

ASSEMBLY BILL

No. 222

**Introduced by Assembly Members Kuehl, Migden, and
Villaraigosa**

(Principal coauthor: Senator Hayden)

**(Coauthors: Assembly Members Alquist, Aroner, Calderon,
Corbett, Davis, Dutra, Firebaugh, Gallegos, Hertzberg,
Honda, Jackson, Keeley, Knox, Lempert, Longville,
Lowenthal, Mazzone, Romero, Scott, Shelley, Steinberg,
Strom-Martin, Thomson, Torlakson, Wayne, Wesson,
Wiggins, and Wright)**

(Coauthors: Senators McPherson, Sher, and Vasconcellos)

January 26, 1999

An act to amend Sections 200, 220, 233, 235, 260, 35179, 44100, 44830, 45293, 47605, 48204, 51004, 51500, 51501, 58019, 60044, 66251, 66270, 66292, 66292.1, 66292.2, 69535, 69762, 69958, 72011, 72014, 87100, 87400, 88112, 89757, and 92150 of, and to add Sections 212.6 and 66262.6 to, the Education Code, relating to instructional services and programs.

LEGISLATIVE COUNSEL'S DIGEST

AB 222, as introduced, Kuehl. Instructional services and programs: sexual orientation: nondiscrimination.

(1) Existing law prohibits a person from being subjected to discrimination on the basis of sex, ethnic group identification, race, national origin, color, or mental or physical disability in any program or activity conducted by an educational institution, including, among others, a public or private preschool, elementary, or secondary school or institution, the

governing board of a school district, a public or private institution of vocational, professional, or postsecondary education, the governing board of a community college district, the Regents of the University of California, or the Trustees of the California State University, that receives, or benefits from, state financial assistance or enrolls pupils who receive state financial assistance.

This bill would add sexual orientation, defined as actual or perceived heterosexuality, homosexuality, or bisexuality, as a prohibited basis for discrimination.

(2) Under existing law, the State Board of Education is required to study the educational conditions and needs of the state, and to make plans for the improvement of the administration and efficiency of the public schools of the state. The State Board of Education, at the request of the Superintendent of Public instruction, is required to undertake certain actions, including, among others, adopting policies directed toward creating a school environment in kindergarten and grades 1 to 12, inclusive, that is free from discriminatory attitudes and practices and acts of hate violence, as long as the board's actions do not result in a state mandate or an increase in costs to a state or local program. Existing law also requires the State Board of Education to carry out those actions only if private funds, in an amount sufficient to pay for related State Department of Education staff activities on behalf of the board, are made available.

This bill would delete the provisions restricting the State Board of Education from undertaking those actions as long as the actions do not result in a state mandate or an increase in costs to a state or local program. The bill would also delete the provisions requiring the board to carry out those actions only if private funds, in an amount sufficient to pay for related State Department of Education staff activities on behalf of the board, are made available.

(3) Existing law provides that the governing board of a school district, the governing board of a community college district, the Chancellor of the California State University, the president of each California State University campus, the President of the University of California, and the chancellor of each University of California campus have the primary



responsibility for ensuring that programs and activities under their jurisdiction are free from discrimination based on ethnic group identification, religion, age, sex, color, or physical or mental disability.

This bill would add sexual orientation to the basis on which discrimination is prohibited, thereby imposing a state-mandated local program in the case of school and community college districts.

(4) Existing law prohibits discrimination based on race, sex, ethnicity, or religion in areas relating to employment of teachers and classified school employees, certain school district residency requirements, various postsecondary financial aid programs, the certain uses of certain funds of the California State University and the University of California, and community college classes and programs.

Existing law prohibits racial, sex, or ethnic discrimination in any aspect of the operation of alternative schools, charter schools, interscholastic athletics, or the Demonstration Scholarship Program.

This bill would add sexual orientation as a prohibited basis for discrimination.

(5) Existing law prohibits a teacher from giving instruction and a school district from sponsoring an activity that reflects adversely on persons because of their race, sex, color, creed, handicap, national origin, or ancestry.

This bill would prohibit these actions if they reflect adversely on persons because of their sexual orientation.

(6) Existing law prohibits the State Board of Education and the governing board of a school district from adopting instructional materials that contain any matter that reflects adversely on persons because of their race, sex, color, creed, handicap, national origin, or ancestry.

This bill would also prohibit the adoption of instructional materials that contain any matter that reflects adversely on persons because of their sexual orientation, thereby imposing a state-mandated local program in the case of school and community college districts.

(7) This bill would be named the Dignity for All Students Act.



(8) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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. This act may be cited as the “Dignity for
2 All Students Act.”

3 SEC. 2. Section 200 of the Education Code is amended
4 to read:

5 200. ~~(a)~~—It is the policy of the State of California to
6 afford all persons in public schools, regardless of their sex,
7 *sexual orientation*, ethnic group identification, race,
8 national origin, religion, or mental or physical disability,
9 equal rights and opportunities in the educational
10 institutions of the state. The purpose of this chapter is to
11 prohibit acts which are contrary to that policy and to
12 provide remedies therefor.

13 SEC. 3. Section 212.6 is added to the Education Code,
14 to read:

15 212.6. “Sexual orientation” means actual or perceived
16 heterosexuality, homosexuality, or bisexuality.

17 SEC. 4. Section 220 of the Education Code is amended
18 to read:

19 220. No person shall be subjected to discrimination on
20 the basis of sex, *sexual orientation*, ethnic group
21 identification, race, national origin, religion, color, or
22 mental or physical disability in any program or activity
23 conducted by an educational institution that receives, or



1 benefits from, state financial assistance or enrolls pupils
2 who receive state student financial aid.

3 SEC. 5. Section 233 of the Education Code is amended
4 to read:

5 233. (a) At the request of the Superintendent of
6 Public Instruction, the State Board of Education shall do
7 all of the following ~~as long as the board's actions do not~~
8 ~~result in a state mandate or an increase in costs to a state~~
9 ~~or local program~~:

10 (1) Adopt policies directed toward creating a school
11 environment in kindergarten and grades 1 to 12,
12 inclusive, that is free from discriminatory attitudes and
13 practices and acts of hate violence.

14 (2) Revise, as needed, and in accordance with the
15 State Board of Education's adopted Schedule for
16 Curriculum Framework Development and Adoption of
17 Instructional Materials developed pursuant to Section
18 60200, the state curriculum frameworks and guidelines
19 and the moral and civic education curricula to include
20 human relations education, with the aim of fostering an
21 appreciation of people of different ethnicities.

22 (3) Establish guidelines for use in teacher and
23 administrator in-service training programs to promote an
24 appreciation of diversity and to discourage the
25 development of discriminatory attitudes and practices
26 that prevent pupils from achieving their full potential.

27 (4) Establish guidelines for use in teacher and
28 administrator in-service training programs designed to
29 enable teachers and administrators to prevent and
30 respond to acts of hate violence occurring on their school
31 campuses.

