

CREATING INCLUSIVE SCHOOL COMMUNITIES

Policies that support our LGBTQ youth

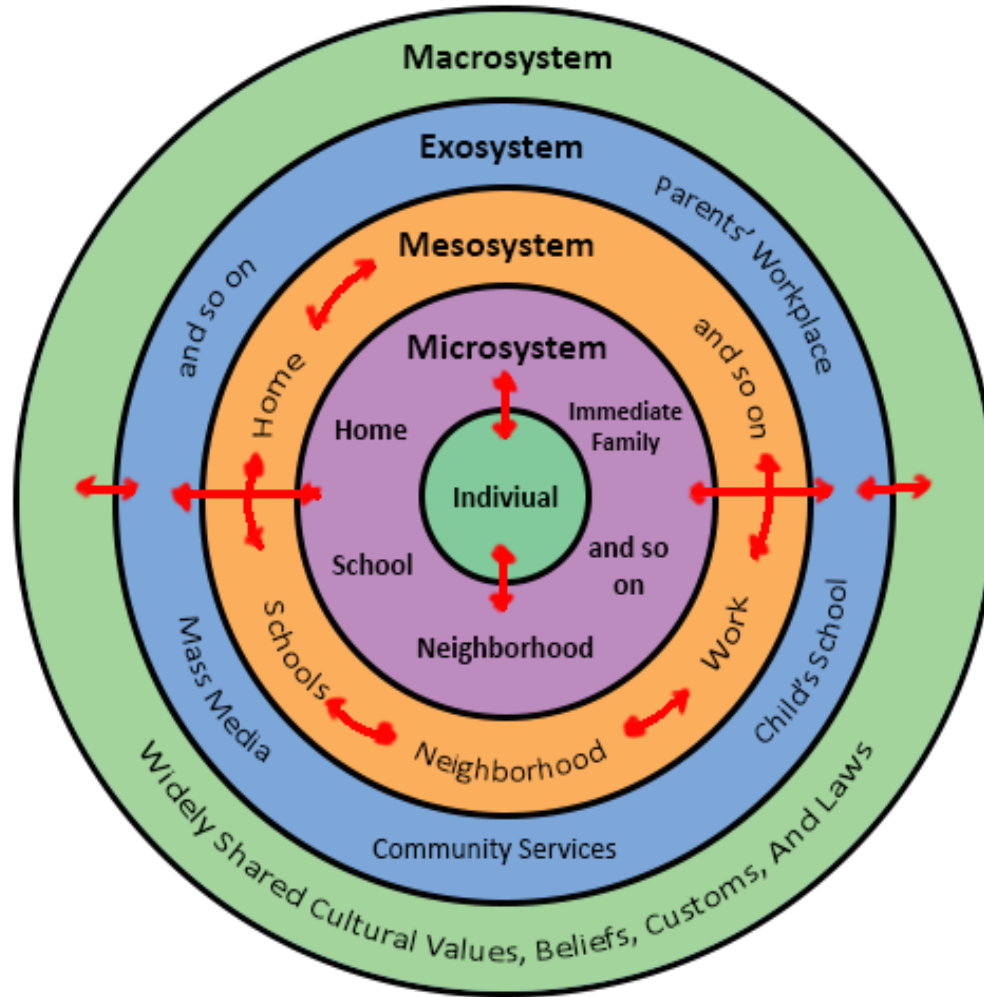


We all deserve a safe place to grow, learn, develop friendships and relationships, and thrive



MACROSYSTEM IMPACT

URIE BRONFENBRENNER'S ECOLOGICAL MODEL, 1979



SOME CURRENT LEGISLATION THAT AFFECTS SCHOOLS

- **AB 537: CA Student Safety and Violence Prevention Act (2000)**
- **AB 827: Safe Place to Learn Act (2015)**
- **AB 1266: Student Success and Opportunity Act (2013)**
- **SB 48: Fair Education Act (2011)**
- **AB 329: Healthy Youth Act (2016)**

CALIFORNIA STUDENT SAFETY AND VIOLENCE PREVENTION ACT (AB 537, KUEHL)

- **As of January 1, 2000**
- **Added actual or perceived sexual orientation and gender to California Education Code's non-discrimination policy.**
- **Gender is defined in law to include gender identity and gender expression.**

EDUCATION CODE 220 AND PENAL CODE 422.55

No person shall be subjected to discrimination on the basis of sex, ethnic group identification, race, national origin, religion, color, mental or physical disability, or any actual or perceived characteristic... (including:)

- (1) Disability
- (2) Gender
- (3) Nationality
- (4) Race or ethnicity
- (5) Religion
- (6) Sexual orientation
- (7) Association with a person or group with one or more of these actual or perceived characteristics

SAFE PLACE TO LEARN ACT: (AB 827: O'DONNELL, 2015)

School-site resources should include:

- ❖ **counseling services**
- ❖ **staff w/anti-bias training for designated support for LGBTQ**
- ❖ **health and other curriculum inclusive of LGBTQ**
- ❖ **peer support or affinity clubs and organizations**
- ❖ **safe spaces for LGBTQ students**
- ❖ **process to investigate and a timeline to resolve complaints of discrimination, bullying, abuse**

STUDENT SUCCESS AND OPPORTUNITY ACT (AB 1266: AMMIANO, 2013)

- Sex-segregated School Programs and Activities
- Spells out the requirements of existing non-discrimination laws
- A student shall be permitted to participate in sex-segregated **school** programs and **activities**, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records.

