Date of Hearing: June 26, 2024

ASSEMBLY COMMITTEE ON EDUCATION Al Muratsuchi, Chair AB 1955 (Ward) – As Amended May 22, 2024

SUBJECT: Support Academic Futures and Educators for Today's Youth Act

SUMMARY: Requires the California Department of Education (CDE) to develop resources and strategies to support Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning (LGBTQ+) students and their families; prohibits a public school employee, contractor, or board member, from retaliating or taking adverse action against any employee for supporting a student in the exercise of their rights; performing their work activities consistent with state law or employer obligations; or providing instruction to students consistent with the current content standards, curriculum frameworks, and instructional materials adopted by the State Board of Education (SBE); prohibits an employee or contractor from being required to disclose any information related to a student's consent; prohibits public schools from enacting or enforcing any policy requiring an employee or contractor to disclose any information related to a student's sexual orientation, without the student's consent; and requires that any such policy be invalid. Specifically, **this bill**:

- 1) Establishes the Support Academic Futures and Educators for Today's Youth (Safety) Act.
- 2) Prohibits an employee or contractor of a school district, county office of education (COE), charter school, or state special school, or a member of a governing board or body, from retaliating or taking adverse action against any employee, including by placing the employee on administrative leave, on the basis that the employee supported a student in the exercise of specified rights; performed their work activities consistent with state law or employer obligations; or provided instruction to students consistent with the current content standards, curriculum frameworks, and instructional materials adopted by the SBE, including the California Healthy Youth Act.
- 3) Prohibits an employee or contractor of a school district, COE, charter school, or state special school, from being required to disclose any information related to a student's sexual orientation, gender identity, or gender expression to any other person without the student's consent, unless required by federal law. States that this is declaratory of existing law.
- 4) Prohibits a school district, COE, charter school, or state special school, or a member of a governing board or body, from enacting or enforcing any policy, rule, or administrative regulation requiring an employee or contractor to disclose any information related to a student's sexual orientation, gender identity, or gender expression to any other person without the student's consent, unless otherwise required by state or federal law. States that this is declaratory of existing law.
- 5) States that any policy, regulation, or guidance, directive, or other action of a school district, COE, charter school, or state special school that is inconsistent with (5) be deemed invalid and prohibits it from having any force or effect.

- 6) Requires the CDE to develop or update resources to be used in schools serving students in grades 7 to 12, for the support of students, parents, guardians, and families of LGBTQ+ students to increase support for these students and thereby improve the overall school and community climate.
- 7) Requires the CDE to develop community resources and supports in collaboration with parents, guardians, and families, including, but not limited to, those of LGBTQ+ students.
- 8) Requires the CDE to update the resources and supports periodically to reflect changes in law.
- 9) Requires the resources to be designed for use in schools serving students in grades 7 to 12, operated by school districts, county offices of education (COE), and charter schools.
- 10) Specifies that school-based supports include:
 - a) LGBTQ+ student support groups, affinity clubs, and organizations;
 - b) Safe spaces for families of LGBTQ+ students;
 - c) Anti-bullying and harassment policies and related complaint procedures;
 - d) Counseling services;
 - e) School staff who have received anti-bias or other training to support LGBTQ+ students and their families; and
 - f) Suicide prevention policies and procedures for families to access.

11) Specifies that community resources for the support of families of LGBTQ+ students include:

- a) Local community-based organizations that provide support to families of LGBTQ+ students; and
- b) Local physical and mental health providers with experience in treating and supporting families of LGBTQ+ youth.