32 (5) Establish guidelines designed to raise the
33 awareness and sensitivity of teachers, administrators, and
34 school employees to potentially prejudicial and
35 discriminatory behavior and to encourage the
36 participation of these groups in these programs.

37 (6) Develop guidelines relating to the development of
38 nondiscriminatory instructional and counseling methods.



1 (7) Revise any appropriate guidelines previously
2 adopted by the board to include procedures for
3 preventing and responding to acts of hate violence.

4 (b) The State Department of Education, in
5 accordance with policies established by the State Board
6 of Education for purposes of this subdivision, shall do all
7 of the following:

8 (1) Prepare guidelines for the design and
9 implementation of local programs and instructional
10 curricula that promote understanding, awareness, and
11 appreciation of the contributions of people with diverse
12 backgrounds and of harmonious relations in a diverse
13 society. The guidelines shall include methods of
14 evaluating the programs and curricula and suggested
15 procedures to ensure coordination of the programs and
16 curricula with appropriate local public and private
17 agencies.

18 (2) Provide grants, from funds appropriated for that
19 purpose, to school districts and county offices of
20 education to develop programs and curricula consistent
21 with the guidelines developed in paragraph (1).

22 (3) To the extent possible, provide advice and direct
23 services, consistent with the guidelines developed in
24 paragraph (1), to school districts and county offices of
25 education that implement the programs and curricula
26 developed in paragraph (2).

27 ~~(c) The State Board of Education shall carry out this~~
28 ~~section only if private funds, in an amount sufficient to~~
29 ~~pay for related State Department of Education staff~~
30 ~~activities on behalf of the board, are made available.~~

31 ~~(d)~~ Nothing in this section shall be construed to
32 require the governing board of a school district to offer
33 any ethnic studies or human relations courses in the
34 district.

35 ~~(e)~~

36 (d) As used in this section, "hate violence" means any
37 act punishable under Section 422.6, 422.7, or 422.75 of the
38 Penal Code.

39 SEC. 6. Section 235 of the Education Code is amended
40 to read:



1 235. There shall be no racial, sex, *sexual orientation*, or
2 ethnic discrimination in any aspect of the operation of
3 alternative schools, charter schools, or the Demonstration
4 Scholarship Program.

5 SEC. 7. Section 260 of the Education Code is amended
6 to read:

7 260. The governing board of a school district ~~shall~~
8 ~~have~~ *has* the primary responsibility for ensuring that
9 school district programs and activities are free from
10 discrimination based on ethnic group identification,
11 religion, age, sex, *sexual orientation*, color, or physical or
12 mental disability, and for monitoring compliance with
13 any and all rules and regulations promulgated pursuant
14 to Section 11138 of the Government Code.

15 SEC. 8. Section 35179 of the Education Code is
16 amended to read:

17 35179. (a) Each school district governing board ~~shall~~
18 ~~have~~ *has* general control of, and ~~be~~ *is* responsible for, all
19 aspects of the interscholastic athletic policies, programs,
20 and activities in its district, including, but not limited to,
21 eligibility, season of sport, number of sports, personnel,
22 and sports facilities. In addition, the board shall assure
23 that all interscholastic policies, programs, and activities in
24 its district are in compliance with state and federal law.

25 (b) Governing boards may enter into associations or
26 consortia with other boards for the purpose of governing
27 regional or statewide interscholastic athletic programs by
28 permitting the public schools under their jurisdictions to
29 enter into a voluntary association with other schools for
30 the purpose of enacting and enforcing rules relating to
31 eligibility for, and participation in, interscholastic athletic
32 programs among and between schools.

33 (c) Each governing board, or its designee, shall
34 represent the individual schools located within its
35 jurisdiction in any voluntary association of schools formed
36 or maintained pursuant to this section.

37 (d) No voluntary interscholastic athletic association, of
38 which any public school is a member, shall discriminate
39 against, or deny the benefits of any program to, any



1 person on the basis of race, sex, *sexual orientation*, or
2 ethnic origin.

3 (e) Interscholastic athletics is defined as those policies,
4 programs, and activities that are formulated or executed
5 in conjunction with, or in contemplation of, athletic
6 contests between two or more schools, either public or
7 private.

8 (f) This section shall ~~become inoperative on January 1,~~
9 ~~2001, and, as of January 1, 2001, remain in effect only until~~
10 ~~January 1, 2001, and as of that date is repealed~~, unless a
11 later enacted statute, ~~which becomes effective on or that~~
12 ~~is enacted~~ before January 1, 2001, deletes or extends ~~the~~
13 ~~dates on which it becomes inoperative and is repealed~~
14 ~~that date~~.

15 SEC. 9. Section 44100 of the Education Code is
16 amended to read:

17 44100. The Legislature finds and declares that:

18 (a) Generally, California school districts employ a
19 disproportionately low number of racial and ethnic
20 minority classified and certificated employees and a
21 disproportionately low number of women and members
22 of racial and ethnic minorities in administrative positions.

23 (b) It is educationally sound for the minority ~~student~~
24 *pupil* attending a racially impacted school to have
25 available to him *or her* the positive image provided by
26 minority classified and certificated employees. It is
27 likewise educationally sound for the ~~child~~ *pupil* from the
28 majority group to have positive experiences with
29 minority people which can be provided, in part, by
30 having minority classified and certificated employees at
31 schools where the enrollment is largely made up of
32 majority group ~~students~~ *pupils*. It is also educationally
33 important for ~~students~~ *pupils* to observe that women as
34 well as men can assume responsible and diverse roles in
35 society.

36 (c) Past employment practices created artificial
37 barriers and past efforts to promote additional action in
38 the recruitment, employment, and promotion of women
39 and minorities have not resulted in a substantial increase
40 in employment opportunities for these persons.



1 (d) Lessons concerning democratic principles and the
2 richness which racial diversity brings to our national
3 heritage can be best taught by the presence of staffs of
4 mixed races and ethnic groups working toward a
5 common goal.

6 It is the intent of the Legislature to establish and
7 maintain a policy of equal opportunity in employment for
8 all persons ~~and to prohibit discrimination based on race,~~
9 ~~sex, color, religion, age, disability, ancestry, or national~~
10 ~~origin~~ in every aspect of personnel policy and practice in
11 employment, development, advancement, and
12 treatment of persons employed in the public school
13 system, and to promote the total realization of equal
14 employment opportunity through a continuing
15 affirmative action employment program.

16 The Legislature recognizes that it is not enough to
17 proclaim that public employers do not discriminate in
18 employment but that effort must also be made to build a
19 community in which opportunity is equalized. It is the
20 intent of the Legislature to require educational agencies
21 to adopt and implement plans for increasing the numbers
22 of women and minority persons at all levels of
23 responsibility.

