Published on *Gay-Straight Alliance Network* (http://www.gsanetwork.org)

AB 537 Fact Sheet (California)

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California Student Safety and Violence Prevention Act

What is AB 537?

AB 537, the California Student Safety and Violence Prevention Act of 2000, changed California's Education Code by adding actual or perceived sexual orientation and gender identity to the existing nondiscrimination policy. State law says that ??gender? means sex, and includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.? The nondiscrimination policy also prohibits harassment and discrimination on the basis of sex, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability.

What does AB 537 cover?

AB 537 protects students and school employees against discrimination and harassment at all California public schools and any school receiving state funding except religious schools. Harassment is defined as ?conduct based on protected status that is severe or pervasive, which unreasonably disrupts an individual?s educational or work environment or that creates a hostile educational or work environment.? The protections cover any program or activity in a school, including extracurricular activities and student clubs. This gives GSAs and other LGBTQ-related student clubs state protection in addition to federal protection through the Equal Access Act.

How do you file a complaint?

First, file a complaint with your school. The process for filing a complaint at your school can vary. Look for information on how to make a complaint in your student handbook or ask a teacher or an administrator. It is often the same process as filing a sexual harassment complaint. If your school?s harassment report form does not specifically include sexual orientation and the expanded definition of ?gender,? consider working to change this as a goal of your activism.

Document everything. Write down the key details of the harassment such as who, what, when, where, and witnesses. Include details from meetings you have with administrators. Keep a copy of all reports you file and confirmation that they were received.

What is your school district obligated to do?

If your school does not adequately address your complaint, you can take your complaint to your district superintendent?s office (ask for the designated complaint officer or compliance coordinator). Your school district must follow the state?s ?Uniform Complaint Procedures,? which say that your school district must to do the following:

- Have a staff member who is responsible for receiving and investigating complaints who is knowledgeable about the law.
- Every year, notify parents, employees, students, and anyone interested of the district complaint procedures, including the right to appeal the school district?s decision to the California Department of Education.
- Protect you from retaliation after you make a complaint.
- Keep your complaint confidential as appropriate.
- Accept complaints from any youth, adult, public agency, or organization.
- Investigate your complaint, come up with a solution, and send you a written report no more than 60 days after they receive your complaint

What is the state Department of Education obligated to do?

- As the authority over public schools, the California Department of Education (CDE) is responsible for making sure that schools follow AB 537. If your school district fails to adequately resolve your complaint, the CDE is obligated to do the following:
- If your school district does not act within 60 days of receiving your complaint or if you appeal the school district's decision, the CDE is obligated to complete an investigation

within 60 days, and make a decision about whether the school district has lived up to its responsibilities and whether it needs to do anything else.
- Require schools to take steps to improve problems raised through investigation of complaints.
- Request a report of the schools? actions and keep a file of every written complaint received.

Other options for holding your school accountable:

- **Litigation.** You can sue your school district. With the help of an attorney, students can ask a judge to order the school to stop discrimination before it happens or continues. This is called injunctive relief. It?s cool because a judge issues an ?injunction? (order) to your school district ? and your school district has to do it immediately! You can do this while going through the complaint process.
- **Community Organizing**. Organize other students, teachers, staff, parents, and community allies to form a community response to the problems of homophobia and transphobia in your school. Think of AB 537 as a tool and use it as leverage to work to change the school climate.

To learn more about how you can implement and enforce AB 537, check out our Make It Real campaign [1] for a guide and student organizing manual or contact us [2].

Download the pdf version [3]

Source URL: http://www.gsanetwork.org/resources/legal-resources/ab-537-fact-sheet-california

Links:
[1] http://www.gsanetwork.org/get-involved/change-your-school/campaigns/make-it-real
[2] http://www.gsanetwork.org/about-us/contact
[3] http://www.gsanetwork.org/files/resources/ab%20537.pdf