
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

Bill No: AB 493 **Hearing Date:** July 10, 2019
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Version: June 14, 2019
Urgency: No **Fiscal:** Yes
Consultant: Ian Johnson

Subject: Teachers: lesbian, gay, bisexual, transgender, queer, and questioning pupil resources and training.

SUMMARY

This bill requires all public schools to provide online training at least once every two years to teachers for the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) students.

BACKGROUND

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, a matter which reflects adversely upon persons because of their sexual orientation, gender, gender identity, or gender expression.

ANALYSIS

This bill:

- 1) Requires, commencing with the 2021-22 school year, that each school operated by a school district or county office of education, and each charter school, provide online training at least once every two years to all 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, and strategies to increase support for LGBTQ pupils and thereby improve overall school climate.
- 2) Requires the CDE, contingent on funding being made available, to develop resources for in-service training on schoolsite and community resources for the support of LGBTQ pupils, and strategies to increase support for LGBTQ pupils and thereby improve overall school climate.
- 3) Allows each school operated by a school district or county office of education and each charter school to provide in-service training using the resources developed by CDE instead of online training.
- 4) Requires CDE, contingent on funding being made available, to award competitive grants to school districts, county offices of education, and charter schools that apply to CDE for a grant to operate their own in-person, in-service training instead of the online training.
- 5) Requires CDE to create and periodically update the online training curriculum to reflect changes in law or resources.
- 6) In creating the online training curriculum, requires CDE to ensure all of the following:
 - a) The training curriculum is developed in consultation with leading experts in supporting LGBTQ pupils.
 - b) The training program can track aggregate, statewide usage of the program.
 - c) The training program can assess trainee knowledge before and after the training is provided in order to measure training outcomes.
 - d) The training program is interactive, requiring the sustained input and participation of the trainee.
- 7) Requires CDE, in consultation with leading experts in supporting LGBTQ pupils, to create and periodically update a list of community resources that shall be provided to teachers and all other certificated employees as part of the training.
- 8) 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.
 - g) Suicide prevention policies and related procedures.
 - h) Policies relating to use of school facilities.
 - i) Policies and procedures to protect the privacy of LGBTQ pupils.
- 9) 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.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “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.”
- 2) ***National School Climate Survey Findings and Recommendations.*** Research suggests that bias against LGBTQ students can have a harmful effect on school performance.

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

- a) Were more than three times as likely to have missed school in the past month than those who experienced lower levels.
- b) Had lower grade point averages than students who were less often harassed.
- c) Were twice as likely to report that they did not plan to pursue any post-secondary education than those who experienced lower levels.
- d) Were more likely to have been disciplined at school, and had lower self-esteem and school belonging and higher levels of depression.

GLSEN's survey also included the following recommendations for states:

- a) Increasing student access to appropriate and accurate information regarding LGBT people, history, and events through inclusive curricula and library and Internet resources;
 - b) Supporting student clubs, such as GSAs, that provide support for LGBTQ students and address LGBT issues in education;
 - c) Providing professional development for school staff to improve rates of intervention and increase the number of supportive teachers and other staff available to students;
 - d) Ensuring that school policies and practices, such as those related to dress codes and school dances, do not discriminate against LGBTQ students; and
 - e) 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.
- 3) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would create annual Proposition 98 General Fund cost pressures, ranging in the hundreds of thousands of dollars to low millions of dollars, for schools to provide in-service training to employees. Exact costs would depend on the depth and type of training. (There are roughly 2,600 middle schools and high schools statewide. If each school were to spend an average of \$100 annually to pay for staff time and training, the total costs would be roughly \$260,000. If each school were to spend an average of \$500 annually to pay for staff time and training, costs would be \$1.3 million.) If the Commission on State Mandates determines the bill's requirements to be a reimbursable state mandate, the state would need to either reimburse these costs to schools or provide funding through the K-12 Mandate Block Grant.

4) ***Prior legislation.***

AB 2153 (Thurmond, 2018) 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.”

SUPPORT

Equity California (co-sponsor)
 State Superintendent of Public Instruction (co-sponsor)
 Alliance for Children's Rights
 American Civil Liberties Union of California
 Anti-Defamation League
 Asian Americans Advancing Justice
 Bay Area Student Activists
 California Association for Health, Physical Education, Recreation & Dance
 California Council of Community Behavioral Health Agencies
 California Federation of Teachers
 California Music Educators Association
 California State PTA
 California Teachers Association
 LGBTQ Center Long Beach
 National Association of Social Workers, California Chapter
 National Center for Lesbian Rights
 National Survivor Network
 San Diego County Office of Education
 San Diego Unified School District
 San Francisco Youth Commission
 South Bay Union School District
 Teach Plus

OPPOSITION

California Right to Life Committee
 Christian Educators Association International
 International Federation for Therapeutic and Counseling Choice

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