24 *It is also the intent of the Legislature to prohibit*
25 *discrimination based on race, sex, sexual orientation,*
26 *color, religion, age, disability, ancestry, or national origin*
27 *in every aspect of personnel policy and practice in*
28 *employment, development, advancement, and*
29 *treatment of persons employed in the public school*
30 *system.*

31 SEC. 10. Section 44830 of the Education Code is
32 amended to read:

33 44830. (a) ~~The~~ A governing board of a school district
34 shall employ for positions requiring certification
35 qualifications, only persons who possess the qualifications
36 therefor prescribed by law. It is contrary to the public
37 policy of this state for any person or persons charged, by
38 the governing boards, with the responsibility of
39 recommending persons for employment by the boards to
40 refuse or to fail to do so for reasons of race, color, religious



1 creed, sex, *sexual orientation*, or national origin of the
2 applicants for that employment.

3 (b) Commencing on February 1, 1983, no school
4 district governing board shall initially hire on a
5 permanent, temporary, or substitute basis a certificated
6 person seeking employment in the capacity designated in
7 his or her credential unless that person has demonstrated
8 basic skills proficiency as provided in Section 44252.5 or
9 unless the person is exempted from the requirement by
10 subdivisions (c), (d), (e), (f), (g), (h), (i), (j), (k), (l),
11 or (m).

12 (1) The governing board of a school district, with the
13 authorization of the Commission on Teacher
14 Credentialing, may administer the basic skills proficiency
15 test required under Sections 44252 and 44252.5.

16 (2) The superintendent, in conjunction with the
17 commission and local governing boards, shall take steps
18 necessary to ensure the effective implementation of this
19 subdivision.

20 It is the intent of the Legislature that in effectively
21 implementing the provisions of this subdivision, school
22 district governing boards shall direct superintendents of
23 schools to prepare for emergencies by developing a pool
24 of qualified emergency substitute teachers. This
25 preparation shall include public notice of the test
26 requirements and of the dates and locations of
27 administrations of the tests. District governing boards
28 shall make special efforts to encourage individuals who
29 are known to be qualified in other respects as substitutes
30 to take the state basic skills proficiency test at its earliest
31 administration.

32 (3) Demonstration of proficiency in reading, writing,
33 and mathematics by any person pursuant to Section 44252
34 shall satisfy the requirements of this subdivision.

35 (c) (1) A certificated person shall not be required to
36 take the state basic skills proficiency test if he or she has
37 been employed in a position requiring certification in any
38 school district within 39 months prior to employment
39 with the district. A person holding a valid California
40 credential who has not been employed in a position



1 requiring certification in any school district within 39
2 months prior to employment and who has not taken the
3 state basic skills proficiency test, but who has passed a
4 basic skills proficiency examination which has been
5 developed and administered by the school district
6 offering that person employment, may be employed by
7 the governing board of that school district on a temporary
8 basis on the condition that he or she will take the state
9 basic skills proficiency test within one year of the date of
10 his or her employment.

11 (2) A certificated person who is employed for
12 purposes of the class size reduction program set forth in
13 Chapter 6.10 (commencing with Section 52120) of Part 28
14 shall not be required to take the state basic skills
15 proficiency test if he or she has been employed in a
16 position requiring certification in any school district
17 within 39 months prior to employment with the district.
18 A person holding a valid California credential who has not
19 been employed in a position requiring certification in any
20 school district within 39 months prior to employment for
21 purposes of the class size reduction program and who has
22 not taken the state basic skills proficiency test may be
23 employed by the governing board of that school district
24 on a temporary basis on the condition that he or she will
25 take the state basic skills proficiency test within one
26 calendar year of the date of his or her employment.

27 (d) Nothing in this section shall require a person
28 employed solely for purposes of teaching adults in an
29 apprenticeship program, approved by the
30 Apprenticeship Standards Division of the Department of
31 Industrial Relations, to pass the state proficiency
32 assessment instrument as a condition of employment.

33 (e) Nothing in this section shall require the holder of
34 a child care permit or a permit authorizing service in a
35 development center for the handicapped to take the state
36 basic skills proficiency test, so long as the holder of the
37 permit is not required to have a baccalaureate degree.

38 (f) Nothing in this section shall require the holder of
39 a credential issued by the commission who seeks an



1 additional credential or authorization to teach, to take the
2 state basic skills proficiency test.

3 (g) Nothing in this section shall require the holder of
4 a credential to provide service in the health profession to
5 take the state basic skills proficiency test, ~~so long as~~ *if* that
6 person does not teach in the public schools.

7 (h) If the basic skills proficiency test is not
8 administered at the time of hiring, the holder of a
9 vocational designated subject credential who has not
10 already taken and passed the basic skills proficiency test
11 may be hired on the condition that he or she will take the
12 test at its next local administration.

13 (i) If the holder of a vocational designated subject
14 credential does not pass a proficiency assessment in basic
15 skills pursuant to this section, he or she shall be given one
16 year in which to retake and pass the proficiency
17 assessment in basic skills. If at the expiration of the
18 one-year period he or she has not passed the proficiency
19 assessment in basic skills, he or she shall be subject to
20 dismissal under procedures established in Article 3
21 (commencing with Section 44930) of Chapter 4.

22 (j) Nothing in this section shall be construed as
23 requiring the holder of a vocational designated subject
24 credential to pass the state basic skills proficiency test as
25 a condition of employment. The governing board of each
26 school district, or each governing board of a consortium
27 of school districts, or each governing board involved in a
28 joint powers agreement, which employs the holder of a
29 vocational designated subject credential shall establish its
30 own basic skills proficiency for these credentials and shall
31 arrange for those individuals to be assessed. The basic
32 skills proficiency criteria established by the governing
33 board shall be at least equivalent to the test required by
34 the district, or in the case of a consortium or a joint powers
35 agreement, by any of the participating districts, for
36 graduation from high school. The governing board or
37 boards may charge a fee to individuals being tested to
38 cover the costs of the test, including the costs of
39 developing, administering, and grading the test.



1 (k) Nothing in this section shall be construed as
2 requiring the holder of an adult education designated
3 subject credential for other than academic subjects, who
4 is employed in an instructional setting for 20 hours or less
5 per week, to pass the state proficiency assessment as a
6 condition of employment.

7 (l) Nothing in this section shall be construed to require
8 certificated personnel employed under a foreign
9 exchange program to take the state basic skills
10 proficiency test. The maximum period of exemption
11 under this subdivision shall be one year.

12 (m) Notwithstanding any other provision of law, a
13 school district may hire a certificated teacher who has not
14 taken the state basic skills proficiency test if that person
15 has not yet been afforded the opportunity to take the test.
16 The person shall then take the test at the earliest
17 opportunity and may remain employed by the district
18 pending the receipt of his or her test results.

19 SEC. 11. Section 45293 of the Education Code is
20 amended to read:

21 45293. No questions relating to political or religious
22 opinions or affiliations, race, color, national origin or
23 ancestry, sex, *sexual orientation*, or marital status shall be
24 asked of any applicant, or any candidate whose name has
25 been certified for appointment, nor shall any
26 discrimination be exercised therefor.

