

AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 827

Introduced by Assembly Member O'Donnell

February 26, 2015

An act to ~~amend Section 51933~~ add Article 2.5 (commencing with Section 218) to Chapter 2 of Part 1 of Division 1 of Title 1 of the Education Code, relating to ~~public school curriculum~~: teachers.

LEGISLATIVE COUNSEL'S DIGEST

AB 827, as amended, O'Donnell. ~~Public school curriculum: sexual health education. Teachers: in-service training: lesbian, gay, bisexual, transgender, and questioning pupil resources.~~

Existing law establishes the system of public elementary and secondary schools in this state and provides for the establishment of local educational agencies to operate these schools and provide instruction to pupils. Existing law states the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified characteristic, equal rights and opportunities in the educational institutions of the state.

This bill would require each school operated by a school district or county office of education and each charter school to provide in-service training every school year to teachers of pupils in grades 7 to 12, inclusive, on schoolsite and community resources for the support of lesbian, gay, bisexual, transgender, and questioning pupils, as specified. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

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.

~~Existing law authorizes school districts to provide comprehensive sexual health education, consisting of age-appropriate instruction, in kindergarten and grades 1 to 12, inclusive, using instructors trained in the appropriate courses. Existing law specifies criteria that a school district that elects to offer comprehensive sexual health education is required to satisfy, including providing information on local resources for testing and medical care for sexually transmitted diseases.~~

~~This bill would require a school district that elects to offer comprehensive sexual health education to also provide information on local resources for counseling for sexuality transmitted diseases.~~

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

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

- 1 SECTION 1. *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (a) *All pupils deserve and need safe and supportive school*
- 4 *environments in which to learn.*
- 5 (b) *Despite much progress, California lesbian, gay, bisexual,*
- 6 *transgender, and questioning (LGBTQ) pupils often face verbal,*
- 7 *physical, and online harassment, which has significant effects on*
- 8 *their academic achievement.*
- 9 (c) *In the Gay Lesbian & Straight Education Network’s*
- 10 *(GLSEN) 2013 National School Climate Survey, 91 percent of*
- 11 *California LGBTQ pupils reported hearing anti-LGBTQ remarks,*
- 12 *7 in 10 reported being called names or threatened based on their*
- 13 *sexual orientation, nearly one-third reported physical harassment*
- 14 *or assault, and 46 percent reported cyberbullying.*
- 15 (d) *These problems have direct effects on pupils’ school*
- 16 *performance. GLSEN survey data shows that the average grade*
- 17 *point average for LGBTQ pupils who have experienced harassment*

1 *is significantly lower than for LGBTQ pupils who have not, and*
2 *that 30 percent of LGBTQ pupils report frequently skipping class*
3 *or missing whole days of school because they felt unsafe at school.*

4 *(e) In spite of these problems, research has shown that LGBTQ*
5 *pupils who are harassed or assaulted in school do not report these*
6 *incidents to school staff, primarily because they believe school*
7 *staff will not do anything about the problem.*

8 *(f) Creating supportive learning environments for LGBTQ pupils*
9 *improves pupil performance. Pupils in schools with peer support*
10 *clubs report less harassment and assault, are more likely to report*
11 *incidents when they occur, and are less likely to miss school*
12 *because of safety concerns.*

13 *(g) The federal Centers for Disease Control and Prevention*
14 *(CDC) monitors and funds local efforts to provide professional*
15 *development for educators on safe and supportive environments*
16 *for LGBTQ pupils, foster schoolsite resources such as Gay Straight*
17 *Alliance clubs and “safe spaces” for LGBTQ pupils, and promote*
18 *referrals to school and community health professionals with*
19 *experience providing support to LGBTQ pupils.*

20 *(h) CDC data shows that only 50 percent of California schools*
21 *facilitate access to schoolsite and community health resources for*
22 *LGBTQ pupils, and only 39 percent have peer support clubs.*

23 *SEC. 2. Article 2.5 (commencing with Section 218) is added*
24 *to Chapter 2 of Part 1 of Division 1 of Title 1 of the Education*
25 *Code, to read:*

26
27 *Article 2.5. In-Service Training: Lesbian, Gay, Bisexual,*
28 *Transgender, and Questioning Pupil Resources*
29

30 *218. Within the first six weeks of every school year, as part of*
31 *a regularly scheduled staff meeting, each school operated by a*
32 *school district or county office of education and each charter*
33 *school shall provide in-service training to teachers of pupils in*
34 *grades 7 to 12, inclusive, on schoolsite and community resources*
35 *for the support of lesbian, gay, bisexual, transgender, and*
36 *questioning (LGBTQ) pupils.*

37 *(a) As used in this section, schoolsite resources for the support*
38 *of LGBTQ pupils include, but are not limited to, all of the*
39 *following:*

40 *(1) Peer support or affinity clubs and organizations.*

1 (2) *Safe spaces for LGBTQ pupils.*
2 (3) *Antibullying and harassment policies and related complaint*
3 *procedures.*

4 (4) *Counseling services.*

5 (5) *School staff who have received antibias or other training*
6 *aimed at supporting LGBTQ youth.*

