

AMENDED IN SENATE AUGUST 31, 1999

AMENDED IN SENATE AUGUST 17, 1999

AMENDED IN ASSEMBLY JUNE 2, 1999

AMENDED IN ASSEMBLY APRIL 15, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 537

**Introduced by Assembly Member Aroner Members Kuehl,
Hertzberg, and Villaraigosa
(Coauthor: Senator Johnston)**

February 18, 1999

~~An act to add Section 41858 to the Education Code, relating to school transportation. An act to amend Sections 200, 220, 66251, and 66270 of the Education Code, relating to sexual orientation discrimination.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 537, as amended, ~~Aroner Kuehl. School transportation: appropriation~~ *Sexual orientation discrimination.*

(1) Existing law provides that it is the policy of the State of California to afford all persons in public schools and postsecondary institutions, regardless of their sex, ethnic group identification, race, national origin, religion, or mental or physical disability, equal rights and opportunities in the educational institutions of the state.

This bill would also provide that it is the policy of the state to afford all persons in public school and postsecondary



institutions equal rights and opportunities in the educational institutions of the state, regardless of their sexual orientation.

Existing law prohibits a person from being subjected to discrimination on the basis of sex, ethnic group identification, race, national origin, religion, color, or mental or physical disability in any program or activity conducted by any educational institution or postsecondary educational institution that receives, or benefits from, state financial assistance or enrolls students who receive state student financial aid.

This bill would also prohibit a person from being subjected to discrimination on the basis of sexual orientation in any program or activity conducted by any educational institution or postsecondary educational institution that receives, or benefits from, state financial assistance or enrolls students who receive state student financial aid.

To the extent that this bill would impose new duties on school districts and community college districts, it would impose a state-mandated local program.

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

~~Existing law establishes a formula for the apportionment by the Superintendent of Public Instruction of an amount from the State School Fund to fund home-to-school transportation.~~

~~This bill would establish an alternative formula for funding home-to-school transportation for an eligible school district and would make a school district eligible if at least 50% of the pupils enrolled in the district qualified for free and reduced price meals, the district's basic home-to-school transportation entitlement was less than 15% of the district's home-to-school~~



~~approved expenses, and the number of average daily boardings by pupils enrolled in the school district who use public transit as home-to-school transportation in the 1997-98 fiscal year exceeded 30% of the district's enrollment.~~

~~This bill would make these provisions operative only in fiscal years in which funds are appropriated in the Budget Act for that fiscal year for the purposes of this bill. The bill would limit annual expenditure for these purposes to not more than \$500,000.~~

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

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

1 ~~SECTION 1. Section 41858 is added to the~~
2 *SECTION 1. This bill shall be known, and may be*
3 *cited, as the California Student Safety and Violence*
4 *Prevention Act of 2000.*
5 *SEC. 2. The Legislature finds and declares all of the*
6 *following:*
7 *(a) Under the California Constitution, all students of*
8 *public schools have the inalienable right to attend*
9 *campuses that are safe, secure, and peaceful. Violence is*
10 *the number one cause of death for young people in*
11 *California and has become a public health problem of*
12 *epidemic proportion. One of the Legislature's highest*
13 *priorities must be to prevent our children from the*
14 *plague of violence.*
15 *(b) The fastest growing, violent crime in California is*
16 *hate crime, and it is incumbent upon us to ensure that all*
17 *students attending public school in California are*
18 *protected from potentially violent discrimination.*
19 *Educators see how violence affects youth every day; they*
20 *know first hand that youth cannot learn if they are*
21 *concerned about their safety. This legislation is designed*
22 *to protect the institution of learning as well as our*
23 *students.*
24 *(c) Not only do we need to address the issue of school*
25 *violence but also we must strive to reverse the increase*
26 *in teen suicide. The number of teens who attempt suicide,*



1 as well as the number who actually kill themselves, has
2 risen substantially in recent years. Teen suicides in the
3 United States have doubled in number since 1960 and
4 every year over a quarter of a million adolescents in the
5 United States attempt suicide. Sadly, approximately 4,000
6 of these attempts every year are completed. Suicide is the
7 third leading cause of death for youths 15 through 24 years
8 of age. To combat this problem we must seriously
9 examine these grim statistics and take immediate action
10 to ensure all students are offered equal protection from
11 discrimination under California law.

