

ASSEMBLY BILL

No. 2086

**Introduced by Assembly Member Huff
(Coauthor: Assembly Member Anderson)**

February 19, 2008

An act to add Section 48986.5 to the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 2086, as introduced, Huff. Schools: parental notification: sexual orientation: gender identity.

(1) Existing law prohibits a teacher from giving instruction that promotes a discriminatory bias because of the disability, gender, nationality, race or ethnicity, religion, or sexual orientation of a person or because of the association with a person or group with one or more of these actual or perceived characteristics.

Existing law requires a school district to notify the parent or guardian of a pupil about instruction in comprehensive sexual health education and HIV/AIDS prevention education and research on pupil health behaviors and risks planned for the coming school year. The notice is required to advise the parent or guardian that the parent or guardian may request in writing that his or her child not receive comprehensive sexual health education and HIV/AIDS prevention education.

This bill would require notice to be sent to the parent or guardian of a pupil regarding the proposed discussion on gender identity or sexual orientation in a class attended by the pupil other than a class on comprehensive sexual health education and HIV/AIDS prevention education. The notice would be required to outline the matters to be discussed and the manner in which a parent or guardian can request

that the pupil not be present during the discussion. By requiring this notice to be sent, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48986.5 is added to the Education Code,
2 to read:

3 48986.5. If a teacher proposes to include a discussion on gender
4 identity or sexual orientation in a class other than one on
5 comprehensive sexual health education and HIV/AIDS prevention
6 education, the school district shall send a notice to the parent or
7 guardian of a pupil attending the class. The notice shall outline the
8 matters to be discussed and the manner in which a parent or
9 guardian can request that the pupil not be present during the
10 discussion. Notice sent pursuant to this section shall be in addition
11 to the notice required pursuant to Section 51938.

12 SEC. 2. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.

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