

Date of Hearing: April 9, 2025

ASSEMBLY COMMITTEE ON EDUCATION  
Al Muratsuchi, Chair  
AB 908 (Solache) – As Introduced February 19, 2025

**SUBJECT:** Local control and accountability plans: state priorities: LGBTQ+ pupil education and well-being

**SUMMARY:** Adds a new state priority for purposes of a school district, county office of education (COE) and charter school's Local Control and Accountability Plan (LCAP) to include the implementation of supportive policies and initiatives to address lesbian, gay, bisexual, transgender, queer (or questioning), plus (LGBTQ+) pupil education and well-being. Specifically, **this bill:**

- 1) Adds a new state priority for purposes of a school district, COE and charter school's LCAP to include the implementation of supportive policies and initiatives to address LGBTQ+ pupil education and well-being, including, but not limited to, as specified:
  - a) Inclusive and safe access to school facilities;
  - b) Inclusive school instructional material and school curriculum;
  - c) Inclusive participation in campus activities;
  - d) Training for teachers and other certificated employees; and
  - e) Prevention of, response to, and oversight of, bullying and harassment.

**EXISTING LAW:**

- 1) 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) States it is the policy of the state that elementary and secondary school classes and courses, including nonacademic and elective classes and courses, be conducted, without regard to the sex of the pupil enrolled in these classes and courses. Requires participation in a particular physical education activity or sport, if required of pupils of one sex, to be available to pupils of each sex. Requires a pupil to be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records. (EC 221.5)
- 3) Requires the California Department of Education (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 LGBTQ+ 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 utilize these resources to provide training at least once every two years to teachers and other certificated employees. (EC 218)

- 5) Requires, on or before July 1, 2025, the CDE to finalize the development of an online training delivery platform and online training curriculum to support LGBTQ cultural competency training for teachers and other certificated employees. Requires, commencing with the 2025–26 school year, and continuing through the 2029–30 school year, local educational agencies (LEAs) to provide and require at least one hour of training annually to all teachers and other certificated employees serving pupils in grades 7 to 12, inclusive, in a manner designed to cover the core elements of the specified curriculum developed over the five-year period. (EC 218.3)
- 6) Requires the 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, 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)

- 7) Requires the CDE to display current information, and periodically update information, on curricula and other resources that specifically address bias-related discrimination, harassment, intimidation, cybersexual bullying, and bullying on its website. (EC 234.2)
- 8) 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)
- 9) Requires, on or before July 1, 2026, each school district, COE, and charter school, maintaining any combination of classes from grades 1 to 12, inclusive, to provide and maintain at least one all-gender restroom for pupil use at each schoolsite. (EC 35292.5)
- 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)
- 12) Requires instruction in social sciences to include the early history of California and a study of the role and contributions of people of all genders, Native Americans, African Americans, Latino Americans, Asian Americans, Pacific Islanders, European Americans, LGBTQ+ Americans, persons with disabilities, and members of other ethnic, cultural, religious, and socioeconomic status groups, to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society. (EC 51204.5)
- 13) Requires, as part of the evaluation rubrics, the SBE to adopt performance criteria for LEA assistance and intervention, as specified. Requires the criteria to be based on performance by pupil subgroups either across two or more of the state and local indicators or across two or more of the state priorities. (EC 52064.5)
- 14) Requires LEAs to adopt and annually revise LCAPs, establishing annual goals and identifying specific actions in the following eight state priority areas:
  - a) The degree to which the teachers of the school district are appropriately assigned in accordance and fully credentialed in the subject areas, and, for the pupils they are teaching, every student in the school district has sufficient access to the standards-aligned instructional materials, and school facilities are maintained in good repair;
  - b) Implementation of the academic content and performance standards adopted by the SBE;
  - c) Parental involvement and family engagement;
  - d) Pupil achievement;

- e) Pupil engagement;
- f) School climate;
- g) Student access to and enrollment in a broad course of study; and
- h) Pupil outcomes. (EC 52060)

15) Requires, on or before July 1, 2015, and each year thereafter, a school district to update the LCAP. Requires the annual update to be developed using a template adopted by the state board. (EC 52061)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

***Need for the bill.*** According to the author, “AB 908, the LGBTQ+ Inclusion and Fair Treatment in Schools (LIFT) Act, aims to address the disproportionate challenges our LGBTQ+ students face and safeguard supportive environments in our schools to ensure that we can achieve the safety, wellbeing, and success of all students.”

***LCAPs.*** The LCFF was established in the 2013-14 fiscal year to address the achievement gap by providing more equitable funding among LEAs, that is, to provide a higher level of funding to LEAs that enroll larger numbers of English learners, foster youth, and students eligible for free- or reduced-price meals (unduplicated pupils) so they could provide those students with additional services and support. The reforms to the funding system were accompanied by changes to the state accountability system, including LCAPs. The LCAP is a three-year plan that describes the goals, actions, services, and expenditures to support positive student outcomes that address state and local priorities. The LCAP provides an opportunity for LEAs (school districts, COEs, and charter schools) to share their stories of how, what, and why programs and services are selected to meet their local needs.

