



February 2, 2023

CDC/ATSDR  
Attn: FOIA Office, MS-D54  
1600 Clifton Road, N.E.  
Atlanta, GA 30333

**Freedom of Information Act Request: Communications Relating to CDC  
“LGBTQ Inclusivity in Schools: A Self-Assessment Tool”**

Dear FOIA Officer:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to promote the rule of law, prevent executive overreach, protect due process and equal protection, and educate Americans about the individual rights guaranteed under the Constitution and laws of the United States. Our mission includes promoting government transparency and accountability by gathering official information, analyzing it, and disseminating it through reports, press releases, and media, including social media platforms, all to educate the public and to keep government officials accountable for their duty to faithfully execute, protect, and defend the Constitution and laws of the United States.

To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute information to a national audience through traditional and social media platforms. For example, AFL’s employees regularly appear on radio and on cable and broadcast news programs; our email list contains over 44,000 unique addresses; our Facebook page has over 109,000 followers; our Twitter page has over 54,000 followers and the Twitter page of our Founder and President has over 400,000 followers; and we have another 31,600 followers on GETTR.

**I. Introduction**

In October 2020, the Centers for Disease Control and Prevention (“CDC”) published a guidance document for school districts around the country titled “LGBTQ Inclusivity in Schools: A Self-Assessment Tool.” The teacher and school administrator self-assessment tool purports to be a subjective tool designed by the CDC and the National Opinion Research Center (NORC), a non-partisan research institution at

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the University of Chicago. However, a closer examination of the CDC’s document reveals that the CDC is openly advocating for schools and teachers to adopt woke, transgender ideologies and to impose those ideologies on children in their classrooms.

The CDC’s self-assessment tool identifies three continuum categories that teachers, principals, school staff, and school administrators may score in based on their responses to the tool’s self-assessment test. These three categories are C “Commit to Changes,” B “Beginning to Break Through,” and A “Awesome Ally.”<sup>1</sup> Throughout the self-assessment, teachers are encouraged to adopt and promote mindsets such as “I cannot assume a student’s gender, gender identity, or sexual orientation,”<sup>2</sup> and school administrators are pushed to adopt policies that allow students to use “the bathroom/locker room which aligns to their chosen gender.”<sup>3</sup> School nurses and health officials are encouraged to present health information to students that are entirely separate from gender (“When/if I deliver sexual health information and services, I describe anatomy and physiology separate from gender.”)<sup>4</sup> The ideologies that CDC’s self-assessment tool appears to advocate for are misguided and have ignited significant public backlash throughout the country.<sup>5</sup>

In creating its self-assessment tool, the CDC clearly relied solely on the information and resources provided by liberal, activist organizations like the Southern Poverty Law Center and the Human Rights Campaign. The document includes links to multiple resources published by liberal, activist organizations that have a history of demonizing conservative and Christian organizations and classifying them as “hate groups.”<sup>6</sup> The CDC even included a reference to the “Gender Unicorn” as a reference that teachers should rely on.<sup>7</sup> The “Gender Unicorn” was developed by an organization called Trans Student Educational Resources, which teaches individuals to separate biological sex from gender identity entirely.<sup>8</sup>

It is apparent that the CDC has strayed far from its stated mission of protecting Americans from “health, safety, and security threats,” and has begun to openly push

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<sup>1</sup> CTRS. FOR DISEASE CONTROL AND PREVENTION, *LGBTQ Inclusivity in Schools: A Self-Assessment Tool* (2022), <https://tinyurl.com/3ktepzyb>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Kristine Parks & Gabriel Hays, *Parents stand up to ‘cult’ Loudon County School board over transgender student policy*, FOX NEWS (Oct. 14, 2022), <https://tinyurl.com/yjm9n4ee>.

<sup>6</sup> Tyler O’Neil, *CDC Urges Teachers, Administrators, School Nurses to Adopt LGBT Curriculum, Endorse Transgender Identity*, DAILY SIGNAL (Dec. 30, 2022), <https://tinyurl.com/3k5bb9ed>.

<sup>7</sup> CTRS. FOR DISEASE CONTROL AND PREVENTION, *LGBTQ Inclusivity in Schools: A Self-Assessment Tool* (2022), <https://tinyurl.com/3ktepzyb>.

<sup>8</sup> Tyler O’Neil, *CDC Urges Teachers, Administrators, School Nurses to Adopt LGBT Curriculum*, <https://tinyurl.com/3k5bb9ed>.

liberal ideologies throughout the country.<sup>9</sup> Therefore, AFL requests the following records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

## **II. Requested Records**

- A. All records or communications with any CDC Division of Adolescent and School Health employee and any employee with the Southern Poverty Law Center relating to the document “LGBTQ Inclusivity in Schools: A Self-Assessment Tool.” The timeframes for this item are July 1, 2020 – November 1, 2020, and November 1, 2022 – to the date this item is fully processed.
- B. All records or communications with any CDC Division of Adolescent and School Health employee and any employee with the Human Rights Campaign relating to the document “LGBTQ Inclusivity in Schools: A Self-Assessment Tool.” The timeframes for this item are July 1, 2020 – November 1, 2020, and November 1, 2022 – to the date this item is fully processed.
- C. All records or communications with any CDC Division of Adolescent and School Health employee and any employee with the GLAAD advocacy organization relating to the document “LGBTQ Inclusivity in Schools: A Self-Assessment Tool.” The timeframes for this item are July 1, 2020 – November 1, 2020, and November 1, 2022 – to the date this item is fully processed.
- D. All records or communications with any CDC Division of Adolescent and School Health employee and any PFLAG employee relating to the document “LGBTQ Inclusivity in Schools: A Self-Assessment Tool.” The timeframes for this item are July 1, 2020 – November 1, 2020, and November 1, 2022 – to the date this item is fully processed.
- E. All records or communications with any CDC Division of Adolescent and School Health employee and any Trans Student Educational Resources (“TSER”) employee relating to the document “LGBTQ Inclusivity in Schools: A Self-Assessment Tool.” The timeframes for this item are July 1, 2020 – November 1, 2020, and November 1, 2022 – to the date this item is fully processed.

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<sup>9</sup> CTRS. FOR DISEASE CONTROL AND PREVENTION, Mission, Role and Pledge, <https://tinyurl.com/29ztv8zx>.

### **III. Processing**

The Centers for Disease Control and Prevention must comply with the processing guidance in the Attorney General’s Memorandum on Freedom of Information Act Guidelines.<sup>10</sup> If you have any questions or believe further discussions regarding search and processing will facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org.

### **IV. Fee Waiver**

Per 5 U.S.C. § 552(a)(4)(A)(iii) and 45 C.F.R. § 5.54, AFL requests a waiver of all search and duplication fees associated with this request. First, AFL is a qualified non-commercial public education and news media requester. Our officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others, and the public’s understanding of your policies and practices will be enhanced through AFL’s analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose and the release of the information requested is not in AFL’s financial interest. Accordingly, AFL has been granted fee waivers on this basis by the Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security, and the Office of the Director of National Intelligence. Second, waiver is proper as disclosure of the requested information is “in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.”<sup>11</sup>

### **V. Production**

To accelerate release of responsive records, AFL welcomes production on an agreed rolling basis. If possible, please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely,  
/s/ Ian D. Prior  
Ian D. Prior  
America First Legal Foundation

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<sup>10</sup> U.S. Dep’t Just. (Mar. 15, 2022), <https://tinyurl.com/4duy4r5k>.

<sup>11</sup> 5 U.S.C. § 552(a)(4)(A)(iii).