27 SEC. 12. Section 47605 of the Education Code is
28 amended to read:

29 47605. (a) (1) Except as set forth in paragraph (2),
30 a petition for the establishment of a charter school within
31 any school district may be circulated by any one or more
32 persons seeking to establish the charter school. The
33 petition may be submitted to the governing board of the
34 school district for review after either of the following
35 conditions are met:

36 (A) The petition has been signed by a number of
37 parents or guardians of pupils that is equivalent to at least
38 one-half of the number of pupils that the charter school
39 estimates will enroll in the school for its first year of
40 operation.



1 (B) The petition has been signed by a number of
2 teachers that is equivalent to at least one-half of the
3 number of teachers that the charter school estimates will
4 be employed at the school during its first year of
5 operation.

6 (2) In the case of a petition for the establishment of a
7 charter school through the conversion of an existing
8 public school, that would not be eligible for a loan
9 pursuant to subdivision (b) of Section 41365, the petition
10 may be circulated by any one or more persons seeking to
11 establish the converted charter school. The petition may
12 be submitted to the governing board of the school district
13 for review after the petition has been signed by not less
14 than 50 percent of the permanent status teachers
15 currently employed at the public school to be converted.

16 (3) A petition shall include a prominent statement
17 that a signature on the petition means that the parent or
18 guardian is meaningfully interested in having his or her
19 child, or ward, attend the charter school, or in the case of
20 a teacher's signature, means that the teacher is
21 meaningfully interested in teaching at the charter school.
22 The proposed charter shall be attached to the petition.

23 (b) No later than 30 days after receiving a petition, in
24 accordance with subdivision (a), the governing board of
25 the school district shall hold a public hearing on the
26 provisions of the charter, at which time the governing
27 board of the school district shall consider the level of
28 support for the petition by teachers employed by the
29 district, other employees of the district, and parents.
30 Following review of the petition and the public hearing,
31 the governing board of the school district shall either
32 grant or deny the charter within 60 days of receipt of the
33 petition, provided, however, that the date may be
34 extended by an additional 30 days if both parties agree to
35 the extension. In reviewing petitions for the
36 establishment of charter schools pursuant to this section,
37 the chartering authority shall be guided by the intent of
38 the Legislature that charter schools are and should
39 become an integral part of the California educational
40 system and that establishment of charter schools should



1 be encouraged. A school district governing board shall
2 grant a charter for the operation of a school under this
3 part if it is satisfied that granting the charter is consistent
4 with sound educational practice. The governing board of
5 the school district shall not deny a petition for the
6 establishment of a charter school unless it makes written
7 factual findings, specific to the particular petition, setting
8 forth specific facts to support one, or more, of the
9 following findings:

10 (1) The charter school presents an unsound
11 educational program for the pupils to be enrolled in the
12 charter school.

13 (2) The petitioners are demonstrably unlikely to
14 successfully implement the program set forth in the
15 petition.

16 (3) The petition does not contain the number of
17 signatures required by subdivision (a).

18 (4) The petition does not contain an affirmation of
19 each of the conditions described in subdivision (d).

20 (5) The petition does not contain reasonably
21 comprehensive descriptions of all of the following:

22 (A) A description of the educational program of the
23 school, designed, among other things, to identify those
24 whom the school is attempting to educate, what it means
25 to be an “educated person” in the 21st century, and how
26 learning best occurs. The goals identified in that program
27 shall include the objective of enabling pupils to become
28 self-motivated, competent, and lifelong learners.

29 (B) The measurable pupil outcomes identified for use
30 by the charter school. “Pupil outcomes,” for purposes of
31 this part, means the extent to which all pupils of the school
32 demonstrate that they have attained the skills,
33 knowledge, and attitudes specified as goals in the school’s
34 educational program.

35 (C) The method by which pupil progress in meeting
36 those pupil outcomes is to be measured.

37 (D) The governance structure of the school,
38 including, but not limited to, the process to be followed
39 by the school to ensure parental involvement.



- 1 (E) The qualifications to be met by individuals to be
2 employed by the school.
- 3 (F) The procedures that the school will follow to
4 ensure the health and safety of pupils and staff. These
5 procedures shall include the requirement that each
6 employee of the school furnish the school with a criminal
7 record summary as described in Section 44237.
- 8 (G) The means by which the school will achieve a
9 racial and ethnic balance among its pupils that is
10 reflective of the general population residing within the
11 territorial jurisdiction of the school district to which the
12 charter petition is submitted.
- 13 (H) Admission requirements, if applicable.
- 14 (I) The manner in which annual, independent,
15 financial audits shall be conducted, which shall employ
16 generally accepted accounting principles, and the
17 manner in which audit exceptions and deficiencies shall
18 be resolved to the satisfaction of the chartering authority.
- 19 (J) The procedures by which pupils can be suspended
20 or expelled.
- 21 (K) The manner by which staff members of the
22 charter schools will be covered by the State Teachers'
23 Retirement System, the Public Employees' Retirement
24 System, or federal social security.
- 25 (L) The public school attendance alternatives for
26 pupils residing within the school district who choose not
27 to attend charter schools.
- 28 (M) A description of the rights of any employee of the
29 school district upon leaving the employment of the school
30 district to work in a charter school, and of any rights of
31 return to the school district after employment at a charter
32 school.
- 33 (N) The procedures to be followed by the charter
34 school and the entity granting the charter to resolve
35 disputes relating to provisions of the charter.
- 36 (c) (1) Charter schools shall meet all statewide
37 standards and conduct the pupil assessments required
38 pursuant to Section 60605 and any other statewide
39 standards authorized in statute or pupil assessments
40 applicable to pupils in noncharter public schools.



1 (2) Charter schools shall on a regular basis consult with
2 their parents and teachers regarding the school's
3 educational programs.

4 (d) (1) In addition to any other requirement imposed
5 under this part, a charter school shall be nonsectarian in
6 its programs, admission policies, employment practices,
7 and all other operations, shall not charge tuition, and shall
8 not discriminate against any pupil on the basis of
9 ethnicity, national origin, gender, *sexual orientation*, or
10 disability. Except as provided in paragraph (2), admission
11 to a charter school shall not be determined according to
12 the place of residence of the pupil, or of his or her parent
13 or guardian, within this state, except that any existing
14 public school converting partially or entirely to a charter
15 school under this part shall adopt and maintain a policy
16 giving admission preference to pupils who reside within
17 the former attendance area of that public school.

18 (2) (A) A charter school shall admit all pupils who
19 wish to attend the school.

20 (B) However, if the number of pupils who wish to
21 attend the charter school exceeds the school's capacity,
22 attendance, except for existing pupils of the charter
23 school, shall be determined by a public random drawing.
24 Preference shall be extended to pupils currently
25 attending the charter school and pupils who reside in the
26 district. Other preferences may be permitted by the
27 chartering authority on an individual school basis and
28 only if consistent with the law.

29 (C) In the event of a drawing, the chartering authority
30 shall make reasonable efforts to accommodate the growth
31 of the charter school and, in no event, shall take any action
32 to impede the charter school from expanding enrollment
33 to meet pupil demand.

34 (e) No governing board of a school district shall
35 require any employee of the school district to be
36 employed in a charter school.