EXISTING LAW:

- Prohibits discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, 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. (Education Code (EC) 220)
- 2) Requires the California Department of Education (CDE) to monitor, through its federal program monitoring process, whether LEAs have:
 - a) Adopted a policy that prohibits discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics defined as hate crimes, and immigration status, disability, gender, gender identity, gender expression, nationality, race or

ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The policy must include a statement that the policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district;

- b) Adopted a process for receiving and investigating complaints relating to discrimination, harassment, intimidation, and bullying;
- c) Publicized antidiscrimination, anti-harassment, anti-intimidation, and anti-bullying policies, including information about the manner in which to file a complaint, to students, parents, employees, agents of the governing board, and the general public;
- d) Provided certificated school employees in schools serving students in grades 7 to 12, information on existing schoolsite and community resources related to the support of LGBTQ+ students, or related to the support of students who may face bias or bullying on the basis of religious affiliation, or perceived religious affiliation;
- e) Posted the policy in all schools and offices, including staff lounges and student government meeting rooms;
- f) Maintained documentation of complaints and their resolution for a minimum of one review cycle;
- g) Ensured that complainants are protected from retaliation and that their identity remains confidential, as appropriate; and
- h) Identified a responsible LEA officer for ensuring compliance. (EC 234.1)
- 3) Requires the CDE, by July 1, 2021, to develop resources or, as appropriate, update existing resources for in-service training on schoolsite and community resources for the support of LBGTQ+ students, and strategies to increase support for LGBTQ+ students and improve overall school climate. Requires the resources to be designed for use in schools operated by a school district, COE, and charter schools serving students in grades 7 to 12, inclusive. Encourages schools serving students in grades 7 to 12 to use these resources to provide training at least once every two years to teachers and other certificated employees. (EC 218)
- 4) Defines schoolsite resources to support LGBTQ students as including:
 - a) Peer support or affinity clubs and organizations;
 - b) Safe spaces for LGBTQ pupils;
 - c) Anti-bullying and harassment policies and related complaint procedures;
 - d) Counseling services;
 - e) School staff who have received anti-bias or training aimed at supporting LGBTQ youth;
 - f) Health and curriculum materials that are inclusive of and relevant to LGBTQ youth;

- g) Suicide prevention policies and related procedures;
- h) Policies relating to the use of school facilities, including bathrooms and locker rooms; and
- i) Policies and procedures to protect the privacy of LGBTQ pupils. (EC 218)
- 5) Defines community resources for the support of LGBTQ students as:
 - a) Local community-based organizations that provide support to LGBTQ youth; and
 - b) Local physical and mental health providers with experience in treating and supporting LGBTQ youth. (EC 218)
- 6) Requires the CDE to complete the development of an online training curriculum and online delivery platform by July 1, 2025, and requires LEAs to provide and require at least one hour of training annually to all certificated staff, beginning with the 2025-26 school year through the 2029-30 school year, on cultural competency in supporting LGBTQ+ students. Requires the LEA to maintain documentation on the completion of the training by each employee, as specified. (EC 218.3)
- Requires the SPI to convene an advisory task force, by July 1, 2024, to identify the needs of LGBTQ+ students and to make recommendations to assist in implementing supportive policies and initiatives to address LGBTQ+ students education and well-being. (EC 219)
- 8) Requires the CDE to display current information, and periodically update information, on curricula and other resources that specifically address bias-related discrimination, harassment, intimidation, cyber sexual bullying, and bullying on its website. (EC 234.2)
- 9) Requires the CDE to develop, and post on its website, a model handout describing the policies addressing bias-related discrimination, harassment, intimidation, and bullying in schools. (EC 234.3)
- 10) Requires a charter school to include in its petition to establish the charter school the procedures that the charter school will follow to ensure the safety of students and staff (EC 47605).
- 11) Requires school districts, COEs, state special schools and diagnostic centers operated by the CDE, and charter schools to provide annual training, using the online training module provided by the State Department of Social Services (DSS), to their employees who are mandated reporters during the course of the school year, and to develop a process for all persons required to receive training within the first six weeks of each school year, or within the first six weeks of the person's employment. (EC 44691)

FISCAL EFFECT: According to the Senate Appropriations Committee:

1) To the extent that LEAs need to revise or modify their policies as a result of this measure and also issue guidance to parents and guardians of students, they may incur additional, unknown Proposition 98 General Fund costs on a one-time basis to comply. Additionally, this bill

could result in potential legal costs to LEAs should there be lawsuits filed as a result of the bill's prohibition. The extent of these costs is unknown, and the state would need to reimburse school districts for any activities that the Commission on State Mandates determines to be a reimbursable state mandate.

