

AMENDED IN SENATE SEPTEMBER 8, 1999

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 Members Kuehl, Hertzberg,  
Aroner, Hertzberg, Migden, and Villaraigosa**

*(Coauthor: Senator Johnston)*

*(Coauthors: Assembly Members Alquist, Bock, Calderon,  
Davis, Dutra, Firebaugh, Gallegos, Honda, Jackson,  
Keeley, Knox, Longville, Lowenthal, Mazzoni, Romero,  
Shelley, Steinberg, Strom-Martin, Thomson, Torlakson,  
Vincent, Wayne, Wesson, Wiggins, and Wildman)*

*(Coauthors: Senators Bowen, Figueroa, Hayden, Johnston,  
Murray, Solis, Speier, and Vasconcellos)*

February 18, 1999

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An act to amend Sections 200, 220, 66251, and 66270 of, to add Section 241 to, and to amend and renumber Sections 221 and 66271 of, the Education Code, relating to ~~sexual orientation~~ discrimination.

LEGISLATIVE COUNSEL'S DIGEST

AB 537, as amended, Kuehl. ~~Sexual—orientation discrimination~~ *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.

*Existing law makes it a crime for a person, whether or not acting under color of law, to willfully injure, intimidate, interfere with, oppress, or threaten any other person, by force or threat of force, in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States because of the other person's race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or because he or she perceives that the other person has one or more of those characteristics.*

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~~ any basis referred to in the aforementioned paragraph.

**Existing**

(2) *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~~ any basis referred to in paragraph (1) 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.

(3) *This bill would state that it does not require the inclusion of any curriculum, textbook, presentation, or other material in any program or activity conducted by an*



*educational institution or a postsecondary educational institution and would prohibit this bill from being deemed to be violated by the omission of any curriculum, textbook, presentation, or other material in any program or activity conducted by an educational institution or a postsecondary educational institution.*

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)~~

(4) 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 bill shall be known, and may be  
2 cited, as the California Student Safety and Violence  
3 Prevention Act of 2000.

4 SEC. 2. (a) The Legislature finds and declares all of  
5 the following:

6 ~~(a)~~

7 (1) 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



1 priorities must be to prevent our children from the  
2 plague of violence.

3 ~~(b)~~

4 (2) The fastest growing, violent crime in California is  
5 hate crime, and it is incumbent upon us to ensure that all  
6 students attending public school in California are  
7 protected from potentially violent discrimination.  
8 Educators see how violence affects youth every day; they  
9 know first hand that youth cannot learn if they are  
10 concerned about their safety. This legislation is designed  
11 to protect the institution of learning as well as our  
12 students.

13 ~~(e)~~

14 (3) Not only do we need to address the issue of school  
15 violence but also we must strive to reverse the increase  
16 in teen suicide. The number of teens who attempt suicide,  
17 as well as the number who actually kill themselves, has  
18 risen substantially in recent years. Teen suicides in the  
19 United States have doubled in number since 1960 and  
20 every year over a quarter of a million adolescents in the  
21 United States attempt suicide. Sadly, approximately 4,000  
22 of these attempts every year are completed. Suicide is the  
23 third leading cause of death for youths 15 through 24 years  
24 of age. To combat this problem we must seriously  
25 examine these grim statistics and take immediate action  
26 to ensure all students are offered equal protection from  
27 discrimination under California law.

28 SEC. 3. Section 200 of the Education Code is amended  
29 to read:

30 200. It is the policy of the State of California to afford  
31 all persons in public schools, regardless of their sex, ethnic  
32 group identification, race, national origin, religion,  
33 mental or physical disability, or ~~sexual orientation~~  
34 *regardless of any basis that is contained in the prohibition*  
35 *of hate crimes set forth in subdivision (a) of Section 422.6*  
36 *of the Penal Code*, equal rights and opportunities in the  
37 educational institutions of the state. The purpose of this  
38 chapter is to prohibit acts which are contrary to that  
39 policy and to provide remedies therefor.

40 ~~SEC. 2.~~



1 SEC. 4. Section 220 of the Education Code is amended  
2 to read:

3 220. No person shall be subjected to discrimination on  
4 the basis of sex, ethnic group identification, race, national  
5 origin, religion, color, mental or physical disability, or  
6 ~~sexual-orientation~~ *any basis that is contained in the*  
7 *prohibition of hate crimes set forth in subdivision (a) of*  
8 *Section 422.6 of the Penal Code* in any program or activity  
9 conducted by an educational institution that receives, or  
10 benefits from, state financial assistance or enrolls pupils  
11 who receive state student financial aid.

12 ~~SEC. 3.—~~

13 SEC. 5. Section 221 of the Education Code is  
14 renumbered to read:

15 ~~221.~~

16 220.5. This article shall not apply to an educational  
17 institution which is controlled by a religious organization  
18 if the application would not be consistent with the  
19 religious tenets of that organization.

20 SEC. 6. Section 241 is added to the Education Code,  
21 to read:

22 241. *Nothing in the California Student Safety and*  
23 *Violence Prevention Act of 2000 requires the inclusion of*  
24 *any curriculum, textbook, presentation, or other material*  
25 *in any program or activity conducted by an educational*  
26 *institution or postsecondary educational institution; the*  
27 *California Student Safety and Violence Prevention Act of*  
28 *2000 shall not be deemed to be violated by the omission*  
29 *of any curriculum, textbook, presentation, or other*  
30 *material in any program or activity conducted by an*  
31 *educational institution or postsecondary educational*  
32 *institution.*

33 SEC. 7. Section 66251 of the Education Code is  
34 amended to read:

35 66251. It is the policy of the State of California to  
36 afford all persons, regardless of their sex, ethnic group  
37 identification, race, national origin, religion, mental or  
38 physical disability, or ~~sexual-orientation~~ *regardless of any*  
39 *basis that is contained in the prohibition of hate crimes set*  
40 *forth in subdivision (a) of Section 422.6 of the Penal Code,*



1 equal rights and opportunities in the postsecondary  
2 institutions of the state. The purpose of this chapter is to  
3 prohibit acts that are contrary to that policy and to  
4 provide remedies therefor.

5 ~~SEC. 4.—~~

6 *SEC. 8.* Section 66270 of the Education Code is  
7 amended to read:

8 66270. No person shall be subjected to discrimination  
9 on the basis of sex, ethnic group identification, race,  
10 national origin, religion, color, or mental or physical  
11 disability, or ~~sexual-orientation~~ *any basis that is contained*  
12 *in the prohibition of hate crimes set forth in subdivision*  
13 *(a) of Section 422.6 of the Penal Code* in any program or  
14 activity conducted by any postsecondary educational  
15 institution that receives, or benefits from, state financial  
16 assistance or enrolls students who receive state student  
17 financial aid.

18 ~~SEC. 5.—~~

19 *SEC. 9.* Section 66271 of the Education Code is  
20 *renumbered to read:*

21 ~~66271.~~

22 66270.5. This chapter shall not apply to an educational  
23 institution that is controlled by a religious organization if  
24 the application would not be consistent with the religious  
25 tenets of that organization.

26 *SEC. 10.* Notwithstanding Section 17610 of the  
27 Government Code, if the Commission on State Mandates  
28 determines that this act contains costs mandated by the  
29 state, reimbursement to local agencies and school  
30 districts for those costs shall be made pursuant to Part 7  
31 (commencing with Section 17500) of Division 4 of Title  
32 2 of the Government Code. If the statewide cost of the  
33 claim for reimbursement does not exceed one million  
34 dollars (\$1,000,000), reimbursement shall be made from  
35 the State Mandates Claims Fund.

