

Spectrum LGBT Center Programs for Schools

Spectrum in-service for school staff is important because:

- CA public schools have legal obligation to protect students and staff from discrimination based on actual or perceived sexual orientation or gender identity (AB537)
- There are students in every school who have LGBT family members (parents, brothers, sisters, aunts, etc.)
- There are students at every school who are gender variant
- There are students at every school that will (if they don't already) identify as LGB or T
- Spectrum helps staff distinguish between "personal values" (moral values) and "community values" (i.e every student has an equal opportunity to feel safe and learn at school); this empowers school staff to talk to parents about the difference between personal and community values and to educate parents about schools legal obligations to make schools safe.
- Given the systemic homophobia/transphobia in our society, schools are not inherently safe places free of discrimination. Schools must be proactive in addressing these issues in order to comply with the law.
- Acknowledging LGBT issues and intervening in anti-gay name-calling/discrimination creates safer schools for ALL students. Kids who are called "gay" or "fag" are typically gender variant in some way; you can't tell as gay or lesbian person by appearance but our society perpetuates the myth that gender variant people are gay. Many students who are victims of anti-gay harassment are straight.

Spectrum presentations for students are important because:

- Anti-gay name calling and harassment exist in every school (this is illegal but also damaging to *all* students)
- Receiving anti-bias training demonstrates to students a school's seriousness about creating a safe learning environment
- Spectrum presentations are NOT sexual health education and parents do not need to be notified and may not opt their children out of anti-bias presentations (SB71)
- Research demonstrates clearly that anti-gay harassment and unsafe schools impact academic achievement negatively

For more information please go to:

<http://www.spectrumlgbtcenter.org>

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AB 537 Fact Sheet

California Student Safety and Violence Prevention Act

What is AB 537?

AB 537, the California Student Safety and Violence Prevention Act of 2000, changed California's Education Code by adding actual or perceived sexual orientation and gender identity to the existing nondiscrimination policy. State law says that "gender" means sex, and includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth." The nondiscrimination policy also prohibits harassment and discrimination on the basis of sex, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability.

What does AB 537 cover?

AB 537 protects students and school employees against discrimination and harassment at all California public schools and any school receiving state funding except religious schools. Harassment is defined as "conduct based on protected status that is severe or pervasive, which unreasonably disrupts an individual's educational or work environment or that creates a hostile educational or work environment." The protections cover any program or activity in a school, including extracurricular activities and student clubs. This gives GSAs and other LGBTQ-related student clubs state protection in addition to federal protection through the Equal Access Act.

How do you file a complaint?

First, file a complaint with your school. The process for filing a complaint at your school can vary. Look for information on how to make a complaint in your student handbook or ask a teacher or an administrator. It is often the same process as filing a sexual harassment complaint. If your school's harassment report form does not specifically include sexual orientation and the expanded definition of "gender," consider working to change this as a goal of your activism.

Document everything. Write down the key details of the harassment such as who, what, when, where, and witnesses. Include details from meetings you have with administrators. Keep a copy of all reports you file and confirmation that they were received.

What is your school district obligated to do?

If your school does not adequately address your complaint, you can take your complaint to your district superintendent's office (ask for the designated complaint officer or compliance coordinator). Your school district must follow the state's "Uniform Complaint Procedures," which say that your school district must do the following:

- Have a staff member who is responsible for receiving and investigating complaints who is knowledgeable about the law.
- Every year, notify parents, employees, students, and anyone interested of the district complaint procedures, including the right to appeal the school district's decision to the California Department of Education.
- Protect you from retaliation after you make a complaint.
- Keep your complaint confidential as appropriate.
- Accept complaints from any youth, adult, public agency, or organization.
- Investigate your complaint, come up with a solution, and send you a written report no more than 60 days after they receive your complaint.

What is the state Department of Education obligated to do?

As the authority over public schools, the California Department of Education (CDE) is responsible for making sure that schools follow AB 537. If your school district fails to adequately resolve your complaint, the CDE is obligated to do the following:

- If your school district does not act within 60 days of receiving your complaint or if you appeal the school district's decision, the CDE is obligated to complete an investigation within 60 days, and make a decision about whether the school district has lived up to its responsibilities and whether it needs to do anything else.
- Require schools to take steps to improve problems raised through investigation of complaints.
- Request a report of the schools' actions and keep a file of every written complaint received.