FAIR, ACCURATE, INCLUSIVE, AND RESPECTFUL (FAIR) EDUCATION ACT (SB 48, LENO)

- Amends the education code to require that all California public schools must include positive images of gay, lesbian and transgendered people in their social studies classes from K-12th grade.
- Prevents the State Board of Education from adopting instructional materials that discriminate.
- FAIR focuses on teaching about sexual and gender identity – how people’s sexuality and gender orientation affects their social position, point of view, psychology, and politics. NOT about “sex!”
- The CA Social Studies Framework is being amended to reflect the FAIR Act.

CALIFORNIA HEALTHY YOUTH ACT

(AB 539: WEBER, 2015)

- Since the last legal reform in 2004, a number of gaps surfaced in what students were learning in classrooms—the CA Healthy Youth Act was an effort to *address those missing pieces and streamline existing law*.
- Signed into law October 1, 2015. *Effective as of January 1, 2016.*

WHAT'S DIFFERENT AS OF JANUARY 1, 2016?

- All districts required to provide *both comprehensive sexual health education and HIV prevention education* to students *at least twice*—once in middle school and once in high school.
- Reinforces a focus on healthy attitudes concerning **adolescent growth and development, body image, gender, sexual orientation, relationships, marriage, and family.**
- Focus on healthy behaviors, and healthy relationships.
- Some new requirements and required topics (e.g., adolescent relationship abuse and sex trafficking).
- Expands and strengthens existing requirements that instruction and *materials be appropriate for students of all sexual orientations and genders.*

REQUIREMENTS

- ✓ At least once in **junior high/middle school** and at least once in **high school**, starting in grade 7. May be provided in age-appropriate way before grade 7.

EDUCATION CODE 51934(a)

- ✓ **Age-appropriate.**

EDUCATION CODE 51933(a)

- ✓ **Medically accurate and objective.**

EDUCATION CODE 51933(b)

Medically accurate: “Verified or supported by research conducted in compliance with scientific methods and published in peer-reviewed journals, where appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal Centers for Disease Control and Prevention, the American Public Health Association, the American Academy of Pediatrics, and the American College of Obstetricians and Gynecologists.” EDUCATION CODE 51931

REQUIREMENTS

ALL GRADES, INCLUDING
ELEMENTARY

- ✓ **All components** align with and support the purpose of the California Healthy Youth Act.

EDUCATION CODE 51933(C)

- ✓ Tone and content consistent across all instruction and materials.
- ✓ Regardless of who provides *each* component.

REQUIREMENTS

ALL GRADES, INCLUDING
ELEMENTARY

✓ **Knowledge and skills based.**

EDUCATION CODE 51930(b), 51933(g), (h)

✓ **Not promoting of any religious doctrine.**

EDUCATION CODE 51933(i)

✓ **Accessible to:**

- ✓ English learners, and
- ✓ Students with disabilities.

EDUCATION CODE 51933(d)(2), (3)

REQUIREMENTS

ALL GRADES, INCLUDING
ELEMENTARY

- ✓ Do not reflect or promote **bias** against any person on the basis of:
 - ✓ Disability
 - ✓ Gender
 - ✓ Gender identity
 - ✓ Gender expression
 - ✓ Nationality, race, or ethnicity
 - ✓ Religion
 - ✓ Sexual orientation

EDUCATION CODE 51933(d)(4); see
also EDUCATION CODE 220

- ✓ Culturally **inclusive** and **appropriate** for students of all:
 - ✓ Races
 - ✓ Genders
 - ✓ Sexual orientations;
and
 - ✓ Ethnic and cultural
backgrounds

EDUCATION CODE 51933(d)(1)

REQUIREMENTS

ALL GRADES, INCLUDING
ELEMENTARY

- ✓ Recognize that people have different sexual orientations and examples of relationships also include same-sex relationships.

EDUCATION CODE 51933(d)(5)

- ✓ Include instruction on:
 - ✓ Gender
 - ✓ Gender expression
 - ✓ Gender identity; and
 - ✓ The harms of negative gender stereotypes.

EDUCATION CODE 51933(b)(6)

REQUIREMENTS

ALL GRADES, INCLUDING
ELEMENTARY

- ✓ Encourages students to communicate with parents, guardians, or other trusted adults and provides knowledge and skills necessary for these discussions.

EDUCATION CODE 51933(e)

- ✓ Teaches the value of and prepares students to form and maintain healthy, committed relationships based on mutual respect and affection, and are free from violence, coercion, and intimidation.

EDUCATION CODE 51933(f), (g)

PARENTAL NOTIFICATION AND RIGHT TO EXCUSE THEIR CHILD

- At the beginning of the year, parents should be notified of the instruction and their right to view curricular materials.
- Parent/guardian has the right to excuse their pupil from **all or part** of comprehensive sexual health education and related assessments through a passive consent process (**opt-out**) in which parents must request **in writing** that their student not receive the information. Districts shall not require active consent (opt-in) by requiring a permission slip to be returned.

“OPT-OUT” DOES NOT APPLY TO:

- illustrations of human reproductive organs found in a text book, unless it includes other elements of CSE.
- instruction, materials that discuss gender, gender identity, sexual orientation, discrimination, harassment, bullying, intimidation, relationships, or family and do not discuss human reproductive organs and their function.

Section 51932

WHAT DOES THIS ALL MEAN TO “REAL KIDS IN THE REAL WORLD?”



CARDEA

Training, Organizational Development and Research

RESOURCES

- “Know Your Rights” Flier for Students https://www.aclunc.org/sites/default/files/lgbtq_student_rights_0.pdf
- Great resources for Schools and Districts about CA Healthy Youth Act: http://www.aclunc.org/sex_ed
- School Success and Opportunity Act <https://www.aclunc.org/our-work/legislation/school-success-and-opportunity-act-ab-1266>
- Great resources for incorporating LGBTQ history into 7-12 curriculum, as well as local training opportunities <http://www.fairclassrooms.com>

WE'D LOVE TO WORK WITH YOU!

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