

Date of Hearing: March 27, 2019

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 493 (Gloria) – As Introduced February 12, 2019

SUBJECT: Teachers: in-service training: lesbian, gay, bisexual, transgender, queer, and questioning pupil resources

SUMMARY: Requires schools to provide in-service training to teachers on school site and community resources available for the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) students. Specifically, **this bill:**

- 1) Requires each school operated by a school district or county office of education and each charter school to annually, as part of a regularly scheduled staff meeting, provide in-service training to teachers of pupils in grades 7 to 12, inclusive, and to all other certificated employees at that school, on schoolsite and community resources for the support of LGBTQ pupils, as well as strategies to increase support for LGBTQ pupils and thereby improve overall school climate.
- 2) Defines schoolsite resources for the support of LGBTQ students to include:
 - a) peer support or affinity clubs and organizations
 - b) safe spaces for 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 aimed at supporting LGBTQ youth
 - f) health and other curriculum materials that are inclusive of, and relevant to, LGBTQ youth
- 3) Defines community resources for the support of LGBTQ students to include, but not be limited to:
 - a) community-based organizations that provide support to LGBTQ youth
 - b) physical and mental health providers with experience in treating and supporting LGBTQ youth
- 4) Makes implementation of the act contingent up on an appropriation in the annual Budget Act or other statute for these purposes.

EXISTING LAW:

- 1) Prohibits discrimination on the basis of sexual orientation, gender, gender identity, or gender expression in any educational program or activity by an educational institution receiving state funds.
- 2) Requires the California Department of Education (CDE), as part of its compliance monitoring, to assess whether local educational agencies (LEAs) have provided information to certificated staff serving grades 7-12 on school site and community resources for LGBTQ students.
- 3) Requires the CDE to monitor LEAs for adoption of policies prohibiting discrimination, harassment, intimidation, and bullying on the basis of sexual orientation, gender, gender identity, or gender expression.
- 4) Requires the CDE to monitor LEAs for adoption of processes for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying, and establishes complaint procedures.
- 5) Requires the inclusion of the contributions of lesbian, gay, bisexual, and transgender Americans in instruction on California and United States history, and prohibits, in instructional materials, matter which reflects adversely upon persons because of their sexual orientation, gender, gender identity, or gender expression.

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. The author's office states: "The bullying and name calling I experienced in school as a young gay kid is still a reality for today's LGBTQ youth. No child should have to experience that. Students should feel safe, accepted, included, and supported in their school. Equipping educators with resources to better support LGBTQ students will create a safer and more inclusive environment for these students to be successful."

Bias against LGBTQ students impacts academic outcomes. Research suggests that bias against LGBTQ students can have a deleterious effect on school performance.

The Gay Lesbian Straight Education Network's (GLSEN) 2015 National School Climate Survey of found that 87% of California LGBTQ students report hearing anti-LGBTQ remarks, 63% report verbal harassment based on their sexual orientation, 24% report physical harassment, and or assault. Of those, 62% of students never reported the harassment or assault to school staff. Of those who did, only 39% of those students who reported incidents said it resulted in effective staff intervention.

GLSEN's national data suggest that these experiences have an effect on academic behavior and outcomes. The 2015 report found that LGBTQ students who experienced higher levels of victimization because of their sexual orientation:

- were more than three times as likely to have missed school in the past month than those who experienced lower levels (62.2% vs. 20.1%)
- had lower grade point averages than students who were less often harassed (2.9 vs. 3.3)
- were twice as likely to report that they did not plan to pursue any post-secondary education than those who experienced lower levels (10.0% vs. 5.2%)
- were more likely to have been disciplined at school (54.9% vs. 32.1%), and had lower self-esteem and school belonging and higher levels of depression.

Which school site supports improve outcomes for LGBTQ students? Several supportive factors at school appear to improve academic outcomes and improve safety for LGBTQ students.

