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Seth's Law Passes State Assembly

AB 9 is an important step toward creating a safer school environment for California students

LGBT equality organizations disappointed by removal of key provisions

Sacramento- Yesterday the California State Assembly passed Seth's Law (AB 9), in a 52-26 vote. Seth's Law is designed to address the pervasive problem of school bullying by providing California schools with tools to create a safe school environment for all students. The bill is

authored by Assemblymember Tom Ammiano and co-sponsored by a coalition of organizations advancing LGBT equality, including Equality California, the ACLU of California, National Center for Lesbian Rights, Gay-Straight Alliance Network, and the Trevor Project. The bill is named in memory of Seth Walsh, a 13 year-old gay student from Tehachapi, California, who took his life in September 2010, after facing years of relentless anti-gay harassment at school.

AB 9 would ensure that every school in California implements updated anti-harassment and anti-discrimination policies that include actual or perceived sexual orientation, gender identity, gender expression, gender, race, ethnicity, nationality, disability, and religion or association with one or more of these groups. It would also inform students and parents of their rights and how to address incidents of bullying.

During last week's Assembly Appropriations Committee hearing, key provisions were removed due to cost considerations, including a provision that would hold students who bully accountable by working with them to understand and take responsibility for harm caused, instead of relying only on suspension and expulsion as a first response. However, when factoring in the hard-dollar costs that result from bullying such as truancy, higher drop-out rates, hate crimes, suicides, involvement with the criminal justice system, and the emotional harm to students and their families, the cost to the state to prevent bullying may be much less.

LGBT equality organizations are working with the Senate and Assembly to add back the critical mechanisms schools need to reduce bullying.

"We cannot put a price on the lives of youth like Seth Walsh. Thousands of other students suffer because they are tormented everyday at school," said Jim Carroll, Interim Executive Director of Equality California. "Despite support from Assembly leadership, Seth's Law was stripped of some of its most powerful tools because long-term cost savings resulting from a reduction in bullying were not taken into consideration. Focusing solely on the short-term costs associated with enacting this critically important legislation is not the optimal way to address our state's budget crisis. We look forward to working with the Senate and Assembly leadership to reinstate in Seth's Law the critical mechanisms our schools need to substantially reduce bullying."Schools often do not have the tools or knowledge to adequately protect lesbian, gay, bisexual, and transgender (LGBT) students and others from bullying, which remains a serious issue across California and the rest of the nation. Students, parents, and school employees often don't know what the rules are or what to do if bullying occurs.

"While any step to end bullying and harassment is a positive one, this bill could do more to protect lesbian, gay, bisexual, and transgender youth," said Carolyn Laub, Executive Director of Gay-Straight Alliance Network. "We hope that by passing Seth's Law, even in this altered form, the legislature is signaling its commitment to creating safe schools and that we can work with the Senate to strengthen the law."?GSA Network reviewed the websites of every school district in California and found that only 34% post their Student Non-Discrimination Policy. Of those, only 84% include sexual orientation and only 4% include gender identity and gender expression. Furthermore, only 24% of school district websites in California provide information for students and parents on where and how to file a complaint."Public schools have tremendous power and responsibility to protect students from bullying and harassment," said Elizabeth Gill, Staff

Attorney with the ACLU of California. “Schools need to hold students who bully accountable, but relying on suspension and expulsion alone is a missed opportunity to teach appropriate behavior and respect for differences. The Assembly left out an important component to making our schools safe for all students when they omitted that provision.”

In a recent national survey, 9 out of 10 LGBT students reported being harassed at school. The problem persists in California as well, with LGBT students reporting significant harassment. The California Safe Schools Coalition reported in 2010 that 42% of California students who identify as lesbian, gay or bisexual and 62% who identify as transgender reported being harassed at least once based on gender non-conformity.“The relentless bullying and harassment faced by so many children and youth in schools will continue unless schools take action to address the root causes of bullying,” said National Center for Lesbian Rights Executive Director Kate Kendell. “The legislature has an obligation and responsibility to make sure that school officials are doing everything possible to create a school culture of mutual respect and inclusion.”What’s more, young people often face bullying and harassment based on what their peers perceive to be their sexual orientation or gender identity, regardless of whether they identify as being LGBT. According to the most recent California Healthy Kids Survey 12% of 7th graders and 10% of 9th graders reported being harassed based on their actual or perceived sexual orientation.

“The Trevor Project is committed to ensuring that the important provisions that promote psychological well-being and mental health are discussed in the Senate,” said David McFarland, Interim Executive Director of The Trevor Project. “Recognizing the complex nature of bullying behavior, and that bullies are often also victims, it is paramount that California’s schools have the tools they need to effectively address bullying in a way that promotes safety for all youth.”

The consequences of bullying and harassment can include falling grades, depression, and risk of suicide. Lesbian, gay, and bisexual youth are four times more likely than their heterosexual peers to attempt suicide.Under the current version of Seth’s Law, every school district in the state would:

- Create strong and clear anti-harassment policies and programs, if they don’t have them already, and publish them on school websites and in student-parent handbooks.
- Have a system in place to ensure that all reports of harassment are taken seriously, addressed quickly, and that parents and students understand the process of making these complaints.
- Explain the harmful impact of bullying and discrimination to students and staff and work to build a school-wide culture of inclusion and respect for difference.
- Establish a list of statewide and community-based resources that would be available to students who have experienced bullying and their families.

The key provisions that were taken out during the Assembly Appropriations Committee hearing include:

- Provide alternatives to relying exclusively on suspension that are designed to teach students about appropriate school behavior. This approach would ensure that students who bully are held accountable and that they understand the harms bullying causes.

- Provide ongoing professional development for teachers, school counselors and administrators about identifying and stopping harassment and discrimination and creating a school-wide culture of inclusion and respect for differences.?

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Equality California is the largest statewide lesbian, gay, bisexual, and transgender rights advocacy organization in California. Over the past decade, Equality California has strategically moved California from a state with extremely limited legal protections for LGBT individuals to a state with some of the most comprehensive civil rights protections in the nation. Equality California has passed more than 70 pieces of legislation and continues to advance equality through legislative advocacy, electoral work, public education and community empowerment. www.eqca.org [6]

The American Civil Liberties Union (ACLU) of California is part of the nationwide, nonpartisan organization with more than 550,000 members dedicated to the defense and promotion of the guarantees of individual liberty secured by state and federal Constitutions and civil rights statutes. www.ACLU.org [7]

The National Center for Lesbian Rights is a national legal organization committed to advancing the human and civil rights of the lesbian, gay, bisexual, and transgender community through litigation, public policy advocacy, and public education. www.NCLRrights.org [8]

Gay-Straight Alliance Network (GSA Network) is a national youth leadership organization that empowers youth activists to fight homophobia and transphobia in schools by training student leaders and supporting student-led Gay-Straight Alliance clubs throughout the country. In California alone, GSA Network has brought GSA clubs to 56% of public high schools, impacting more than 1.1 million students at 850 schools. GSA Network's youth advocates have played a key role in changing laws and policies that impact youth at the local and state level. GSA Network operates the National Association of GSA Networks, which unites more than 30 statewide networks of GSA clubs throughout the country. GSA Network is also the founder of the Make It Better Project, which aims to stop bullying and prevent suicide.www.gsanetwork.org [9]

The Trevor Project is the leading national organization providing crisis intervention and suicide prevention services to LGBTQ youth. Every day, The Trevor Project saves young lives through its free and confidential lifeline, in-school workshops, educational materials, online resources and advocacy.www.TheTrevorProject.org [10]

http://www.gsanetwork.org [9]

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