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AB-1955 Support Academic Futures and Educators for Today's Youth Act. (2023-2024)

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Assembly Bill No. 1955

CHAPTER 95

An act to add Sections 220.1, 220.3, and 220.5 to, and to add Article 2.6 (commencing with Section 217) to Chapter 2 of Part 1 of Division 1 of Title 1 of, the Education Code, relating to pupil rights.

[Approved by Governor July 15, 2024. Filed with Secretary of State July 15, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1955, Ward. Support Academic Futures and Educators for Today's Youth Act.

(1) Existing law requires the State Department of Education to develop resources or, as appropriate, update existing resources for in-service training on schoolsite and community resources for the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) pupils, and strategies to increase support for LGBTQ pupils, as specified.

This bill would require the State Department of Education to develop resources or, as appropriate, update existing resources, for supports and community resources for the support of parents, guardians, and families of LGBTQ pupils and strategies to increase support for LGBTQ pupils, as specified.

(2) Existing law prohibits discrimination on the basis of, among other characteristics, gender, gender identity, gender expression, and sexual orientation in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state student financial aid. Existing law requires the State Board of Education to adopt regulations to implement these provisions.

This bill would prohibit school districts, county offices of education, charter schools, and the state special schools, and a member of the governing board or body of those educational entities, from enacting or enforcing any policy, rule, or administrative regulation that requires an employee or a contractor to disclose any information related to a pupil's sexual orientation, gender identity, or gender expression to any other person without the pupil's consent unless otherwise required by law, as provided. The bill would prohibit employees or contractors of those educational entities from being required to make such a disclosure unless otherwise required by law, as provided. The bill would prohibit employees or contractors of school districts, county offices of education, charter schools, or the state special schools, or members of the governing boards or bodies of those educational entities, from retaliating or taking adverse action against an employee on the basis that the employee supported a pupil in the exercise of specified rights, work activities, or providing certain instruction, as provided.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known, and may be cited, as the Support Academic Futures and Educators for Today's Youth Act or SAFETY Act.

SEC. 2. The Legislature finds and declares all of the following:

- (a) All pupils deserve to feel safe, supported, and affirmed for who they are at school.
- (b) Choosing when to “come out” by disclosing an LGBTQ+ identity, and to whom, are deeply personal decisions, impacting health and safety as well as critical relationships, that every LGBTQ+ person has the right to make for themselves.
- (c) Parents and families across California understand that coming out as LGBTQ+ is an extremely personal decision and want to support their children in coming out to them on their own terms.
- (d) Parents and families have an important role to play in the lives of young people. Studies confirm that LGBTQ+ youth thrive when they have parental support and feel safe sharing their full identities with them, but it can be harmful to force young people to share their full identities before they are ready.
- (e) Policies that forcibly “out” pupils without their consent remove opportunities for LGBTQ+ young people and their families to build trust and have these conversations when they are ready.
- (f) LGBTQ+ pupils have the right to express themselves freely at school without fear, punishment, or retaliation, including that teachers or administrators might “out” them without their permission. Policies that require outing pupils without their consent violate pupils’ rights to privacy and self-determination.
- (g) Pupils have a constitutional right to privacy when it comes to sensitive information about them, and courts have affirmed that young people have a right to keep personal information private.
- (h) Laws and policies that target or invite targeting of pupils on the basis of gender or sexual orientation are prohibited under state and federal law.
- (i) Attacks on the rights, safety, and dignity of transgender, gender-expansive, and other LGBTQ+ youth continue to grow across the country, including here in California. These efforts are having a measurable impact on the health and well-being of LGBTQ+ pupils, and have led to a rise in bullying, harassment, and discrimination.
- (j) School policies that support LGBTQ+ pupils and their parents and families in working towards family acceptance on their own terms, without interference from teachers and school staff, build safety and trust within school communities.
- (k) (1) Teachers and school staff can provide crucial support to LGBTQ+ young people and can play an important role in encouraging them to seek out appropriate resources and support.
 - (2) Affirming school environments significantly reduce the odds of transgender youth attempting suicide, according to The Trevor Project Research Brief: LGBTQ & Gender-Affirming Spaces (2020).
 - (3) LGBTQ+ students with supportive staff at their school experienced a number of positive outcomes, including being less likely to feel unsafe at school because of their gender expression or sexual orientation, or both, and reporting lower levels of depression, according to Joseph G. Kosciw, Ph.D., et al., The 2019 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation’s Schools (2019).
 - (4) Transgender and gender-nonconforming youth with supportive educators had better education outcomes, according to Michelle Marie Johns et al., Protective Factors Among Transgender and Gender Variant Youth: A Systematic Review by Socioecological Level (2018).
- (l) School personnel have faced increasing harassment and adverse employment actions because of their lawful efforts to protect pupil privacy, to protect pupils from discrimination, to provide instruction consistent with state standards, and to create a safe and supportive learning environment for all pupils, including LGBTQ+ pupils.
- (m) This harassment and adverse treatment of school personnel prevents all pupils from accessing safe and supportive learning environments.
- (n) No school employee should suffer an adverse employment action because the employee supported a pupil or pupils in exercising their legal rights to privacy, nondiscrimination, state-aligned instructional materials, and equal educational opportunity.