- 2) The Department of Justice (DOJ) indicates that the bill may have an unquantifiable but potentially significant impact on its Civil Rights Enforcement Section (CRES). First, the bill is likely to be challenged and potentially enjoined. If it survives the challenge, it is likely that most school districts would comply, but there are likely to be numerous holdouts and districts that, for political reasons, refuse to comply and instead invite an enforcement action. The CRES would likely be tasked with carrying out those enforcement actions. The DOJ anticipates that based on its experience in litigating one "forced outing" case and supporting client agencies in handling these issues, there would be an increase in staff hours, potentially reaching multiple full-time employees, in order to carry out enforcement of this law.
- 3) The CDE estimates one-time General Fund costs of approximately \$54,000 to update and reformat existing online supports and community resources for parents of LGBTQ+ students, and ongoing General Fund costs of \$22,000 to review, revise, and repost departmental webpages to comply with this measure.

COMMENTS:

Need for the bill. According to the author, "Choosing when to come out and to whom is a deeply personal decision that every LGBTQ+ young individual has the right to make for themselves. LGBTQ+ youth and their families deserve to decide on their own terms when and how to have conversations about identity. Young people thrive when they have parental support and feel safe sharing their authentic selves at home, but it can be harmful to force young people to share their full identities before they're ready. AB 1955, the Support Academic Futures & Educators for Today's Youth Act (SAFETY Act), strengthens existing protections, ensuring all students are safe, supported, and not isolated due to any part of their identity, as well as supports families to have personal conversations and work towards family acceptance on their own terms."

LGBTQ+ *students' mental health challenges.* According to the Trevor *Project's 2023 National Survey on the Mental Health of LGBTQ*+ *Young People*, which surveyed more than 28,000 LGBTQ+ youth aged 13 to 24 years across the U.S.:

- 46% of LGBTQ+ youth aged 13-17 considered suicide in the past year, and 17% attempted suicide;
- 70% of LGBTQ+ young people aged 13-17 reported experiencing symptoms of anxiety, and 57% reported symptoms of depression;
- Nearly 1 in 3 LGBTQ+ youth said their mental health was poor most of the time or always due to anti-LGBTQ+ policies and legislation;
- 24% of LGBTQ+ young people reported that they have been physically threatened or harmed in the past year due to their sexual orientation or gender identity;

- 60% of LGBTQ+ young people reported that they have felt discriminated against in the past year due to their sexual orientation or gender identity; and
- LGBTQ+ young people with access to affirming homes, schools, community events, and online spaces reported lower rates of attempting suicide;

Family rejection increases risks. An analysis of data from the National Transgender Discrimination Survey found that 42.3% of individuals reported a suicide attempt, and 26.3% reported misusing drugs or alcohol to cope with transgender-related discrimination. In addition, family rejection was associated with increased odds of both behaviors. (Klein, 2016)

A growing body of research shows that while negative familial responses to youths' sexual orientation have often been linked to negative health outcomes such as depression, substance abuse, homelessness, and sexual risk-taking, family acceptance has been associated with psychosocial support. Youth feeling greater parent support was associated with a healthier psychological state and with experiences of lower levels of parental abuse, whereas perceiving lower levels of parent support was related to higher levels of depressive symptoms and higher levels of parental abuse. (Grossman, 2021)

LGBTQ+ *students' experiences impact academic outcomes.* The Gay Lesbian Straight Education Network's (GLSEN) 2021 National School Climate Survey of over 22,000 LGBTQ+ youth between the ages of 13 and 21 included the following findings:

- 82% of LGBTQ+ students reported feeling unsafe in school because of at least one of their actual or perceived personal characteristics;
- LGBTQ+ students most commonly avoided school bathrooms, locker rooms, and physical education or gym classes, with approximately 4 in 10 students avoiding each of these spaces because they felt unsafe or uncomfortable;
- 58% of students reported hearing homophobic remarks from their teachers or other school staff, and 72% of students reported hearing negative remarks about gender expression from teachers or other school staff;
- 97% of LGBTQ+ students heard "gay" used in a negative way (e.g., "that's so gay") at school; 68% heard these remarks frequently or often, and 94% reported that they felt distressed because of this language;
- 83% of LGBTQ+ students who attended school in-person at some point during the 2021-2022 academic year experienced in-person harassment or assault based on personal characteristics, including sexual orientation, gender expression, gender, religion, actual or perceived race or ethnicity, and actual or perceived disability;
- 31% were physically harassed (e.g., pushed or shoved) in the past year based on their sexual orientation, gender expression, or gender, 22% of LGBTQ+ students were physically harassed at school based on their sexual orientation, 21% based on gender expression, and 20% based on gender;

