

FACT SHEET:

CALIFORNIA POLICIES PROTECTING LGBTQ STUDENTS AND PROMOTING SAFETY AND INCLUSION IN SCHOOLS

AB 537 - Student Safety and Violence Protection Act

Effective Date: 1/1/2000

California Education Code §§ 200-220 and Title 5, California Code of Regulations §§ 4600-4671

Protects from discrimination and harassment based on sexual orientation, gender identity, and gender expression.

AB 537 added protection from discrimination and harassment based on perceived or actual sexual orientation, gender identity, and gender expression to California's Education Code. This applies to all students and school employees at institutions receiving state funds, and extends beyond the instructional day to ensure equal opportunities and rights at all school-sponsored activities.

Rights Regarding Complaints of Discrimination and Harassment:

- Schools must identify procedures and staff designated for receiving and responding to complaints of harassment and discrimination from students and employees. The designee and procedures must be clearly posted in schools.
- Those who file complaints have the right to be protected by schools and their confidentiality maintained.
- Complaints must be responded to in writing within 60 days of the complaint after the school investigates and determines a solution to the issue.
- Complainants have the right to appeal a school's decision or report a school's lack of response to a complaint to the California Department of Education (CDE). The CDE has 60 days to investigate and make a decision.

Bill full text: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=199920000AB537&search_keywords=

SB 71 – The California Comprehensive Sexual Health & HIV/AIDS Prevention Act

Effective Date: 1/1/2008

California Education Code §§ 51933 and 51934

Stipulates sex education and HIV/AIDS prevention education must be appropriate for students of all backgrounds. Promoting bias or promoting religious doctrines in these classes is prohibited.

If a school teaches sex education or HIV/AIDS prevention education, the teachings must “be appropriate for students of all races, genders, sexual orientations, ethnicities, and backgrounds.” The law's intent is “to encourage a pupil to develop healthy attitudes concerning adolescent growth and development, body image, gender roles, sexual orientation, dating, marriage, and family.” Promoting bias against any group that is protected in the nondiscrimination policy is prohibited, as is promoting religious doctrine.

Bill full text: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200320040SB71&search_keywords=

AB 394 - Safe Place to Learn Act

Effective Date: 1/1/2008

California Education Code §§ 234, Article 5.5

Mandates the monitoring of schools by the California Department of Education, and accessibility of resources/policies to assist schools in addressing discrimination and harassment.

Due to the number of California schools who were not in compliance with AB 537, this law mandated monitoring of schools by the California Department of Education (CDE). In addition to regular monitoring, this law instructed CDE to make available on their website resources and model policies to assist school districts with addressing discrimination and harassment based on race, ethnicity, sex, national origin, religion, mental or physical disability, and perceived or actual sexual orientation, gender identity and gender expression. These materials can be accessed at <http://www.cde.ca.gov/lr/ss/se/bullyingprev.asp>.

Bill full text: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080AB394&search_keywords=

SB 48 - Fair, Accurate, Inclusive, and Respectful Education Act

Effective Date: 1/1/2012

Amends California Education Code §§ 51204.5, 51500, 51501, 60040, and 60044

Includes LGBT Americans in the groups to be included in the teaching of U.S. History and relevant instructional materials.

This bill adds “LGBT Americans”, “people with disabilities”, “European Americans” and “other cultural groups” to the California Education Code regarding groups to be included in the teaching of California of US History, specifically “to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society.”

These groups were also added to the section of the Code pertaining to instructional materials, stating that only materials that “accurately portray the cultural and racial diversity of our society” may be adopted. Additionally, a prohibition on the adoption of materials containing “matter that reflects adversely upon persons” belonging to several groups now includes sexual orientation.

Bill full text: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120SB48&search_keywords=

AB 9 - Seth's Law**Effective Date: 1/1/2012***Amends California Education Code §§ 234, 234.1, 234.2, and 234.3, and adds 234.5*

Requires school employees to intervene immediately when witnessing discrimination, harassment, or bullying based on actual or perceived characteristics of a protected class.

This bill adds "intimidation and bullying based on the actual or perceived characteristics" to previous laws requiring "local educational agencies" to adopt policies to prevent and respond to discrimination and harassment based on race, ethnicity, sex, national origin, religion, mental or physical disability, sexual orientation, gender identity or gender expression. It expands the complaint process to include "intimidation and bullying." The materials CDE is mandated to post, as specified in AB 394, must also include resources and model policies to address and prevent "intimidation and bullying."

This law specifies that school employees who witness discrimination, harassment, intimidation or bullying based on the aforementioned characteristics are required to "take immediate steps to intervene when safe to do so."

Bill full text: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201120120AB9&search_keywords=

AB 1266 – School Success and Opportunities Act**Effective Date: 1/1/2014***Amends California Education Code §§ 221.5*

Allows students to participate in sex-segregated programs and use facilities in alignment with their gender identity.

Amends the California Education Code to allow students to participate in sex-segregated school programs, such as athletics, in accordance with their gender identity and to use facilities in accordance with their gender identity, regardless of the gender listed on their school records.

Bill full text: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1266&search_keywords=

RESOURCES AND SUPPORT ARE AVAILABLE

LOCAL

The Inclusive Schools Coalition for Central and East Contra Costa County is led by Rainbow Community Center. The Coalition provides assistance to schools and districts regarding the development and implementation of policies promoting school safety for students and staff of all sexual orientations, gender identities and gender expressions. The Coalition also delivers awareness workshops for school district administrators, school staff, and students.

For more information about our services and available trainings, please contact the *Inclusive Schools Coordinator, Tawny Porter* via email: tawny@rainbowcc.org or phone, (925) 692- 0090 ext. 335.

Rainbow Community Center offers programs and services to the LGBTQIQ2-S community, their families, caregivers, and allies; including youth programs, support groups, case management, and counseling services. Learn more at www.rainbowcc.org.

ONLINE

<http://www.stopbullying.gov/> - bullying prevention, response, tips for drafting school policies, and climate assessments.

<http://www.safeschoolscoalition.org/lawpolicy-models.html> - models of school district policies and procedures.

<http://www.casafeschools.org/csscmodepolicy1209.pdf> - *Model School District Policy Regarding Transgender and Gender Nonconforming Students*



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