37 (f) No governing board of a school district shall require
38 any pupil enrolled in the school district to attend a charter
39 school.



1 (g) The governing board of a school district shall
2 require that the petitioner or petitioners provide
3 information regarding the proposed operation and
4 potential effects of the school, including, but not limited
5 to, the facilities to be utilized by the school, the manner
6 in which administrative services of the school are to be
7 provided, and potential civil liability effects, if any, upon
8 the school and upon the school district. The petitioner or
9 petitioners shall also be required to provide financial
10 statements that include a proposed first-year operational
11 budget, including startup costs, and cash-flow and
12 financial projections for the first three years of operation.

13 (h) In reviewing petitions for the establishment of
14 charter schools within the school district, the ~~school~~
15 ~~district~~ governing board *of the school district* shall give
16 preference to petitions that demonstrate the capability to
17 provide comprehensive learning experiences to pupils
18 identified by the petitioner or petitioners as academically
19 low achieving pursuant to the standards established by
20 the State Department of Education under Section 54032.

21 (i) Upon the approval of the petition by the governing
22 board of the school district, the petitioner or petitioners
23 shall provide written notice of that approval, including a
24 copy of the petition, to the State Board of Education.

25 (j) (1) If the governing board of a school district
26 denies a petition, the petitioner may elect to submit the
27 petition for the establishment of a charter school to either
28 the county board of education or directly to the State
29 Board of Education. The county board of education or the
30 State Board of Education, as the case may be, shall review
31 the petition pursuant to subdivision (b). If the petitioner
32 elects to submit a petition for establishment of a charter
33 school to the county board of education and the county
34 board of education denies the petition, the petitioner may
35 file a petition for establishment of a charter school with
36 the State Board of Education.

37 (2) A charter school for which a charter is granted by
38 either the county board of education or the State Board
39 of Education pursuant to this subdivision shall qualify



1 fully as a charter school for all funding and other purposes
2 of this part.

3 (3) If either the county board of education or the State
4 Board of Education fails to act on a petition within 120
5 days of receipt, the decision of the governing board of the
6 school district to deny a petition shall, thereafter, be
7 subject to judicial review.

8 (4) The State Board of Education shall adopt
9 regulations implementing this subdivision.

10 (5) Upon the approval of the petition by the county
11 board of education, the petitioner or petitioners shall
12 provide written notice of that approval, including a copy
13 of the petition to the State Board of Education.

14 (k) (1) The State Board of Education may, by mutual
15 agreement, designate its supervisory and oversight
16 responsibilities for a charter school approved by the State
17 Board of Education to any local education agency in the
18 county in which the charter school is located or to the
19 governing board of the school district that first denied the
20 petition.

21 (2) The designated local education agency shall have
22 all monitoring and supervising authority of a chartering
23 agency, including, but not limited to, powers and duties
24 set forth in Section 47607, except the power of revocation,
25 which shall remain with the State Board of Education.

26 (3) A charter school that has been granted its charter
27 by the State Board of Education and elects to seek
28 renewal of its charter shall, prior to expiration of the
29 charter, submit its petition for renewal to the governing
30 board of the school district that initially denied the
31 charter. If the governing board of the school district
32 denies the school's petition for renewal, the school may
33 petition the State Board of Education for renewal of its
34 charter.

35 (l) Teachers in charter schools shall be required to
36 hold a Commission on Teacher Credentialing certificate,
37 permit, or other document equivalent to that which a
38 teacher in other public schools would be required to hold.
39 These documents shall be maintained on file at the
40 charter school and shall be subject to periodic inspection



1 by the chartering authority. It is the intent of the
2 Legislature that charter schools be given flexibility with
3 regard to noncore, noncollege preparatory courses.

4 SEC. 13. Section 48204 of the Education Code, as
5 amended by Section 19.5 of Chapter 299 of the Statutes of
6 1997, is amended to read:

7 48204. Notwithstanding Section 48200, a pupil shall be
8 deemed to have complied with the residency
9 requirements for school attendance in a school district,
10 provided he or she is any of the following:

11 (a) A pupil placed within the boundaries of that school
12 district in a regularly established licensed children's
13 institution, or a licensed foster home, or a family home
14 pursuant to a commitment or placement under Chapter
15 2 (commencing with Section 200) of Part 1 of Division 2
16 of the Welfare and Institutions Code. An agency placing
17 a pupil in a home or institution described in this
18 subdivision shall provide evidence to the school that the
19 placement or commitment is pursuant to law.

20 (b) A pupil for whom interdistrict attendance has
21 been approved pursuant to Chapter 5 (commencing with
22 Section 46600) of Part 26.

23 (c) A pupil whose residence is located within the
24 boundaries of that school district and whose parent or
25 legal guardian is relieved of responsibility, control, and
26 authority through emancipation.

27 (d) A pupil who lives in the home of a caregiving adult
28 that is located within the boundaries of that school
29 district. Execution of an affidavit under penalty of perjury
30 pursuant to Part 1.5 (commencing with Section 6550) of
31 Division 11 of the Family Code by the caregiving adult
32 shall be a sufficient basis for a determination that the
33 pupil lives in the caregiver's home, unless the school
34 district determines from actual facts that the pupil is not
35 living in the caregiver's home.

36 (e) A pupil residing in a state hospital located within
37 the boundaries of that school district.

38 (f) An elementary school pupil, one or both of whose
39 parents, or whose legal guardian, is employed within the
40 boundaries of that school district.



1 (1) Nothing in this subdivision requires the school
2 district within which the pupil's parents or guardians are
3 employed to admit the pupil to its schools. Districts may
4 not, however, refuse to admit pupils under this
5 subdivision on the basis, except as expressly provided in
6 this subdivision, of race, ethnicity, sex, *sexual orientation*,
7 parental income, scholastic achievement, or any other
8 arbitrary consideration.

9 (2) The school district in which the residency of either
10 the pupil's parents or guardians is established, or the
11 school district to which the pupil is to be transferred
12 under this subdivision, may prohibit the transfer of the
13 pupil under this subdivision if the governing board of the
14 district determines that the transfer would negatively
15 impact the district's court-ordered or voluntary
16 desegregation plan.

17 (3) The school district to which the pupil is to be
18 transferred under this subdivision may prohibit the
19 transfer of the pupil if the district determines that the
20 additional cost of educating the pupil would exceed the
21 amount of additional state aid received as a result of the
22 transfer.

23 (4) Any district governing board prohibiting a transfer
24 pursuant to paragraph (1), (2), or (3) shall identify, and
25 communicate in writing to the pupil's parent or guardian,
26 the specific reasons for that determination and shall
27 ensure that the determination, and the specific reasons
28 therefor, are accurately recorded in the minutes of the
29 board meeting in which the determination was made.

30 (5) The average daily attendance for pupils admitted
31 pursuant to this subdivision shall be calculated pursuant
32 to Section 46607.

