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Audit Reveals Breakdown in Schools? Compliance With State Nondiscrimination Laws, Lack of Leadership From Department of Education

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New audit of schools finds that while the majority of districts and schools have implemented some non-discrimination policies, a lack of leadership and evaluation hobbles enforcement, and California law not fully aligned with federal Department of Education nondiscrimination policy

(SACRAMENTO) -- Today, the California State Auditor released the School Safety and Nondiscrimination Laws report [1] revealing that while most educational agencies surveyed have complied with some policies, there is inconsistent implementation and a lack of leadership from the California Department of Education, leading to serious concerns with the enforcement of the law.

Prompted by reports of pervasive, and often severe, bullying and harassment against lesbian, gay, bisexual and transgender students, Equality California and Gay-Straight Alliance Network partnered with then Assemblymembers Ricardo Lara and Betsy Butler to call on the Joint Legislative Audit Committee to authorize an audit of local education agencies (LEAs) and to report on the level of compliance with laws that protect students from discrimination, bullying and harassment. In addition to a statewide survey, the auditors visited three large urban school districts ? Fresno, Los Angeles and Sacramento City ? based on California Healthy Kids Survey bullying percentages, enrollment size and geographical location.

?It?s been 13 years, an entire generation of students, since California originally passed non-discrimination protections for LGBTQ youth and we're only now seeing some accountability," said Carolyn Laub, Executive Director of Gay-Straight Alliance Network. "We?re heartened that the Auditor recommends restorative justice and other best practices, and we urge the Department of Education and local school districts to see this troubling report as a wake-up call, so that the next generation of students -- no matter their race, disability, sexual orientation, or gender identity -- are safe and have the opportunity to stay in school and succeed.?

?It is unfortunate that it took an epidemic of bullying to draw the state?s attention to this lack of enforcement of the school safety and nondiscrimination laws,? said John O?Connor, Executive Director of EQCA. ?A majority of issues found with schools and districts can be addressed through stronger leadership from the Department of Education. We call on the Department of Education to step up and ensure that districts statewide have access to resources, trainings and evaluations of previous policies to guarantee student success.?

Among the report?s key findings:

- Although most local educational agencies have established policies and programs to comply with recent changes to state law regarding discrimination, harassment, intimidation, and bullying, school sites do not consistently implement these policies and most do not evaluate the effectiveness of their school safety practices

- The Department of Education needs to better fulfill its school safety leadership responsibilities under California law and provide up-to-date guidance on best practices for preventing and addressing bullying, violence, and discrimination.

- California law does not always align with key components of anti-bullying legislation that the U.S. Department of Education has identified. For example, California law does not meet key components in requiring LEAs to develop policies using a collaborative process, in providing counseling or mental health referrals for victims, and in requiring that local educational agencies (LEAs) train all school staff and annually report all bullying incidents to the State.

- The audit also highlights a troubling delay in response time from the Department of Education in reviewing appeals of student complaints, including at least one complaint that exceeded the required 60-day deadline by 305 days, meaning that the complaint was not resolved for an entire calendar year.

These findings are not representative of the local educational agencies in the state that did not respond to the audit, and the detailed findings concern only three large urban school districts. The Department of Education bears the responsibility for ensuring that all local educational agencies, including charter schools, are compliant with state law, and their guidance and leadership matters significantly for the 1,000+ school districts, which are often much smaller, in the state that were not closely examined in this audit.

Additionally, given the major finding in the audit is that the state is not aligned with key components of anti-bullying legislation as identified by the U.S. Department of Education, the Auditor recommends that lawmakers align California law with Federal Department of Education policy standards.

Under various federal and state laws, public schools have an obligation to provide students equal educational opportunity by combating racism, sexism, and other forms of bias in schools. The California Safe Place to Learn Act ? established in 2008 and amended in 2012 ? reinforced these federal and state protections by requiring the California Department of Education to assess

whether local educational agencies ? school districts, charter schools, and county offices of education ? have adopted policies in compliance with the law to address this act, among other requirements.

?The anti-bullying bills signed into law over the last couple of years were passed to ensure our students are safe and protected at school, because their success depends on it,? said Betsy Butler, EQCA Institute Board Member. ?It is in this vein that every entity involved in the education of our children needs to commit to the enforcement and regulation of these laws.?

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Equality California (EQCA) is the largest statewide lesbian, gay, bisexual, and transgender advocacy organization in California. Over the past decade, Equality California has strategically moved California from a state with extremely limited legal protections for lesbian, gay, bisexual and transgender people to a state with some of the most comprehensive human rights protections in the nation. Equality California has partnered with legislators to successfully sponsor more than 90 pieces of pro-equality legislation. EQCA continues to advance equality through legislative advocacy, electoral work, public education and community empowerment. www.eqca.org[2]

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 61% of public high schools, impacting more than 1.2 million students at 940 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 37 statewide networks of GSA clubs throughout the country.

Press Release
http://gsanetwork.org [3]

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[1] http://www.bsa.ca.gov/reports/summary/2012-108
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