12 SEC. 3. Section 200 of the Education Code is amended
13 to read:

14 200. ~~(a)~~—It is the policy of the State of California to
15 afford all persons in public schools, regardless of their sex,
16 ethnic group identification, race, national origin, religion,
17 ~~or~~ mental or physical disability, *or sexual orientation*,
18 equal rights and opportunities in the educational
19 institutions of the state. The purpose of this chapter is to
20 prohibit acts which are contrary to that policy and to
21 provide remedies therefor.

22 SEC. 2. Section 220 of the Education Code is amended
23 to read:

24 220. No person shall be subjected to discrimination on
25 the basis of sex, ethnic group identification, race, national
26 origin, religion, color, ~~or~~ mental or physical disability, *or*
27 *sexual orientation* in any program or activity conducted
28 by an educational institution that receives, or benefits
29 from, state financial assistance or enrolls pupils who
30 receive state student financial aid.

31 SEC. 3. Section 66251 of the Education Code is
32 amended to read:

33 66251. It is the policy of the State of California to
34 afford all persons, regardless of their sex, ethnic group
35 identification, race, national origin, religion, ~~or~~ mental or
36 physical disability, *or sexual orientation*, equal rights and
37 opportunities in the postsecondary institutions of the
38 state. The purpose of this chapter is to prohibit acts that
39 are contrary to that policy and to provide remedies
40 therefor.



1 SEC. 4. Section 66270 of the Education Code is
2 amended to read:

3 66270. No person shall be subjected to discrimination
4 on the basis of sex, ethnic group identification, race,
5 national origin, religion, color, or mental or physical
6 disability, or *sexual orientation* in any program or activity
7 conducted by any postsecondary educational institution
8 that receives, or benefits from, state financial assistance
9 or enrolls students who receive state student financial aid.

10 SEC. 5. Notwithstanding Section 17610 of the
11 Government Code, if the Commission on State Mandates
12 determines that this act contains costs mandated by the
13 state, reimbursement to local agencies and school
14 districts for those costs shall be made pursuant to Part 7
15 (commencing with Section 17500) of Division 4 of Title
16 2 of the Government Code. If the statewide cost of the
17 claim for reimbursement does not exceed one million
18 dollars (\$1,000,000), reimbursement shall be made from
19 the State Mandates Claims Fund.

20 ~~Education Code, to read:~~

21 ~~41858. (a) Notwithstanding any other provision of~~
22 ~~law, for purposes of this article, commencing with the~~
23 ~~1999-2000 fiscal year and each fiscal year thereafter, the~~
24 ~~home-to-school transportation allowance received by a~~
25 ~~school district that is eligible pursuant to subdivision (b)~~
26 ~~shall be established at an amount equal to the district~~
27 ~~prior year CBEDS enrollment times the prior year~~
28 ~~statewide average per pupil allowance for~~
29 ~~home-to-school transportation, but in no event shall the~~
30 ~~home-to-school transportation allowance be in an amount~~
31 ~~greater than the approved costs of home-to-school~~
32 ~~transportation received by that district for that fiscal year.~~

33 ~~(b) A school district is eligible for a home-to-school~~
34 ~~transportation allowance pursuant to subdivision (a) if it~~
35 ~~meets all of the following conditions:~~

36 ~~(1) At least 50 percent of the pupils enrolled in the~~
37 ~~district qualified for free and reduced price meals, as~~
38 ~~reported in 1997 to the Superintendent of Public~~
39 ~~Instruction.~~



1 ~~(2) The district's basic home-to-school transportation~~
2 ~~entitlement, exclusive of any funding available for~~
3 ~~home-to-school transportation from supplemental grants~~
4 ~~or transportation equalization formulas, was less than 15~~
5 ~~percent of the district's home-to-school approved~~
6 ~~expenses, as reported by Exhibit 1 A of the State~~
7 ~~Department of Education's 1997-98 home-to-school~~
8 ~~transportation apportionment exhibit.~~

9 ~~(3) The number of average daily boardings by pupils~~
10 ~~enrolled in the school district who use public transit as~~
11 ~~home-to-school transportation in the 1997-98 fiscal year,~~
12 ~~as reported to the State Department of Education by the~~
13 ~~school district, exceeded 30 percent of the district's~~
14 ~~CBEDS enrollment.~~

15 ~~(c) This section shall be operative only during those~~
16 ~~fiscal years in which funds are appropriated in the Budget~~
17 ~~Act for that fiscal year for the purposes of this section.~~

18 ~~(d) Not more than five hundred thousand dollars~~
19 ~~(\$500,000) may be expended annually pursuant to this~~
20 ~~section.~~

