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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 827

Introduced by Assembly Member O'Donnell
(Coauthors: Assembly Members Bloom, Bonilla, Chiu, Eggman,
Gordon, and Low Low, and Ting)
~~(Coauthor: Senator Block)~~ *(Coauthors: Senators Block and Leno)*

February 26, 2015

An act to amend Section 234.1 of the Education Code, relating to safe schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 827, as amended, O'Donnell. Safe schools: Safe Place to Learn Act: 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. Existing law, the Safe Place to Learn Act, requires the State Department of Education, as part of its regular monitoring and review of a local educational agency, to assess whether the local educational agency has, among other things, adopted a policy that prohibits discrimination, harassment, intimidation, and bullying, as specified, and has publicized that policy to pupils, parents, employees, agents of the governing board, and the general public.

This bill would require the department to also assess whether the local educational agency has provided to certificated schoolsite employees who serve pupils in any of grades 7 to 12, inclusive, information on existing schoolsite and community resources related to the support of lesbian, gay, bisexual, transgender, and questioning pupils, as specified.

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

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

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) All pupils deserve and need safe and supportive school
- 4 environments in which to learn.
- 5 (2) 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 (3) 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 (4) 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
- 18 is significantly lower than for LGBTQ pupils who have not, and
- 19 that 30 percent of LGBTQ pupils report frequently skipping class
- 20 or missing whole days of school because they felt unsafe at school.
- 21 (5) In spite of these problems, research has shown that LGBTQ
- 22 pupils who are harassed or assaulted in school do not report these

1 incidents to school staff, primarily because they believe school
2 staff will not do anything about the problem.

3 (6) Creating supportive learning environments for LGBTQ
4 pupils improves pupil performance. Pupils in schools with peer
5 support clubs report less harassment and assault, are more likely
6 to report incidents when they occur, and are less likely to miss
7 school because of safety concerns.

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

15 (8) CDC data shows that only 50 percent of California schools
16 facilitate access to schoolsite and community health resources for
17 LGBTQ pupils, and only 39 percent have peer support clubs.

18 (b) The Legislature therefore encourages school districts, county
19 offices of education, and charter schools to provide information
20 on existing schoolsite and community resources as required by
21 subdivision ~~(e)~~ (d) of Section 234.1 of the Education Code as part
22 of a more comprehensive effort to educate school staff on the
23 support of LGBTQ pupils.

24 SEC. 2. Section 234.1 of the Education Code is amended to
25 read:

26 234.1. The department, pursuant to subdivision (b) of Section
27 64001, shall monitor adherence to the requirements of Chapter 5.3
28 (commencing with Section 4900) of Division 1 of Title 5 of the
29 California Code of Regulations and this chapter as part of its
30 regular monitoring and review of local educational agencies,
31 commonly known as the Categorical Program Monitoring process.
32 The department shall assess whether local educational agencies
33 have done all of the following:

34 (a) Adopted a policy that prohibits discrimination, harassment,
35 intimidation, and bullying based on the actual or perceived
36 characteristics set forth in Section 422.55 of the Penal Code and
37 Section 220 of this code, and disability, gender, gender identity,
38 gender expression, nationality, race or ethnicity, religion, sexual
39 orientation, or association with a person or group with one or more
40 of these actual or perceived characteristics. The policy shall include

1 a statement that the policy applies to all acts related to school
2 activity or school attendance occurring within a school under the
3 jurisdiction of the superintendent of the school district.

4 (b) Adopted a process for receiving and investigating complaints
5 of discrimination, harassment, intimidation, and bullying based
6 on any of the actual or perceived characteristics set forth in Section
7 422.55 of the Penal Code and Section 220 of this code, and
8 disability, gender, gender identity, gender expression, nationality,
9 race or ethnicity, religion, sexual orientation, or association with
10 a person or group with one or more of these actual or perceived
11 characteristics. The complaint process shall include, but not be
12 limited to, all of the following:

13 (1) A requirement that, if school personnel witness an act of
14 discrimination, harassment, intimidation, or bullying, they shall
15 take immediate steps to intervene when safe to do so.

16 (2) A timeline to investigate and resolve complaints of
17 discrimination, harassment, intimidation, or bullying that shall be
18 followed by all schools under the jurisdiction of the school district.

19 (3) An appeal process afforded to the complainant should he or
20 she disagree with the resolution of a complaint filed pursuant to
21 this section.

22 (4) All forms developed pursuant to this process shall be
23 translated pursuant to Section 48985.

24 (c) Publicized antidiscrimination, antiharassment,
25 anti-intimidation, and antibullying policies adopted pursuant to
26 subdivision (a), including information about the manner in which
27 to file a complaint, to pupils, parents, employees, agents of the
28 governing board, and the general public. The information shall be
29 translated pursuant to Section 48985.

30 (d) Provided, incident to the publicizing described in subdivision
31 (c), to certificated schoolsite employees who serve pupils in any
32 of grades 7 to 12, inclusive, who are employed by the local
33 educational agency, information on existing schoolsite and
34 community resources related to the support of lesbian, gay,
35 bisexual, transgender, and questioning (LGBTQ) pupils. Schoolsite
36 resources may include, but are not limited to, peer support or
37 affinity clubs and organizations, safe spaces for LGBTQ pupils,
38 counseling services, staff who have received antibias or other
39 training aimed at supporting these pupils or who serve as
40 designated support to these pupils, health and other curriculum

1 materials that are inclusive of, and relevant to, these pupils, online
2 training developed pursuant to Section 32283.5, and other policies
3 adopted pursuant to this article, including related complaint
4 procedures. Community resources may include, but are not limited
5 to, community-based organizations that provide support to LGBTQ
6 pupils and their families, and physical and mental health providers
7 with experience *or training* in treating~~and~~ *or* supporting these
8 pupils.

9 (e) Posted the policy established pursuant to subdivision (a) in
10 all schools and offices, including staff lounges and pupil
11 government meeting rooms.

12 (f) Maintained documentation of complaints and their resolution
13 for a minimum of one review cycle.

14 (g) Ensured that complainants are protected from retaliation
15 and that the identity of a complainant alleging discrimination,
16 harassment, intimidation, or bullying remains confidential, as
17 appropriate.

18 (h) Identified a responsible local educational agency officer for
19 ensuring school district or county office of education compliance
20 with the requirements of Chapter 5.3 (commencing with Section
21 4900) of Division 1 of Title 5 of the California Code of Regulations
22 and this chapter.