- 59% of LGBTQ+ students had experienced LGBTQ+-related discriminatory policies or practices at school. Some of the most common discriminatory policies and practices experienced by LGBTQ+ students were those that targeted students' gender, potentially limiting their ability to make gender-affirming choices and negatively impacting their school experience;
- Of the LGBTQ+ students who indicated that they were considering dropping out of school, 31% indicated that they were doing so because of the hostile climate created by gendered school policies and practices; and
- LGBTQ+ students who experienced higher levels of in-person victimization because of their sexual orientation:
 - Were nearly three times as likely to have missed school in the past month than those who experienced lower levels (61% vs. 23%);
 - Felt lower levels of belonging to their school community, performed poorer academically, (2.83 vs. 3.15 average GPA), and were nearly twice as likely to report that they did not plan to pursue any post-secondary education as those who experienced lower levels (17% vs. 9%);
 - Were nearly twice as likely to have been disciplined at school than those who experienced lower levels of victimization (61% vs. 34%); and
 - Had lower self-esteem and higher levels of depression than those who experienced lower levels of victimization.

The GSLEN report notes that "Students who feel safe and supported at school have better educational outcomes. LGBTQ+ students who have LGBTQ+-related school resources report better school experiences and academic success. Unfortunately, all too many schools fail to provide these critical resources."

Schoolsite supports can improve outcomes for LGBTQ+ students. Several supportive factors at school appear to improve academic outcomes and safety for LGBTQ+ students. Research shows that LGBTQ+ students with many supportive educators feel safer at school, skip fewer classes, earn higher grades, and have fewer school-related problems than those without supportive educators (Russell, 2010). Students in schools with Gay Straight Alliance (GSA) clubs report less harassment and assault, are more likely to report these incidents when they occur, and are less likely to miss school because of safety concerns.

The 2021 GSLEN survey recommendations include the following ways that school-based supports can positively affect LGBTQ+ students' school experiences:

- Increasing student access to appropriate and accurate information regarding LGBTQ+ people, history, and events through inclusive curricula, and library and internet resources;
- Supporting student clubs, such as GSAs, that provide support for LGBTQ+ students;

- Providing professional development for school staff to improve rates of intervention and increase the number of supportive teachers and other staff available to students;
- Ensuring that school policies and practices, such as those related to dress codes and school dances, do not discriminate against LGBTQ+ students;
- Enacting school policies that provide transgender and gender nonconforming students equal access to school facilities and activities; and
- Adopting and implementing comprehensive bullying/harassment policies that specifically enumerate sexual orientation, gender identity, and gender expression in individual schools and districts, with clear and effective systems for reporting and addressing incidents that students experience.

Arguments in support. The GLSEN writes, "Choosing when to come out and to whom is a deeply personal decision that every LGBTQI+ young individual has the right to make for themselves. Many families understand this and want to support their children coming out to them on their own terms. Unfortunately, not all young people are able to be their authentic selves at home safely, and, in those cases, schools can be a critical source of support. Schools are one of the earliest places where youth will come out to others, often providing a separate space for children to gain self-confidence before expressing their sexual orientation or gender identity to family. 60% of LGBQ+ youth share their sexual orientation with friends before family, and 74% of LGBTQI+ youth have yet to share their identity with all family members. Students often refuse external support out of fear of being outed to their parents. According to GLSEN's 2021 National School Climate Survey, 44% of LGBTQI+ children who never reported harassment at school are fearful that school staff will out them to their family. Additionally, 41% of LGBTQI+ children who want mental health support do not pursue care because they will need to obtain their parent's permission. These concerns are often justified, as 57% of LGBTQI+ youth report that they have faced parental rejection. This can range from parents mocking their child's LGBTQI+ identity to more extreme actions that impact the well-being of LGBTQI+ children, including physical abuse and being kicked out of the home."