Current law requires school districts, COEs, and charter schools to adopt and annually revise LCAPs, establishing annual goals and identifying specific actions in the following state priority areas (eight for school districts and charter schools, and ten for COEs):

- 1) The degree to which the teachers of the school district are appropriately assigned in accordance and fully credentialed in the subject areas, and, for the pupils they are teaching, every student in the school district has sufficient access to the standards-aligned instructional materials, and school facilities are maintained in good repair;
- 2) Implementation of the academic content and performance standards adopted by the SBE;
- 3) Parental involvement and family engagement;
- 4) Pupil achievement;

- 5) Pupil engagement;
- 6) School climate;
- 7) Student access to and enrollment in a broad course of study;
- 8) Pupil outcomes;
- 9) Coordination of instruction of expelled pupils (COE only); and
- 10) Coordination of instruction of foster children (COE only).

This bill would add an additional state priority area regarding the implementation of supportive policies and initiatives to address LGBTQ+ pupil education and well-being, related to the LEA's implementation of five specific requirements in current law. The state priority areas inform both the LCAP development process and the California Schools Dashboard. The LCAP is an outcomes-based accountability planning tool used by LEAs, and is not a compliance instrument. ***The Committee may wish to consider*** that three of the five requirements are already required to be monitored for compliance through the CDE's compliance monitoring process. Further, for the existing state priorities, the state's K-12 data collection and reporting systems have established mechanisms to gather student, school, and LEA level information regarding many student groups, including racial/ethnic groups. The collection of a student's LGBTQ+ status is not collected by California schools..

***CDE compliance monitoring.*** Current law requires school districts, direct-funded charter schools, and COEs that receive funding for certain programs to be chosen for a review by the CDE. The purpose of the review is to ensure that they are spending the funding as required by law. At the end of each CDE compliance monitoring review, the CDE compiles a report that details any findings of non-compliance (Notification of Findings (NOF)) and informs the school, district, or COE how to correct the findings.

LEAs are assigned to one of four cohorts. Each school year, approximately 130 LEAs are selected for review—65 LEAs from one cohort for an onsite review and 65 LEAs from a different cohort for an online review. The LEAs are selected using established selection criteria, including program size, fiscal analysis, compliance history, and continuous improvement. The CDE posts the cohort rotation schedule by school year and demonstrates the rotation of the cohorts over a four-year cycle on their website. The CDE also posts on their website the program instrument and monitoring tool, updated annually, which contains the applicable requirements, and CDE compliance monitoring staff use program instruments to determine whether an LEA is meeting the requirements of each item.

Within 60 calendar days after the date of the NOF, the LEA must resolve each finding by providing resolution documents in the monitoring tool. The LEA may use the resolution process in the monitoring tool to request a Resolution Agreement to extend the resolution period beyond the due date on the NOF. The CDE Program Reviewers approve or deny Resolution Agreement requests. The Resolution Agreement period allows for reasonable time to resolve findings but

cannot exceed 240 calendar days from the last day of the review. The CDE posts on their website the unresolved, non-compliant program instrument items over 240 calendar days.

***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 than 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 improve 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.

Evaluations from New York City, Illinois, and Massachusetts have found that teacher training helped to create safer environments for LGBTQ+ students. The U.S. Department of Health and Human Services, as part of its anti-bullying campaign, recommends that “When youth reveal same-sex attractions and relationships, this is an opportunity for health, medical, and school professionals to better inform and support sexual minority youth by linking them with community resources and helping to overcome the tensions of parents, families, and peers.” Feelings of safety at school are stronger when students know where to get information and support about sexual orientation and gender identity, but research has also shown that some students in California schools are not aware of one of these key supports.

***Creating safe and affirming learning environments for LGBTQ+ students.*** 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.

***CDE’s LGBTQ+ training.*** As noted previously, the Budget Act of 2021 appropriated \$2.4 million to the CDE to develop an online training on schoolsite and community resources focused on strategies to support LGBTQ+ students. The training course is now available, and is known as PRISM: Providing Relevant, Inclusive Support that Matters for LGBTQ+ Students is a six-course online training for certificated educators that provides resources to support LGBTQ+ youth.

The CDE, in collaboration, with the Los Angeles County Office of Education (LACOE) and Equality California, is developed the content. The current plan identifies 6 courses of one-hour each, for a total of six hours:

- Course 1: LGBTQ+ 101 & Intersectional Identities;
- Course 2: Historical Context of LGBTQ+ Individuals;
- Course 3: Affinity Clubs & Peer Groups;
- Course 4: Anti-bullying & Harassment;
- Course 5: Suicide Prevention, Education, & Resiliency; and
- Course 6: Facilitation.