Other options for holding your school accountable:

- **Litigation.** You can sue your school district. With the help of an attorney, students can ask a judge to order the school to stop discrimination before it happens or continues. This is called injunctive relief. It's cool because a judge issues an "injunction" (order) to your school district – and your school district has to do it immediately! You can do this while going through the complaint process.
- **Community Organizing.** Organize other students, teachers, staff, parents, and community allies to form a community response to the problems of homophobia and transphobia in your school. Think of AB 537 as a tool and use it as leverage to work to change the school climate.

To learn more about how you can implement and enforce AB 537, check out our student organizing manual at www.ab537.org or call our office.



SB 71 Fact Sheet

California Comprehensive Sexual Health Education LAW

What is SB 71?

SB 71, the California Comprehensive Sexual Health and HIV/AIDS Prevention Act of 2004, replaced a patchwork of confusing and often contradictory statutes on sex education with one clear and comprehensive new law. The law was authored by Senator Sheila Kuehl and sponsored by the California affiliates of the ACLU and Planned Parenthood. It went into effect on January 1, 2004.

What is the purpose of SB 71?

The new law has two purposes: "1) To provide a pupil with the knowledge and skills necessary to protect his or her sexual and reproductive health from unintended pregnancy and sexually transmitted diseases; 2) To encourage a pupil to develop healthy attitudes concerning adolescent growth and development, body image, gender roles, sexual orientation, dating, marriage, and family."

What protections does SB 71 offer for LGBTQ youth?

- SB 71 requires that instruction and materials shall teach respect for committed relationships as well as marriage. It removes all reference to "abstinence until marriage" to reflect that, if today's laws remain the same, not all students will have the right to marry their chosen life partner.
- Sex education instruction and materials may not teach or promote religious doctrine or reflect or promote bias against any person on the basis of any category protected by the state's school nondiscrimination policy, Education Code Section 220, which includes actual or perceived gender and sexual orientation.
- Previous law required classes to discuss abstinence from sexual intercourse, a heterosexual focus that excluded LGBTQ youth. SB 71 changed the language to make it more inclusive. Now, in grades 7-12, sexual health education must teach the value of abstinence from sexual intercourse in preventing pregnancy and the value of abstinence from sexual activity in preventing sexually transmitted diseases.
- SB 71 also requires that all instruction and material be appropriate for use with students of all races, genders, sexual orientations, ethnic and cultural backgrounds, and students with disabilities.

What are SB 71's requirements for sexual health education?

SB 71 requires that all materials and instruction be age-appropriate, medically accurate, and objective. In grades 7-12, classes must cover the safety and effectiveness of all FDA-approved methods for preventing sexually transmitted diseases and pregnancy, which means they have to cover condoms and other contraceptives and not just abstinence. Teachers must be properly trained in the subject.

What counts as sexual health education?

SB 71 makes it absolutely clear that instruction or materials that discuss human reproductive organs and their functions are "sexual health education." Anti-bias trainings covering gender, sexual orientation or family life are not sexual health education. Therefore, parents do not need to be notified of this instruction and they may not remove their children from it.



www.gsanetwork.org

For more information and resources for Gay-Straight Alliances, contact GSA Network:

Statewide Office: 160 14th Street, San Francisco, CA 94103, ph: 415.552.4229, f: 415.552.4729

Central Valley Regional Office: 4403 E. Tulare Ave, Fresno, CA 93702, ph: 559.453.9040, f: 559.453.9060

Southern California Regional Office: 605 W. Olympic Blvd, Suite 610, Los Angeles, CA 90015, ph:

213.534.7162, f: 213.553.1833

What are SB 71's policies for parental notification and consent?

SB 71 requires that schools notify parents or guardians at the beginning of the year about sexual health education and HIV/AIDS prevention education and be given the opportunity to request in writing that their student not participate in the class(es) ("opt out"). Schools are not allowed to adopt an active consent or "opt-in" policy for sexual health education or HIV/AIDS education.

