

# AB 606 FACT SHEET

## THE SAFE PLACE TO LEARN ACT

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**Current law prohibits harassment and other forms discrimination on the basis of actual and perceived sexual orientation and gender in California schools, but many districts are failing to address this critical safety issue or adequately comply with the law.**

### WHAT IS THE PURPOSE OF THE PROPOSED LAW?

The Safe Place to Learn Act provides clarification and guidance to school districts and the Department of Education regarding what steps should be taken to ensure compliance with the California Student Safety and Violence Act of 2000 (AB537). This necessary clarification and the reaffirmation of the State Superintendent's right to withhold funding from schools that are not in compliance with the California Student Safety and Violence Prevention Act of 2000, will help assure that current school safety standards regarding harassment and discrimination are fully and properly implemented.

### WHAT WOULD THE SAFE PLACE TO LEARN ACT DO?

This legislation will clarify the minimum steps school districts and the Department of Education must take to fulfill their obligations to ensure the safety of all their students. These school district standards include:

- Establishing and publicizing a non-discrimination policy that specifically includes, but is not limited to, actual or perceived sexual orientation and gender identity.
- Updating all publications on school safety specifically to address harassment and discrimination based on actual or perceived sexual orientation, gender identity, disability, gender, nationality, race or ethnicity, and religion.
- Ensuring that teachers and school staff are informed on how to identify and take appropriate remedial steps against harassment and discrimination through trainings or annual dissemination of guidelines that specifically and effectively address bias related to sexual orientation, gender identity, disability, gender, nationality, race or ethnicity, and religion.
- Maintaining documentation of all complaints concerning discrimination and harassment.

AB 606 also requires the Department of Education to make available information on trainings, curricula, and other resources that specifically and effectively address harassment and discrimination based on actual or perceived sexual orientation and gender identity.

If these standards are not met, the Superintendent may withhold state educational funding to school districts and utilize the withheld funding to implement the California Student Safety and Violence Prevention Act of 2000.

### WHY IS A NEW LAW NECESSARY?

The Student Safety and Violence Prevention Act went into effect January 1, 2000. This Act prohibits harassment and other forms of discrimination on the basis of actual or perceived sexual orientation and gender (including gender identity), disability, nationality, race or ethnicity, and religion. However, since this law was enacted, discrimination based on actual or perceived sexual orientation and gender identity continues to be pervasive in California schools and many schools districts are not in compliance with the law.

### IS HARASSMENT AND DISCRIMINATION STILL A PROBLEM?

Numerous studies point to an ongoing problem of discrimination and violence that has severe consequences for students and schools. One such study, the *Safe Place to Learn* report issued by the 4-H Center for Youth Development at UC Davis and the California Safe Schools Coalition, cites findings from the 2001-02 California Healthy Kids Survey, which found that:

- 7.5 percent of California students reported being harassed on the basis of actual or perceived sexual orientation, which translates to over 200,000 middle school and high school students harassed every year.

- 91 percent of lesbian, gay, bisexual and transgender (LGBT) students reported hearing students make negative comments based on sexual orientation.
- Compared to students who were not harassed, students harassed based on actual or perceived sexual orientation are:
  - More than three times as likely to report missing at least one day of school in the last 30 days because they felt unsafe.
  - Twice as likely to report depression, seriously considering suicide and making a plan for attempting suicide.
  - More likely to have low grades, be victims of violence, or use illegal substances.

## **WHAT ARE SCHOOL DISTRICTS DOING TO ADDRESS THE PROBLEM?**

The California Safe Schools Coalition recently conducted the *Safe Schools Policy Survey*. This Survey was completed by school districts from across the state and illustrates the successes and challenges that districts face in creating safe schools and reducing harassment. The survey found that:

- 60% of school districts do not have policies preventing discrimination and harassment based on gender identity, appearance or behavior, as mandated by state law.
- Less than half of districts require that all their teachers are trained to address discrimination and harassment based on sexual orientation.
- 14% of districts do not train school site administrators to address discrimination and harassment based on sexual orientation.
- 17% of districts are not aware of the resources available to conduct teacher trainings that would address discrimination and harassment based on sexual orientation and gender identity.

This data clearly demonstrates that school districts and the State must reaffirm and strengthen their commitment to ensuring that all California schools continue to work to reduce violence and harassment, improve student safety at school, and improve students' connections to school, to the community, and to supportive adults. Moreover, this data illustrates the need to outline and clarify the basic steps necessary to assure that California schools address this critical safety issue: establishing and publicizing a non-discrimination policy; training teachers on addressing harassment and discrimination; providing training and curriculum resources; and properly documenting and addressing complaints.

## **DOES THE PROPOSED LAW CREATE A NEW MANDATE?**

AB 606 does not create a new mandate, but relies on previous requirements under state law. This legislation provides clarification and guidance on how to implement these requirements by reinforcing the minimum steps school districts and the Department of Education must take to ensure the safety of all their students.

AB 606 does not include compulsory training for teachers. This legislation would only require that school districts, during the normal course of offering trainings, offer trainings to inform teachers of the appropriate manner in which to identify and respond to discrimination and harassment including, but not limited to, actual or perceived gender identity and sexual orientation.

AB 606 does not create any further mandates that require school districts or the state expend new funds, it only requires that they meet their obligations under current law. This bill clarifies that during the normal course of providing trainings and updating and re-printing publications relevant to harassment and discrimination, school districts incorporate topics that are inclusive, but not limited to, actual or perceived gender identity and sexual orientation.