33 (6) Unless approved by the sending district, this
34 subdivision does not authorize a net transfer of pupils out
35 of any given district, calculated as the difference between
36 the number of pupils exiting the district and the number
37 of pupils entering the district, in any fiscal year in excess
38 of the following amounts:



1 (A) For any district with an average daily attendance
2 for that fiscal year of less than 501, 5 percent of the
3 average daily attendance of the district.

4 (B) For any district with an average daily attendance
5 for that fiscal year of 501 or more, but less than 2,501, 3
6 percent of the average daily attendance of the district or
7 25 pupils, whichever is greater.

8 (C) For any district with an average daily attendance
9 of 2,501 or more, 1 percent of the average daily
10 attendance of the district or 75 pupils, whichever is
11 greater.

12 (7) Once a pupil is deemed to have complied with the
13 residency requirements for school attendance pursuant
14 to this subdivision and is enrolled in a school in a school
15 district whose boundaries include the location where one
16 parent or both parents of a pupil is employed, or where
17 the pupil's legal guardian is employed, the pupil shall not
18 have to reapply in the next school year to attend a school
19 within that school district and the district governing
20 board shall allow the pupil to attend school through the
21 12th grade in that district if the parent or guardian so
22 chooses, subject to paragraphs (1) to (6), inclusive.

23 (g) This section shall remain in effect only until July 1,
24 2003, and as of that date is repealed, unless a later enacted
25 statute, which is enacted before July 1, 2003, deletes or
26 extends that date.

27 SEC. 14. Section 51004 of the Education Code is
28 amended to read:

29 51004. The Legislature hereby recognizes that it is the
30 policy of the people of the State of California to provide
31 an educational opportunity to the end that every ~~student~~
32 *pupil* leaving school shall have the opportunity to be
33 prepared to enter the world of work; that every ~~student~~
34 *pupil* who graduates from any state-supported
35 educational institution should have sufficient marketable
36 skills for legitimate remunerative employment; that
37 every qualified and eligible adult citizen shall be afforded
38 an educational opportunity to become suitably employed
39 in some remunerative field of employment; and that—~~such~~
40 *these* opportunities are a right to be enjoyed without



1 regard to race, creed, color, national origin, sex, *sexual*
2 *orientation*, or economic status.

3 The Legislature further recognizes that all ~~students~~
4 *pupils* need to be provided with opportunities to explore
5 and make career choices and to seek appropriate
6 instruction and training to support those choices. The
7 Legislature therefore finds that fairs as community
8 resource and youth leadership activities are integral to
9 assisting and guiding ~~students~~ *pupils* in making ~~such~~
10 *career* choices and therefore encourage the further
11 expansion of cooperative activities between schools,
12 youth leadership activities, and community resources.
13 Among community resources of particular significance in
14 providing information on various career opportunities
15 are vocational and occupational exhibits, demonstrations
16 and activities conducted at fairs.

17 SEC. 15. Section 51500 of the Education Code is
18 amended to read:

19 51500. No teacher shall give instruction nor shall a
20 school district sponsor any activity ~~which~~ *that* reflects
21 adversely upon persons because of their race, sex, *sexual*
22 *orientation*, color, creed, ~~handicap~~ *disability*, national
23 origin, or ancestry.

24 SEC. 16. Section 51501 of the Education Code is
25 amended to read:

26 51501. No textbook, or other instructional materials
27 shall be adopted by the state board or by any governing
28 board for use in the public schools which contains any
29 matter reflecting adversely upon persons because of their
30 race, sex, *sexual orientation*, color, creed, ~~handicap~~
31 *disability*, national origin, or ancestry.

32 SEC. 17. Section 58019 of the Education Code is
33 amended to read:

34 58019. The demonstration board shall authorize the
35 parents or legal guardian of scholarship recipients to use
36 the demonstration scholarships at any school in which the
37 scholarship recipient is enrolled which also:

38 (a) Meets all health and safety standards required by
39 law.



1 (b) Does not discriminate in the admission of ~~students~~
2 *pupils* and the hiring of teachers on the basis of race,
3 religion, color, national origin, economic status, political
4 affiliation, ~~or sex, or sexual orientation~~ and has filed a
5 certificate with the State Board of Education that the
6 school is in compliance with Title VI of the Civil Rights
7 Act of 1964 (Public Law 88-352); and provides that
8 ~~students~~ *pupils* from disadvantaged racial or bilingual
9 minority groups be admitted in proportion as ~~such~~
10 ~~students~~ *these pupils* make application; and takes an
11 affirmative position to secure a racially, ethnically, and
12 socioeconomically integrated student body which shall,
13 to the greatest possible extent, reflect the racial, ethnic,
14 and socioeconomic composition of the demonstration
15 area. Any school that receives applications in excess of
16 enrollment capacity shall fill at least 50 percent of its
17 enrollment capacity by a lottery among the applicants, to
18 further assure nondiscriminatory admissions procedures,
19 except when the contract provides that ~~students~~ *pupils*
20 currently enrolled and their younger siblings are not
21 subject to the lottery. Enforcement of this subdivision
22 shall be vested in the demonstration board. The
23 demonstration board shall immediately investigate all
24 complaints of violations of this subdivision and, after
25 adequate notice and hearings, shall suspend redemption
26 of any scholarships by any school in violation of this
27 subdivision. The decision of the demonstration board
28 shall be final, except that nothing in this subdivision shall
29 be construed so as to deny judicial review. ~~In the event~~
30 *If* an otherwise eligible school is subsequently found to be
31 ineligible, the demonstration board shall immediately
32 notify the parents of the ~~students~~ *pupils* in attendance of
33 ~~such~~ *the* ineligibility. In ~~such a~~ *this* case the district shall
34 provide for the continuing education of the child at
35 another school.

36 (c) In no case levies or requires any tuition, fee, or
37 charge to the participating ~~student~~ *pupil* above the value
38 of the education scholarship.



1 (d) Files with the demonstration board a statement of
2 financial responsibility in compliance with standards
3 established by the demonstration board.

4 (e) Provides public access to all financial and
5 administrative records and provides to the parent or
6 guardian of each eligible child in the demonstration area
7 comprehensive information, in written form, on the
8 courses of study offered, curriculum, materials and
9 textbooks, the qualifications of the teachers,
10 administrators, and paraprofessionals employed, the
11 minimum schoolday, the salary schedules, the actual
12 amount of money spent per pupil and ~~such~~ other
13 information as may be required by the demonstration
14 board. In no case shall the public have access to personal
15 information concerning individual pupils without the
16 express approval of the ~~students~~² *pupils*' parents or
17 guardians.

18 (f) Offers a comprehensive course of study in the basic
19 skill areas of mathematics and the English language.

20 (g) Maintains a register of reports, including monthly
21 attendance, and any other information as may be
22 required by the demonstration board.

23 (h) Expends the scholarship funds exclusively for the
24 secular education of ~~students~~ *pupils*.

25 SEC. 18. Section 60044 of the Education Code is
26 amended to read:

27 60044. No instructional materials shall be adopted by
28 any governing board for use in the schools which, in its
29 determination, contains:

30 (a) Any matter reflecting adversely upon persons
31 because of their race, color, creed, national origin,
32 ancestry, sex, ~~handicap~~ *sexual orientation, disability,* or
33 occupation.