SEC. 3. Article 2.6 (commencing with Section 217) is added to Chapter 2 of Part 1 of Division 1 of Title 1 of the Education Code, to read:

Article 2.6. Supports and Resources for Parents, Guardians, and Families of Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning Pupils

217. (a) (1) The department shall develop resources, or, as appropriate, update existing resources, for supports and community resources for the support of parents, guardians, and families of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) pupils and strategies to increase support for LGBTQ pupils and thereby improve overall school and community climate. The resources shall be designed for use in schools operated by a school district or county office of education and charter schools serving pupils in grades 7 to 12, inclusive.

(2) The department shall develop the supports and community resources for parents, guardians, and families of LGBTQ pupils in collaboration with parents, guardians, and families of, including, but not limited to, LGBTQ pupils.

(b) The department shall periodically update the supports and community resources for the support of parents, guardians, and families of LGBTQ pupils to reflect changes in law.

(c) (1) As used in this section, school-based supports and community resources for the support of parents, guardians, and families of LGBTQ pupils include, but are not limited to, all of the following:

(A) Parents, guardians, and families of LGBTQ pupils support groups or affinity clubs and organizations.

(B) Safe spaces for parents, guardians, and families of LGBTQ pupils.

(C) Antibullying and harassment policies and related complaint procedures for parents, guardians, and families to access.

(D) Counseling services.

(E) School staff who have received antibias or other training aimed at supporting LGBTQ youth and their parents, guardians, and families.

(F) Suicide prevention policies and related procedures for parents, guardians, and families to access.

(2) As used in this section, community resources for the support of parents, guardians, and families of LGBTQ pupils include, but are not limited to, both of the following:

(A) Local community-based organizations that provide support to parents, guardians, and families of LGBTQ youth.

(B) Local physical and mental health providers with experience in treating and supporting parents, families, and guardians of LGBTQ youth.

SEC. 4. Section 220.1 is added to the Education Code, to read:

220.1. An employee or a contractor of a school district, county office of education, charter school, or state special school for the blind or the deaf, or a member of the governing board of a school district or county office of education or a member of the governing body of a charter school, shall not in any manner retaliate or take adverse action against any employee, including by placing the employee on administrative leave, on the basis that the employee (a) supported a pupil in the exercise of rights set forth in Article 1 (commencing with Section 200) of, Article 2.7 (commencing with Section 218) of, Article 3 (commencing with Section 220) of, or Article 4 (commencing with Section 221.5) of, this chapter, (b) performed the employee's work activities in a manner consistent with the recommendations or employer obligations set forth in this chapter, or (c) provided instruction to pupils consistent with the current content standards, curriculum frameworks, and instructional materials adopted by the state board, and any other requirements of this code, including, but not limited to, Section 51204.5 and the California Healthy Youth Act (Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2).

SEC. 5. Section 220.3 is added to the Education Code, to read:

220.3. (a) An employee or a contractor of a school district, county office of education, charter school, or state special school for the blind or the deaf shall not be required to disclose any information related to a pupil's sexual orientation, gender identity, or gender expression to any other person without the pupil's consent unless otherwise required by state or federal law.

(b) Subdivision (a) does not constitute a change in, but is declaratory of, existing law.

SEC. 6. Section 220.5 is added to the Education Code, to read:

220.5. (a) A school district, county office of education, charter school, state special school for the blind or the deaf, or a member of the governing board of a school district or county office of education or a member of the governing body of a charter school, shall not enact or enforce any policy, rule, or administrative regulation that would require an employee or a contractor to disclose any information related to a pupil's sexual orientation, gender identity, or gender expression to any other person without the pupil's consent, unless otherwise required by state or federal law.

(b) Subdivision (a) does not constitute a change in, but is declaratory of, existing law.

(c) Any policy, regulation, guidance, directive, or other action of a school district, county office of education, charter school, or state special school for the blind or the deaf, or a member of the governing board of a school district or county office of education or a member of the governing body of a charter school, that is inconsistent with subdivision (a) is invalid and shall not have any force or effect.