
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: AB 827
Author: O'Donnell
Version: June 2, 2015
Urgency: No
Consultant: Lynn Lorber
Hearing Date: July 8, 2015
Fiscal: Yes

Subject: Safe schools: Safe Place to Learn Act: lesbian, gay, bisexual, transgender, and questioning pupil resources

SUMMARY

This bill requires local educational agencies serving students in any of grades 7-12 to include in existing information relative to anti-discrimination policies information on existing schoolsite and community resources to support students who are lesbian, gay, bisexual, transgender, and questioning.

BACKGROUND

Existing law:

- 1) Prohibits discrimination in public schools on the basis of disability, gender, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes.
(Education Code § 200, et seq.)
- 2) Requires the California Department of Education (CDE) to monitor, through its Categorical Program Monitoring process, and assess whether school districts have:
 - a) Adopted policies prohibiting discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics including disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of those actual or perceived characteristics.
 - b) Adopted a process for receiving and investigating complaints relating to discrimination, harassment, intimidation, and bullying, including all of the following:
 - i) A requirement that school personnel who witness such acts take immediate steps to intervene when safe to do so.
 - ii) A timeline for the investigation and resolution of complaints, and an appeal process
 - iii) Publicized to students, parents, employees, the governing board of the district, and the general public, anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies, including information about the manner in which to file a complaint. (EC § 234.1)

ANALYSIS

This bill requires local educational agencies serving students in any of grades 7-12 to include in existing information relative to anti-discrimination policies information on existing schoolsite and community resources to support students who are lesbian, gay, bisexual, transgender, and questioning (LGBTQ). Specifically, this bill:

- 1) Requires each school district, county office of education, and charter school serving any of grades 7-12, as part of publicizing anti-discrimination policies, to provide information to certificated school site staff serving those grades relative to schoolsite and community resources for the support of students who are LGBTQ.
- 2) Authorizes schoolsite resources to include:
 - a) Peer support or affinity clubs and organizations.
 - b) Safe spaces for students who are LGBTQ.
 - c) Counseling services.
 - d) School staff who have received anti-bias or other training aimed at supporting students who are LGBTQ or who serve as designated support personnel for those students.
 - e) Health and other curriculum materials that are inclusive of, and relevant to, students who are LGBTQ.
 - f) Online anti-bullying curriculum developed by the California Department of Education.
 - g) Anti-bullying and harassment policies, and related complaint procedures.
- 3) Authorizes community resources to include:
 - a) Community-based organizations that provide support to students who are LGBTQ and their families.
 - b) Physical and mental health providers with experience in treating and supporting students who are LGBTQ.
- 4) States legislative findings and declarations relative to harassment faced by students who are LGBTQ and the benefits of creating supportive learning environments.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Many teachers are unsure of how to support their LGBTQ students, and research has shown the LGBTQ students who are harassed do not report these incidents to school staff because they believe that the adults will not address these problems. The Centers for Disease Control and Prevention (CDC), as part of its risk behavior prevention activities, monitors and funds local efforts to create supportive school environments LGBTQ students. The

CDC reports that 50% of California schools facilitate access to schoolsite and community health resources for lesbian, gay, bisexual, transgender, and questioning (LGBTQ) students, and 39% have Gay Straight Alliance clubs.”

- 2) ***Provides information through an existing process.*** Current law requires local educational agencies to publicize to students, parents, employees, the governing board of the district, and the general public, anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies, including information about the manner in which to file a complaint. This bill expands the information to be publicized to include information on existing schoolsite and community resources to support students who are LGBTQ. This bill does not require schools to provide schoolsite resources, refer students to resources, or train schoolsite staff about those resources.
- 3) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose unknown, likely minor, costs for school districts and county offices of education to distribute information consistent with existing anti-discrimination policies.

SUPPORT

American Civil Liberties Union
California Latinas for Reproductive Justice
California Teachers Association
Equality California
Gay-Straight Alliance Network
Gender Spectrum
LGBTQ Center of Long Beach
National Association of Social Workers, California Chapter
National Center for Lesbian Rights
Transgender Law Center

OPPOSITION

None received.

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