

ASSEMBLY BILL

No. 1337

Introduced by Assembly Member Alejo

February 18, 2011

An act to amend Section 201 of the Education Code, relating to educational equity.

LEGISLATIVE COUNSEL'S DIGEST

AB 1337, as introduced, Alejo. Educational equity.

Existing law provides that it is the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in a specified definition of hate crimes, equal rights and opportunities in the educational institutions of the state. Existing law also provides that all pupils have the right to participate fully in the educational process, free from discrimination and harassment. Existing law further provides that California's public schools have an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunity.

This bill would make technical, nonsubstantive changes in a provision relating to legislative declarations and intent with respect to educational equity.

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

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

1 SECTION 1. Section 201 of the Education Code is amended
2 to read:

3 201. (a) All pupils have the right to participate fully in the
4 educational process, free from discrimination and harassment.

5 (b) California's public schools have an affirmative obligation
6 to combat racism, sexism, and other forms of bias, and a
7 responsibility to provide equal educational opportunity.

8 (c) Harassment on school grounds directed at an individual on
9 the basis of personal characteristics or status creates a hostile
10 environment, and jeopardizes equal educational opportunity as
11 guaranteed by the California Constitution and the United States
12 Constitution.

13 (d) There is an urgent need to prevent and respond to acts of
14 hate violence and bias-related incidents ~~that~~, *which* are occurring
15 at an increasing rate in California's public schools.

16 (e) There is an urgent need to teach and inform pupils in the
17 public schools about their rights, as guaranteed by the federal and
18 state constitutions, in order to increase pupils' awareness and
19 understanding of their rights and the rights of others, with the
20 intention of promoting tolerance and sensitivity in public schools
21 and in society as a means of responding to potential harassment
22 and hate violence.

23 (f) It is the intent of the Legislature that each public school
24 undertake educational activities to counter discriminatory incidents
25 on school grounds and, within constitutional bounds, to minimize
26 and eliminate a hostile environment on school grounds that impairs
27 the access of pupils to equal educational opportunity.

28 (g) It is the intent of the Legislature that this chapter shall be
29 interpreted as consistent with Article 9.5 (commencing with Section
30 11135) of Chapter 1 of Part 1 of Division 3 of Title 2 of the
31 Government Code, Title VI of the federal Civil Rights Act of 1964
32 (42 U.S.C. Sec. 1981; et seq.), Title IX of the *federal* Education
33 Amendments of 1972 (20 U.S.C. Sec. 1681; et seq.), Section 504
34 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)),
35 the federal Individuals with Disabilities Education Act (20 U.S.C.
36 Sec. 1400 et seq.), the federal Equal Educational Opportunities
37 Act (20 U.S.C. Sec. 1701; et seq.), the Unruh Civil Rights Act
38 (Secs. 51 to 53, incl., Civ. C.), and the Fair Employment and

1 Housing Act (Pt. 2.8 (commencing with Sec. 12900), Div. 3, *Title*
2 2, Gov. C.), except where this chapter may grant more protections
3 or impose additional obligations, and that the remedies provided
4 herein shall not be the exclusive remedies, but may be combined
5 with remedies that may be provided by the above statutes.

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