Arguments in opposition. The California Family Council writes, "Erosion of Parental Rights and Responsibilities: AB 1955 marginalizes parents, preventing them from receiving critical information about their children. Parents need to be informed partners in addressing issues of gender identity, ensuring their children receive the support and guidance they need within the family unit.

Impact on Teacher-Student Trust: This bill places educators in a difficult position, forcing them to withhold significant information from parents, damaging the trust and open communication essential for a supportive educational environment. Educators should collaborate with parents to create a safe and nurturing atmosphere for all students. AB 1955 does the opposite.

Potential Legal and Ethical Implications: The bill will lead to lawsuits by teachers against school districts for forcing them to deceive parents about something everyone at school knows about a student but their parents. Parents will also sue school districts and teachers for violating their constitutionally protected parental rights to oversee and direct the upbringing of their children."

Related legislation. AB 5 (Zbur), Chapter 220, Statutes of 2023, requires the CDE to complete the development of an online training curriculum and online delivery platform by July 1, 2025, and requires LEAs to provide and require at least one hour of training annually to all certificated staff, beginning with the 2025-26 school year through the 2029-30 school year, on cultural competency in supporting LGBTQ+ students. Requires the LEA to maintain documentation on the completion of the training by each employee, as specified.

SB 857 (Laird), Chapter 228, Statutes of 2023 requires the SPI, on or before July 1, 2024, to convene an advisory task force to identify the statewide needs of LGBTQ+ students and report its findings to the Legislature, the SPI, and the Governor by January 1, 2026.

AB 493 (Gloria), Chapter 775, Statutes of 2019, requires that, no later than July 1, 2021, the CDE develop resources or update existing resources for in-service training on schoolsite and community resources for the support of LGBTQ students, for use in LEAs, including charter schools serving students in grades 7-12. Requires the CDE to periodically provide online trainings on this topic that can be accessed on a statewide basis.

AB 2153 (Thurmond) of the 2017-18 Session would have required schools to provide in-service training to teachers on school site and community resources available for the support of LGBTQ students. This bill was vetoed by Governor Brown, who stated:

I signed AB 827 (O'Donnell) in 2015, which required the Department of Education, as part of its compliance monitoring, to assess whether local schools have provided information to certificated staff serving of grades 7-12 on school site and community resources for LGBTQ students. Current law also requires the Department to monitor local schools to ensure the adoptions of policies prohibiting discrimination, harassment, intimidation, and bullying on the basis of sexual orientation, gender, gender identity, or gender expression.

If local schools find that more training or resources on this topic is needed, they have the flexibility to use their resources as they see best.

AB 827 (O'Donnell), Chapter 562, Statues of 2015, as it passed this Committee, would have required schools to provide in-service training to teachers on school site and community resources available for the support of LGBTQ students. The bill was later amended to require CDE, as part of its compliance monitoring, to assess whether LEAs have provided information to certificated staff serving grades 7-12 on schoolsite and community resources for LGBTQ students.

REGISTERED SUPPORT / OPPOSITION:

Support

ACLU California Action AFSCME California Alianza Translatinx Alice B. Toklas LGBTQ Democratic Club American Association of University Women - California American Atheists American Federation of State, County and Municipal Employees Api Equality-LA Apla Health Asian Resources Association of California School Administrators Attorney General Rob Bonta **Bienestar Human Services** Blaqueer California League of United Latin American Citizens California Academy of Child and Adolescent Psychiatry California Alliance of Child and Family Services California Coalition for Youth California Community Colleges LGBTQ+ Advisory Committee California Latinas for Reproductive Justice California League of United Latin American Citizens California LGBTQ Health and Human Services Network California Medical Association California School Employees Association California School-based Health Alliance California Teachers Association Calpride Central Coast Coalition for Inclusive Schools Central Valley Gender Health & Wellness CFT Children Now City of West Hollywood Courage California East Area Progressive Democrats El/la Para Translatinas End the Epidemics: Californians Mobilizing to End HIV, Viral Hepatitis, STIs, and Overdose Equal Justice Society Equal Rights Advocates Equality California Family Builders by Adoption Feminist Majority Foundation Flux Gender Justice Los Angeles Genders & Sexualities Alliance Network GenUp **GLBT** Historical Society Glendaleout **GLSEN GLSEN San Diego County GUSD** Parents for Public Schools Heart of La Democratic Club Ibis Reproductive Health If When How: Lawyering for Reproductive Justice Inland Empire Prism Collective Inland Empire United Iranian American Democrats of California

