, 45 percent of those surveyed have reported suicide attempts<sup>4</sup>; this is 6-7 times higher than the number of overall youth who have reported a suicide attempt<sup>5</sup> and 10 times higher than the 4.6 percent of the overall U.S. population who report a lifetime suicide attempt.<sup>6</sup> Locally, LBG youth in San Francisco are harassed more (Figure 3.1) and are more likely to consider suicide (Figure 3.2) than their heterosexual peers.

### School-Based Harassment Due to Sexual Orientation (Figure 11.1)<sup>7</sup>

During the past 12 months, have you ever been harassed because someone thought you were gay, lesbian or bisexual?

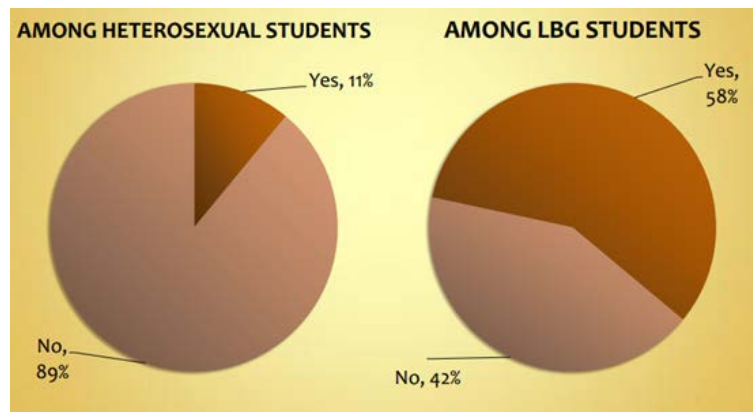


Figure 3.1 School-Based Harassment Due to Sexual Orientation

### Suicide Risk (Figure 11.2)<sup>8</sup>

<sup>3</sup> Center for American Progress, Gay and Transgender Youth Homelessness by the Numbers from <http://www.americanprogress.org/issues/lgbt/news/2010/06/21/7980/gay-and-transgender-youth-homelessness-by-the-numbers/>.

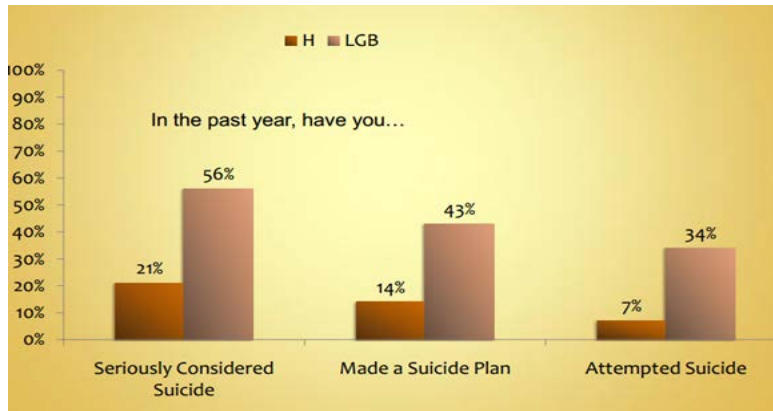
<sup>4</sup>American Foundation for Suicide Prevention and The Williams Institute, Suicide Attempts among Transgender and Gender Non-Conforming Adults (2014) retrieved from <http://williamsinstitute.law.ucla.edu/wp-content/uploads/AFSP-Williams-Suicide-Report-Final.pdf>

<sup>5</sup> Approximately 8% of youth ages 10 to 24 have reported attempting suicide within the past 12 months. Center for Disease Control and Prevention, Suicide Prevention from [http://www.cdc.gov/violenceprevention/pub/youth\\_suicide.html](http://www.cdc.gov/violenceprevention/pub/youth_suicide.html)

<sup>6</sup>American Foundation for Suicide Prevention and The Williams Institute, Suicide Attempts among Transgender and Gender Non-Conforming Adults (2014) retrieved from <http://williamsinstitute.law.ucla.edu/wp-content/uploads/AFSP-Williams-Suicide-Report-Final.pdf>

<sup>7</sup> San Francisco Unified School District, Student Support Services for LGBTQ Youth from <http://www.healthiersf.org/LGBTQ/index.php>.

<sup>8</sup> Ibid.



**Figure 3.2 Suicide Risk**

## Updates

In June 2013, Supervisor Avalos, along with co-sponsoring Supervisors Campos and Wiener, sponsored a hearing in Neighborhood Services and Safety regarding various city departments' efforts to implement 12N. DPH, HRC, DCYF, DHR, JPD, and HSA were all in attendance. Several departments had initiated notable efforts to create supportive environments for LGBTQIQ youth. However, no departments had means of tracking service outcomes for LGBTQIQ youth. Save for DPH's pilot training, none of these efforts were specifically aligned with the scope of the ordinance.

This hearing made clear both the willingness and enthusiasm of the City family to address the needs of LGBTQ youth, as well as the need for a well-supported implementation plan for the ordinance. In January 2014, Youth Commissioners, Supervisor Avalos' office, and staff from the Human Rights Commission, DPH, and DCYF teamed up to begin hosting working group meetings with members of key youth-serving city departments. To date, staff from the Juvenile Probation Department, Department of Children, Youth and Their Families, Department of Public Health, Human Services Agency, Recreation and Parks Department, San Francisco Public Library, the Human Rights Commission, TAY SF, the Youth Commission, and Supervisor Avalos' office have participated in these meetings to discuss their respective efforts to implement best practices for serving LGBTQ youth as well as to share insights about what types of competency trainings would be most supportive of staff in their departments.