34 (b) Any sectarian or denominational doctrine or
35 propaganda contrary to law.

36 SEC. 19. Section 66251 of the Education Code is
37 amended to read:

38 66251. It is the policy of the State of California to
39 afford all persons, regardless of their sex, *sexual*
40 *orientation,* ethnic group identification, race, national



1 origin, religion, or mental or physical disability, equal
2 rights and opportunities in the postsecondary institutions
3 of the state. The purpose of this chapter is to prohibit acts
4 that are contrary to that policy and to provide remedies
5 therefor.

6 SEC. 20. Section 66262.6 is added to the Education
7 Code, to read:

8 66262.6. “Sexual orientation” has the same meaning as
9 defined in Section 212.6.

10 SEC. 21. Section 66270 of the Education Code is
11 amended to read:

12 66270. No person shall be subjected to discrimination
13 on the basis of sex, *sexual orientation*, ethnic group
14 identification, race, national origin, religion, color, or
15 mental or physical disability in any program or activity
16 conducted by any postsecondary educational institution
17 that receives, or benefits from, state financial assistance
18 or enrolls students who receive state student financial aid.

19 SEC. 22. Section 66292 of the Education Code is
20 amended to read:

21 66292. (a) The governing board of a community
22 college district shall have the primary responsibility for
23 ensuring that community college district programs and
24 activities are free from discrimination based on ethnic
25 group identification, religion, age, sex, *sexual orientation*,
26 color, or physical or mental disability.

27 (b) The Chancellor’s office of the California
28 Community Colleges shall have responsibility for
29 monitoring the compliance of each district with any and
30 all regulations adopted pursuant to Section 11138 of the
31 Government Code.

32 SEC. 23. Section 66292.1 of the Education Code is
33 amended to read:

34 66292.1. The Chancellor of the California State
35 University and the president of each California State
36 University campus shall have the primary responsibility
37 for ensuring that campus programs and activities are free
38 from discrimination based on ethnic group identification,
39 religion, age, sex, *sexual orientation*, color, or physical or
40 mental disability.



1 SEC. 24. Section 66292.2 of the Education Code is
2 amended to read:

3 66292.2. The President of the University of California
4 and the chancellor of each University of California
5 campus shall have primary responsibility for ensuring
6 that campus programs and activities are free from
7 discrimination based on ethnic group identification,
8 religion, age, sex, *sexual orientation*, color, or physical or
9 mental disability.

10 SEC. 25. Section 69535 of the Education Code is
11 amended to read:

12 69535. (a) Cal Grant Program awards shall be based
13 upon the financial need of the applicant. The level of
14 financial need of each applicant shall be determined by
15 the commission pursuant to Article 1.5 (commencing
16 with Section 69503).

17 (b) For the applicants so qualifying, academic criteria
18 or criteria related to past performances shall be utilized
19 as the criteria in determining eligibility for grants.

20 (c) All Cal Grant Program award recipients shall be
21 residents of California, as determined by the commission
22 pursuant to Part 41 (commencing with Section 68000),
23 and shall remain eligible only if they are in attendance
24 and making satisfactory progress through the
25 instructional programs, as determined by the
26 commission.

27 (d) Part-time students shall not be discriminated
28 against in the selection of Cal Grant Program award
29 recipients, and awards to part-time students shall be
30 roughly proportional to the time spent in the
31 instructional program, as determined by the commission.
32 First-time Cal Grant Program award recipients who are
33 part-time students shall be eligible for a full-time renewal
34 award.

35 (e) Cal Grant Program awards shall be awarded
36 without regard to race, religion, creed, sex, *sexual*
37 *orientation*, or age.

38 (f) No applicant shall receive more than one type of
39 Cal Grant Program award concurrently. Except as



1 provided in subdivisions (b) and (c) of Section 69535.1,
2 no applicant shall:

3 (1) Receive one or a combination of Cal Grant
4 Program awards in excess of a total of four years of
5 full-time attendance in an undergraduate program.

6 (2) Have obtained a baccalaureate degree prior to
7 receiving a Cal Grant Program award, except as provided
8 in Section 69540.

9 (g) Cal Grant Program awards, except as provided in
10 subdivision (c) of Section 69535.1, may only be used for
11 educational expenses of a program of study leading
12 directly to an undergraduate degree or certificate, or for
13 expenses of undergraduate coursework in a program of
14 study leading directly to a first professional degree, but
15 for which no baccalaureate degree is awarded.

16 (h) Commencing in 1999, the commission shall, for
17 students who accelerate college attendance, increase the
18 amount of award proportional to the period of additional
19 attendance resulting from attendance in classes that
20 fulfill requirements or electives for graduation during
21 summer terms, sessions, or quarters. In the aggregate, the
22 total amount a student may receive in a four-year period
23 may not be increased as a result of accelerating his or her
24 progress to a degree by attending summer terms, sessions,
25 or quarters.

26 (i) The commission shall notify Cal Grant award
27 recipients of the availability of funding for the summer
28 term, session, or quarter through prominent notice in
29 financial aid award letters, materials, guides, electronic
30 information, and other means that may include, but not
31 be limited to, surveys, newspaper articles, or attachments
32 to communications from the commission and any other
33 published documents.

34 (j) The commission may provide by appropriate rules
35 and regulations for reports, accounting, and statements
36 from the award winner and college or university of
37 attendance pertaining to the use or application of the
38 award as the commission may deem proper.

39 (k) The commission may establish Cal Grant Program
40 awards in one hundred dollar (\$100) increments.



1 (I) A Cal Grant Program award may be utilized only
2 at the following institutions or programs:

3 (1) Any California private or independent
4 postsecondary educational institution or program that
5 participates in two of the three federal campus-based
6 student aid programs and whose students participate in
7 the Pell Grant program.

8 (2) Any nonprofit regionally accredited institution
9 headquartered and operating in California that certifies
10 to the commission that 10 percent of the institution's
11 operating budget, as demonstrated in an audited
12 financial statement, is expended for the purposes of
13 institutionally funded student financial aid in the form of
14 grants and that demonstrates to the commission that it
15 has the administrative capacity to administer the funds.

16 (3) Any California public postsecondary educational
17 institution or program.

18 SEC. 26. Section 69762 of the Education Code is
19 amended to read:

20 69762. Loans made pursuant to this chapter shall be
21 made without regard to race, religion, creed ~~or~~ sex, *or*
22 *sexual orientation*.

23 SEC. 27. Section 69958 of the Education Code is
24 amended to read:

25 69958. (a) Potential work-study positions may be
26 located by the institution or by eligible students in
27 cooperation with the institution. Each position located
28 shall be critically reviewed by the appropriate student
29 financial aid and experiential education personnel to
30 determine whether it satisfies all the conditions specified
31 in Section 69960. To assist the institution in assessing the
32 position, the employer shall submit a written statement
33 to the institution which provides all of the following
34 information:

- 35 (1) The total number of positions available.
- 36 (2) A job description of each available position,
37 including the suggested rate of pay.
- 38 (3) The skills required of the prospective work-study
39 employee.
- 40 (4) The educational benefits provided by the position.