Kinder Future League of United Latin American Citizens LGBTQ Center OC LGTBQ Community Network LGBTQ Fresno Liver Coalition of San Diego Los Angeles County Office of Education Los Angeles LGBT Center Lyric **Mirror Memoirs** mixteco Indigena Community Organizing Project Moreno & Associates NASW California National Center for Lesbian Rights National Harm Reduction Coalition National Women's Political Caucus of California Norcal Outreach Project **Oasis Legal Services** Office of Lieutenant Governor Eleni Kounalakis **One Institute** Openhouse **Our Family Coalition** Our Schools - Conejo Valley Our Schools - LA Our Schools - Los Angeles Chapter Our Schools SLO County Our Schools USA Our Schools USA - Carlsbad Our Schools USA East County San Diego Our Schools USA Placer County Our Schools USA Ventura County PFLAG - Sonoma County/Santa Rosa PFLAG Fresno PFLAG Sacramento PFLAG San Francisco Placer Advocates for Students and Families Planned Parenthood Affiliates of California Plascencia Consulting Pomona Valley Pride **Positive Images** Positive Women's Network - USA Pride At the Pier **Proyecto Trans Latinas Public Advocates** Public Counsel Public School Defenders Hub Queer Humboldt Radiant Health Centers Rainbow Community Center of Contra Costa County Rainbow Pride Youth Alliance Riverside LGBTQ+ Pride Saclegal Sacramento LGBT Community Center Safe Redlands Schools San Diego Democrats for Equality San Diego LGBT Community Center San Diego Pride San Diego Unified School District San Francisco Aids Foundation San Joaquin Pride Center San Mateo County Pride Center Secure Justice Seneca Family of Agencies SF LGBT Center Solano Pride Center Somos Familia Valle State Superintendent of Public Instruction Tony Thurmond The Center for Sexuality & Gender Diversity The Children's Partnership The Diversity Center The LGBT Center Long Beach The LGBTQ Community Center of The Desert The Source LGBT+ Center The Transgender District The Translatin @ Coalition The Trevor Project Tom Homann LGBTQ+ Law Association Training in Early Abortion for Comprehensive Health Care **Transfamily Support Services** Transgender Health and Wellness Center Transgender Law Center Transgender Resource, Advocacy & Network Service Transyouth Liberation Tranz of Anarchii Venice Family Clinic Viet Rainbow of Orange County Voices for Progress Westchester/Playa Democratic Club Westside Activists Women Lawyers of Sacramento Women's Foundation of California Women's Health Specialists 6 individuals

Opposition

Advocates for Citizens' Rights Advocates for Faith & Freedom Alliance Defending Freedom Alliance to Protect Children Awaken Redlands California Baptist for Biblical Values California Family Council California Parents Union California Policy Center Californians for Good Governance Chino Valley Unified School District Church State Council City Council Member Greg Meister Concerned Citizens of Savenna Concerned Women for America **Education Impact** Facts Law Truth Justice Family Watch International Interfaith Statewide Coalition International Foundation for Therapeutic and Counselling Choice Lighthouse Baptist Church Moms for Liberty Placer County Moms for Liberty Santa Clara County Moms on The Ground Natomas USD for Freedom Our Duty Pacific Justice Institute - Center for Public Policy Perk Advocacy Protect Kids California Real Impact. Right to Life League of Southern California Students First California The American Council The National Center for Law & Policy The Salt & Light Council Women's Liberation Front 40 individuals

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