***LBTBQ Statewide Advisory Task Force.*** Current law, established by SB 857 (Laird), Chapter 228, Statutes of 2023, requires the Superintendent of Public Instruction (SPI) to convene an advisory task force to identify the statewide needs of LGBTQ+ pupils and to make recommendations to assist in implementing supportive policies and initiatives to address LGBTQ+ student education and well-being. The advisory task force is required to report its findings to the Legislature, the SPI, and the Governor by January 1, 2026. The advisory task force is required to hold at least six meetings between July 2024 and January 2026 and will remain in effect only until January 1, 2026.

***Arguments in support.*** Equity California (sponsor) writes, “The importance of this bill is further underscored by the increasing attacks on LGBTQ+ students at the federal level. Since taking office, President Trump has issued multiple executive orders targeting transgender youth, threatened to withhold federal funding from schools that protect transgender students, and directed the U.S. Attorney General to prosecute teachers who affirm a student’s gender identity. These actions create an atmosphere of fear and exclusion for LGBTQ+ students, making it even more critical that California takes a strong stand in ensuring their rights and safety in our schools.



AB 908 will build upon California’s legacy of leadership in LGBTQ+ protections and reinforce the state’s commitment to fostering an educational environment where all students—regardless of sexual orientation or gender identity—can learn, thrive, and succeed.”

***Arguments in opposition.*** The Kern County Superintendent of Schools writes, “We fully support the intent of the bill but are concerned with the proposed addition to the increasingly burdensome reporting requirements facing school districts both in the LCAP and various other reporting requirements. Furthermore, this bill would continue shifting the LCAP from a strategic plan to improve student outcomes, to a compliance document that is inaccessible to the parents/guardians, and other key educational partners.

The focus on compliance over strategic planning undermines the original purpose of the LCAP. The intent was to provide local educational agencies with the flexibility to address their unique needs and priorities. However, the increasing emphasis on compliance with state mandates restricts this flexibility and hampers the ability of school districts to develop and implement innovative strategies tailored to their specific contexts.

Moreover, recent legislation such as AB 5 (Zbur, Chapter 220, Statutes of 2024), requires school districts to deliver LGBTQ cultural competency training to all staff, and changes to anti-discrimination, harassment and bullying policies include LGBTQ students as protected groups. These are examples of some of the mechanisms already in statute to ensure that LGBTQ students are supported and cared for in a manner that ensures their educational and personal well-being. I urge you to consider the unintended negative impacts of AB 908 (Solache) and to oppose its passage.”

***Recommended Committee Amendments.*** *Staff recommends that the bill be amended as follows:*

- Require compliance monitoring as it relates to of the existing requirement in the EC: Inclusive school instructional material and school curriculum, pursuant to EC 51204.5. The Committee may wish to consider that several of the requirements listed in the bill are already subject to compliance monitoring.
- Remove the proposed state priority for purposes of a school district, COE and charter school’s LCAP to include the implementation of supportive policies and initiatives to address LGBTQ+ pupil education and well-being.

***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 local educational agencies (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.

AB 1078 (Jackson), Chapter 229, Statutes of 2023, makes various changes to the adoption of instructional materials for use in schools, including a provision that would prohibit a governing board from disallowing the use of an existing textbook, other instructional material, or curriculum that contains inclusive and diverse perspectives, as specified.

SB 857 (Laird), Chapter 228, Statutes of 2023, requires the State Superintendent of Public Instruction (SPI), on or before July 1, 2024, to convene an advisory task force to identify the statewide needs of LGBTQ+ pupils and report its findings to the Legislature, the SPI, and 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, Statutes 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.

AB 1266 (Ammiano), Chapter 85, Statutes of 2014, requires a pupil be permitted to participate in sex-segregated school programs, activities, and facilities, including athletic teams and competitions, consistent with his/her gender identity, regardless of the gender listed on the pupil's records.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Alameda County Office of Education  
API Equality-LA  
Asian Americans Advancing Justice-southern California  
California Alliance of Child and Family Services  
California Legislative LGBTQ Caucus  
California LGBTQ Health and Human Services Network  
California School-based Health Alliance  
California Youth Empowerment Network

Calpride Valle Central  
CFT- a Union of Educators & Classified Professionals, Aft, AFL-CIO  
Courage California  
Divine Truth Unity Fellowship Church DbA Rainbow Pride Youth Alliance  
El/la Para Translatinas  
Equality California  
Hmong Innovating Politics  
League of California Cities Lesbian Gay Bisexual Transgender Queer (LGBTQ) Caucus  
LGBTQ Center Oc  
LGBTQ + Inclusivity, Visibility, and Empowerment (LIVE)  
Long Beach Forward  
Pflag Los Angeles  
Rainbow Families Action Bay Area  
Sf LGBT Center  
The Trevor Project

**Opposition**

California Association of School Business Officials (CASBO)  
Kern County Superintendent of Schools Office  
Office of The Riverside County Superintendent of Schools

**Analysis Prepared by:** Marguerite Ries / ED. / (916) 319-2087