7 (6) *Health and other curriculum materials that are inclusive*
8 *of, and relevant to, LGBTQ youth.*

9 (b) *As used in this section, community resources for the support*
10 *of LGBTQ pupils include, but are not limited to, all of the*
11 *following:*

12 (1) *Community-based organizations that provide support to*
13 *LGBTQ youth.*

14 (2) *Physical and mental health providers with experience in*
15 *treating and supporting LGBTQ youth.*

16 SEC. 3. *If the Commission on State Mandates determines that*
17 *this act contains costs mandated by the state, reimbursement to*
18 *local agencies and school districts for those costs shall be made*
19 *pursuant to Part 7 (commencing with Section 17500) of Division*
20 *4 of Title 2 of the Government Code.*

21 SECTION 1. ~~Section 51933 of the Education Code is amended~~
22 ~~to read:~~

23 ~~51933. (a) School districts may provide comprehensive sexual~~
24 ~~health education, consisting of age-appropriate instruction, in~~
25 ~~kindergarten and grades 1 to 12, inclusive, using instructors trained~~
26 ~~in the appropriate courses.~~

27 ~~(b) A school district that elects to offer comprehensive sexual~~
28 ~~health education pursuant to subdivision (a), whether taught by~~
29 ~~school district personnel or outside consultants, shall satisfy all of~~
30 ~~the following criteria:~~

31 ~~(1) Instruction and materials shall be age appropriate.~~

32 ~~(2) All factual information presented shall be medically accurate~~
33 ~~and objective.~~

34 ~~(3) Instruction shall be made available on an equal basis to a~~
35 ~~pupil who is an English learner, consistent with the existing~~
36 ~~curriculum and alternative options for an English learner pupil as~~
37 ~~otherwise provided in this code.~~

38 ~~(4) Instruction and materials shall be appropriate for use with~~
39 ~~pupils of all races, genders, sexual orientations, ethnic and cultural~~
40 ~~backgrounds, and pupils with disabilities.~~

- 1 ~~(5) Instruction and materials shall be accessible to pupils with~~
2 ~~disabilities, including, but not limited to, the provision of a~~
3 ~~modified curriculum, materials and instruction in alternative~~
4 ~~formats, and auxiliary aids.~~
- 5 ~~(6) Instruction and materials shall encourage a pupil to~~
6 ~~communicate with his or her parents or guardians about human~~
7 ~~sexuality.~~
- 8 ~~(7) Instruction and materials shall teach respect for marriage~~
9 ~~and committed relationships.~~
- 10 ~~(8) Commencing in grade 7, instruction and materials shall teach~~
11 ~~that abstinence from sexual intercourse is the only certain way to~~
12 ~~prevent unintended pregnancy, teach that abstinence from sexual~~
13 ~~activity is the only certain way to prevent sexually transmitted~~
14 ~~diseases, and provide information about the value of abstinence~~
15 ~~while also providing medically accurate information on other~~
16 ~~methods of preventing pregnancy and sexually transmitted diseases.~~
- 17 ~~(9) Commencing in grade 7, instruction and materials shall~~
18 ~~provide information about sexually transmitted diseases. This~~
19 ~~instruction shall include how sexually transmitted diseases are and~~
20 ~~are not transmitted, the effectiveness and safety of all federal Food~~
21 ~~and Drug Administration (FDA) approved methods of reducing~~
22 ~~the risk of contracting sexually transmitted diseases, and~~
23 ~~information on local resources for testing, counseling, and medical~~
24 ~~care for sexually transmitted diseases.~~
- 25 ~~(10) Commencing in grade 7, instruction and materials shall~~
26 ~~provide information about the effectiveness and safety of all~~
27 ~~FDA-approved contraceptive methods in preventing pregnancy,~~
28 ~~including, but not limited to, emergency contraception.~~
- 29 ~~(11) Commencing in grade 7, instruction and materials shall~~
30 ~~provide pupils with skills for making and implementing responsible~~
31 ~~decisions about sexuality.~~
- 32 ~~(12) Commencing in grade 7, instruction and materials shall~~
33 ~~provide pupils with information on the law on surrendering~~
34 ~~physical custody of a minor child 72 hours or younger, pursuant~~
35 ~~to Section 1255.7 of the Health and Safety Code and Section 271.5~~
36 ~~of the Penal Code.~~
- 37 ~~(e) A school district that elects to offer comprehensive sexual~~
38 ~~health education pursuant to subdivision (a) earlier than grade 7~~
39 ~~may provide age appropriate and medically accurate information~~

1 ~~on any of the general topics contained in paragraphs (8) to (12),~~
2 ~~inclusive, of subdivision (b).~~
3 ~~(d) If a school district elects to offer comprehensive sexual~~
4 ~~health education pursuant to subdivision (a), whether taught by~~
5 ~~school district personnel or outside consultants, the school district~~
6 ~~shall comply with the following:~~
7 ~~(1) Instruction and materials may not teach or promote religious~~
8 ~~doctrine.~~
9 ~~(2) Instruction and materials may not reflect or promote bias~~
10 ~~against any person on the basis of any category protected by~~
11 ~~Section 220.~~