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Accountability after 13 years

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It?s been 13 years, an entire generation of students, since California originally passed non-discrimination protections based on sexual orientation and gender identity. Now, with the state auditor's report on School Safety & Non-Discrimination Laws [1], we're finally getting some accountability -- and the news isn't good.

The audit clearly confirms what Gay-Straight Alliance youth leaders have experienced for years: California is falling short in its duty to ensure that all students ? no matter their race, disability, sexual orientation, or gender identity or expression ? are safe and have the opportunity to stay in school and succeed.

Image: 1999 Lobby Day for non-discrimination law

The audit reveals a breakdown in complaint procedures, inconsistent implementation of the law at school sites, and a need for more leadership and guidance from the California Department of Education.

We're heartened, though, by the Auditor's solid recommendations, including restorative justice, peer mediation, and other best practices that improve school climate and keep students in school. The report also calls out the importance of data collection and analysis to track the effectiveness of anti-discrimination and anti-bullying programs and tools. Over the year, we will use these recommendations to urge the CDE and local districts to show leadership and work with youth and community partners to ensure students have the opportunity to graduate.

Some of the audit'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.

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Links:
[1] http://gsanetwork.org/news/audit-reveals-breakdown-schools%E2%80%99-compliance-state-nondiscrimination-laws-lack-leadership-depart