Research shows, for example, 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. 2015 GLSEN survey data found, for example, that students attending schools with a GSA heard anti-LGBT remarks less frequently than LGBTQ students in schools without a GSA (51% vs. 68%), were less likely to feel unsafe because of their sexual orientation (50.2% vs. 66.3%), and were less likely to experience higher levels of victimization based on their sexual orientation (20% vs. 36.1%) in schools without GSAs. Anti-bullying policies are also associated with better student outcomes, such as being one-third less likely to skip a class.

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.”

Research has also shown that 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 - anti-discrimination policies.

CDC endorses school site resources for LGBTQ students. The Centers for Disease Control and Prevention (CDC), as part of its risk behavior prevention activities, monitors and funds local efforts to create supportive school environments for LGBTQ students. The CDC collects information on factors such as professional development for educators, school site resources such as GSA clubs and safe spaces for LGBTQ students, and referrals to school and community health professionals with experience providing support to LGBTQ students. The CDC has made grants for teacher training in support of LGBTQ students in Michigan, Rhode Island, Pennsylvania and in California (to the Los Angeles Unified School District). The CDC reports that 50% of California schools facilitate access to school site and community health resources for LGBTQ students, and 39% have GSA clubs.

What are Gay Straight Alliance clubs and safe spaces for LGBTQ students? This bill requires that teachers receive information about school site supports for LGBTQ students, including peer support organizations and safe spaces for LGBTQ students.

GSA clubs are an example of peer support organizations. These student-led clubs provide peer support for LGBTQ students and their straight allies. The presence of GSAs in schools is associated with less harassment, greater school safety and connectedness, and more instances of teacher intervention in harassment. First formed in the 1980's, these clubs are now common to U.S. high schools. The Gay Straight Alliance Network lists 944 clubs in California middle and high schools.

“Safe spaces” (also known as positive spaces) for LGBTQ students refers to places where teachers, students, or educational institutions do not tolerate harassment, and instead are accepting and supportive. Some schools and teachers post signs indicating safe spaces. The CDC recommends that schools establish safe spaces, such as “counselors’ offices, designated classrooms, or student organizations, where LGBTQ youth can receive support from administrators, teachers, or other school staff.”

How will schools know about community resources to support LGBTQ students? This bill requires schools to provide information to teachers on community resources for support of LGBTQ students, including community-based organizations that provide support to LGBTQ youth, and physical and mental health providers with experience in treating and supporting LGBTQ youth.

In some cases, school personnel responsible for this training may not know how to identify such resources, particularly health care providers with the appropriate expertise. The author notes that databases of health professionals with special training or experience are available, such as the Gay Lesbian Medical Association (listed as a LGBTQ patient resource by the American Medical Association), which offers a searchable database of providers with this expertise. There is also a searchable database of LGBTQ centers which lists 21 centers in California.

Recommended amendments. Staff recommends that this bill be amended as follows:

- Require that training be provided commencing with the 2021-2022 school year.
- Strike the provision making the bill contingent upon an appropriation, as this is a mandate for which claims would be submitted and no program funding is required.

Prior legislation. AB 2153 (Thurmond) of the 2017-18 Session was substantially similar to this bill. The bill 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 1318 (Chiu) of the 2017-18 Session would have required a school operated by a school district or county office of education and a charter school to provide in-service training to certificated employees who serve pupils in grades 7 to 12, on tools and methods for addressing intergroup conflict and promoting positive intergroup relations. This bill was held in the Assembly Appropriations Committee.

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.

SB 840 (Lara) of the 2013-2014 Session would have required each LEA to develop, in collaboration with stakeholders, and implement a policy against bullying containing specified components. This bill would also have required LEAs to provide documentation of incidents to the CDE. This bill was held in the Senate Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Equality California (co-sponsor)
State Superintendent of Public Instruction Tony Thurmond (co-sponsor)
American Civil Liberties Union Of California
Anti-Defamation League
Bay Area Student Activists
California Association For Health, Physical Education, Recreation & Dance
California State PTA
National Center For Lesbian Rights
The LGBTQ Center Long Beach
An individual

Opposition

None on file

Analysis Prepared by: Tanya Lieberman / ED. / (916) 319-2087