Several departments submitted questionnaires detailing the nature, scope, and setting of youth services they provide, including providing key insights regarding gender-segregated, residential, detention, and contracted services. These insights will be critical in ensuring that the ordinance is implemented in a way that substantively impacts the lives of LGBTQIQ youth. We commend all participating departments for their effort and look forward to our continued work together.

In January 2015, youth commissioners passed a resolution (1415-RC-01) commending the Department of Public Health for its leadership in implementing a training on Chapter 12N of the

city's administrative code, and recognizing the department's commitment to providing excellent services to LGBTQQ youth.<sup>9</sup>

### **Recommendations**

The Youth Commission would like to thank members of the Board of Supervisors for attention to this matter, as well as key youth-serving city departments for participating in working group meetings, especially the Department of Public Health.

The Youth Commission respectfully urges Mayor Lee, the Board of Supervisors, and City Departments to identify and dedicate funding sources to support implementation of 12N competency trainings and to support planning and coordination of 12N implementation efforts.

The Commission additionally requests that the Mayor and Board of Supervisors call on City departments to begin collecting information on sexual orientation and gender identity in intake forms, beginning in the upcoming fiscal year.

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<sup>9</sup>San Francisco Youth Commission Resolution 1415-RC-01, Resolution Commending the Department of Public Health for its leadership in creating and implementing a training on Chapter 12N of the city's administrative code, and recognizing the departments commitment to providing excellent services for LGBTQQ youth adopted January 5, 2015. Retrieved from <http://www.sfbos.org/modules/showdocument.aspx?documentid=51213>



Date	Item	Partners	Note
1996	LGBTQIQ Youth Task Force hearing		Review here: <a href="http://www.sf-hrc.org/modules/showdocument.aspx?documentid=663">http://www.sf-hrc.org/modules/showdocument.aspx?documentid=663</a>
1999	12N placed in city admin code	Tom Ammiano was sponsor	
2010	HRC released RFQ for 12N training video		
2012-13	YC, HRC, DPH partner to create DPH 12N training video	Youth Commissioner Mia Tu Mutch, HRC, DPH, BAYCAT	Video production paid for by DPH. They are first dept to undertake training in accordance with mandate, which is unenforced; video production includes focus groups with employees and youth
Early 2013	12N video pilot at DPH  12N Working group meets to prepare for hearing  YC lead youth engagement effort  Meeting with content experts in community	Michael Baxter and Lisa Reyes are leads for DPH  12N working group is DPH, HRC, YC	Video is piloted and developed pre-test, post-test and discussion questions  SC Sets goals for legislation revision and/or compliance: <ol style="list-style-type: none"> <li>1. Relevant staff training: base level of training + learning objectives for content-specific training (ie, org indicators relevant to social programming, workforce development, health settings)</li> <li>2. Use inclusive intake forms (for gender and sexual id) and track and evaluate outcomes for LGBTQ youth in services and programs</li> <li>3. Indicate safe space and inclusivity in the program environment: ie, posters, community agreements, program materials</li> <li>4. Gain capacity to make appropriate referrals based on issues/risks faced by LGBT youth</li> <li>5. Assess facilities for inclusion and safety of LGBTQ clients: bathrooms, shelters, etc.</li> <li>6. Have representative in ongoing convening re: LGBTQ youth inclusion</li> <li>7. Clarify compliance (could be annual report to BOS, HRC and YC?; staff position?)</li> <li>8. Clarify departments affected (JPD, HSA, DPH, DCYF, HRC, RPD, SFPL, possibly SFPD?)</li> </ol>

			Youth tumblr is created: <a href="http://queeryouthmatter.tumblr.com">http://queeryouthmatter.tumblr.com</a>
June 2013	12N hearing at BOS	YC + BOS; LYRIC offers testimony; several city depts. report	<p>Footage available here: <a href="http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=10&amp;clip_id=17695&amp;meta_id=332422">http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=10&amp;clip_id=17695&amp;meta_id=332422</a></p> <p>Supervisor Avalos, along with co-sponsors Campos and Weiner, hold a hearing with the Youth Commission, regarding efforts of various youth-serving departments to implement LGBT Sensitivity training. The hearing is attended by Maria Su from DCYF, Chief Siffermann from JPD, Maggie Donahue from Family and Children Services, HSA, Linda Simon, DHR and Michael Baxter from DPH.</p>
October 2013	DCYF joins 12N steering committee	Sup Avalos' office, the HRC, YC, DPH, and DCYF form a Steering Committee to coordinate work group meetings with city departments and advise legislation revisions and a training implementation plan.	Bryant Tan is lead at DCYF
Jan 2014	12 WG Meets with new stakeholders to: <ul style="list-style-type: none"> <li>Review DPH video</li> </ul>		Avalos' office (with YC) release questionnaire to survey scope of City Depts youth-serving divisions

	<ul style="list-style-type: none"> <li>Distribute questionnaire from Avalos office</li> </ul>		
April 2014	<p>12N Working Group Meets to:</p> <ul style="list-style-type: none"> <li>Receive presentation on inclusive intakes from DPH</li> <li>Brainstorm/offer peer support re: inclusive services</li> <li>Talk about identifying staff anchors within depts.</li> <li>Review questionnaire from Avalos' office</li> </ul>	BOS, DPH, JPD, JPD, HRC, TAY SF, SFPL, DCYF, DPH, HSA, YC	Notes: DPH was moving forward w/ including questions regarding sexual orientation and gender identity to be released May 2014. Maria X Martinez was lead. Some concerns that data is shared among providers but should not be shared with parents; Dimension clinic has developed 2.0 version where intake is global, but conversation with provider is deeper; Ongoing need to assess what training is involved in ensuring questions are handled with sensitivity; ID anchors to help promote effective use within staff
Late 2014	Questionnaire Responses		Responses received from JPD, HSA, SFPL, DCYF