1 (b) Once the institution has approved the work-study
2 position, the employer and the institution, acting as the
3 authorized agent of the Student Aid Commission, shall
4 execute a written agreement which confirms the
5 employer's eligibility to participate in the program and its
6 willingness to comply with all program requirements,
7 and specifies the responsibilities of each of the parties.
8 The agreement shall be subject to annual renewal by
9 mutual agreement of the institution and the employer.

10 (c) Following execution of the agreement pursuant to
11 subdivision (b), the employer may interview prospective
12 work-study employees. The institution shall provide the
13 employer and each applicant for the work-study position
14 with adequate information to facilitate a proper
15 placement. Provided that the priorities specified in
16 Section 69959 have been met, the employer may indicate
17 his or her hiring preferences. No employer shall
18 discriminate between applicants on the basis of race,
19 color, sex, *sexual orientation*, religion, or national origin,
20 or subject any applicant to any other discriminatory
21 practices prohibited by state or federal law.

22 SEC. 28. Section 72011 of the Education Code is
23 amended to read:

24 72011. Every community college district shall provide
25 access to its services, classes, and programs without
26 regard to race, religious creed, color, national origin,
27 ancestry, ~~handicap, or sex disability, sex, or sexual~~
28 *orientation*.

29 SEC. 29. Section 72014 of the Education Code is
30 amended to read:

31 72014. No funds under the control of a community
32 college district shall ever be used for membership or for
33 any participation involving a financial payment or
34 contribution, on behalf of the district or any individual
35 employed by or associated therewith, in any private
36 organization whose membership practices are
37 discriminatory on the basis of race, creed, color, sex,
38 *sexual orientation*, religion, or national origin. This
39 section does not apply to any public funds which have
40 been paid to an individual officer or employee of the



1 district as salary, or to any funds which are used directly
2 or indirectly for the benefit of student organizations.

3 SEC. 30. Section 87100 of the Education Code is
4 amended to read:

5 87100. The Legislature finds and declares that:

6 (a) Generally, California Community Colleges
7 employ a disproportionately low number of racial and
8 ethnic minority classified employees and faculty and a
9 disproportionately low number of women and members
10 of racial and ethnic minorities in administrative positions.

11 (b) It is educationally sound for the minority student
12 attending a racially impacted school to have available the
13 positive image provided by minority classified and
14 academic employees. It is likewise educationally sound
15 for the student from the majority group to have positive
16 experiences with minority people which can be provided,
17 in part, by having minority classified and academic
18 employees at schools where the enrollment is largely
19 made up of majority group students. It is also
20 educationally important for students to observe that
21 women as well as men can assume responsible and
22 diverse roles in society.

23 (c) Past employment practices created artificial
24 barriers and past efforts to promote additional action in
25 the recruitment, employment, and promotion of women
26 and minorities have not resulted in a substantial increase
27 in employment opportunities for ~~such persons~~ *women*
28 *and minorities*.

29 (d) Lessons concerning democratic principles and the
30 richness which racial diversity brings to our national
31 heritage can be best taught by the presence of staffs of
32 mixed races and ethnic groups working toward a
33 common goal.

34 It is the intent of the Legislature to establish and
35 maintain a policy of equal opportunity in employment for
36 all persons and to prohibit discrimination based on race,
37 sex, *sexual orientation*, color, religion, age, ~~handicap~~
38 *disability*, ancestry, or national origin in every aspect of
39 personnel policy and practice in employment,
40 development, advancement, and treatment of persons



1 employed in the public school system, and to promote the
2 total realization of equal employment opportunity
3 through a continuing affirmative action employment
4 program.

5 The Legislature recognizes that it is not enough to
6 proclaim that public employers do not discriminate in
7 employment but that effort must also be made to build a
8 community in which opportunity is equalized. It is the
9 intent of the Legislature to require educational agencies
10 to adopt and implement plans for increasing the numbers
11 of women and minority persons at all levels of
12 responsibility.

13 SEC. 31. Section 87400 of the Education Code is
14 amended to read:

15 87400. Governing boards of community college
16 districts shall employ for academic positions, only persons
17 who possess the qualifications therefor prescribed by
18 regulation of the board of governors. It shall be contrary
19 to the public policy of this state for any person or persons
20 charged, by those governing boards, with the
21 responsibility of recommending persons for employment
22 by those boards to refuse or to fail to do so for reasons of
23 race, color, religious creed, sex, *sexual orientation*, or
24 national origin of those applicants for that employment.

25 SEC. 32. Section 88112 of the Education Code is
26 amended to read:

27 88112. No questions relating to political or religious
28 opinions or affiliations, race, color, national origin or
29 ancestry, sex, *sexual orientation*, or marital status shall be
30 asked of any applicant, or any candidate whose name has
31 been certified for appointment, nor shall any
32 discrimination be exercised therefor.

33 SEC. 33. Section 89757 of the Education Code is
34 amended to read:

35 89757. None of the funds enumerated in Section
36 89756, nor any of the funds of an auxiliary organization,
37 shall ever be used by any university or college for
38 membership or for any participation involving a financial
39 payment or contribution, on behalf of the institution, or
40 any individual employed by or associated therewith, in



1 any private organization whose membership practices
2 are discriminatory on the basis of race, creed, color, sex,
3 *sexual orientation*, religion, or national origin. This
4 section does not apply to any public funds which have
5 been paid to an individual employee or officer as salary,
6 or to any funds which are used directly or indirectly for
7 the benefit of student organizations.

8 SEC. 34. Section 92150 of the Education Code is
9 amended to read:

10 92150. No state funds under the control of an officer
11 or employee of the University of California shall ever be
12 used for membership or for any participation involving a
13 financial payment or contribution, on behalf of the
14 university, or any individual employed by or associated
15 therewith, in any private organization whose
16 membership practices are discriminatory on the basis of
17 race, creed, color, sex, *sexual orientation*, religion, or
18 national origin. This section does not apply to any public
19 funds which have been paid to an individual employee or
20 officer of the university as salary, or to any funds which
21 are used directly or indirectly for the benefit of student
22 organizations.

23 SEC. 35. Notwithstanding Section 17610 of the
24 Government Code, if the Commission on State Mandates
25 determines that this act contains costs mandated by the
26 state, reimbursement to local agencies and school
27 districts for those costs shall be made pursuant to Part 7
28 (commencing with Section 17500) of Division 4 of Title
29 2 of the Government Code. If the statewide cost of the
30 claim for reimbursement does not exceed one million
31 dollars (\$1,000,000), reimbursement shall be made from
32 the State Mandates Claims Fund.

33 Notwithstanding Section 17580 of the Government
34 Code, unless otherwise specified, the provisions of this act
35 shall become operative on the same date that the act
36 takes effect pursuant to the California Constitution.

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