Does SB 71 require "opt in" or "opt out"?

SB 71 requires that local school districts adopt an "opt out" policy for sexual health education. SB 71 does not permit a local school district to adopt an "opt in" policy for sexual health education.

What does this mean for anti-bias trainings in schools?

SB 71 clearly defines that there is a difference between sex education and anti-harassment or anti-bias trainings that include education on safety for people of all sexual orientations and gender identities. Anti-harassment programs and trainings are designed to create safe learning environments and are not sexual health instruction.

SB 71 clearly states that parental notification and consent policies apply only to sexual health education, HIV/AIDS prevention education, and related assessments. The law does not permit parents to remove their student from anti-harassment programs or trainings. This includes programs or trainings that cover gender, gender identity, and sexual orientation or family life.

How can you make sure SB 71 is enforced in your school?

- Make sure your school has an "opt out" policy and not an "opt in" policy regarding sexual health education.
- Make sure the school doesn't require parental notification and consent for anti-bias trainings regarding sexual orientation.
- Make sure your school's sexual health education is inclusive of all students, including gay, lesbian, bi, transgender, and questioning students.
- Make sure the information is medically accurate, covers the safety and effectiveness of condoms and contraception, and is free of bias.
- Make sure students and teachers are educated about the differences between sexual health education classes and anti-bias trainings.

What if SB 71 is not enforced at your school?

- Document and date the incidents as they occur.
- Work with the GSA club to provide alternative information to supplement the sexual health curriculum
- If you have any questions about SB 71 or if your school is not in compliance with SB 71, please contact:

GSA Network
160 14th St
San Francisco, CA 94103
www.gsanetwork.org
info@gsanetwork.org

Northern California	415.552.4229
Central California	559.453.9040
Southern California	213.534.7162

What do the terms "opt in" and "opt out" mean?

"Opt in" means that a parent or guardian is notified of sexual health education and has to actively enroll their student in the program.

"Opt out" means that a parent or guardian is notified of sexual health education and can voluntarily remove their child from the program, but if the parent does not act the child remains in the class.



Safe Place to Learn

Consequences of Harassment Based on Actual or Perceived Sexual Orientation and Gender Non-Conformity and Steps for Making Schools Safer

Summary Fact Sheet from a Report by the California Safe Schools Coalition and the 4-H Center for Youth Development, University of California, Davis

This study examines school-based harassment based on actual or perceived sexual orientation and gender non-conformity and steps for improving school safety. It analyzes data from two sources: the broad-based 2001-2002 California Healthy Kids Survey, designed by WestEd under a contract with the California Department of Education, and the 2003 Preventing School Harassment survey, carried out by the California Safe Schools Coalition in partnership with Gay-Straight Alliance Network.

Key findings

Harassment and bullying based on actual or perceived sexual orientation are pervasive, according to the California Healthy Kids Survey.

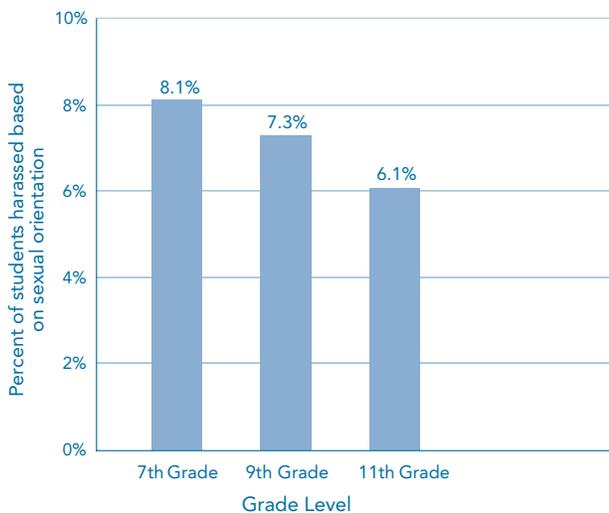
7.5 percent of California students reported being harassed on the basis of actual or perceived sexual orientation: that translates to **over 200,000 middle school and high school students harassed every year.**

Harassment based on actual or perceived sexual orientation has dangerous consequences for students, according to data from the California Healthy Kids Survey.

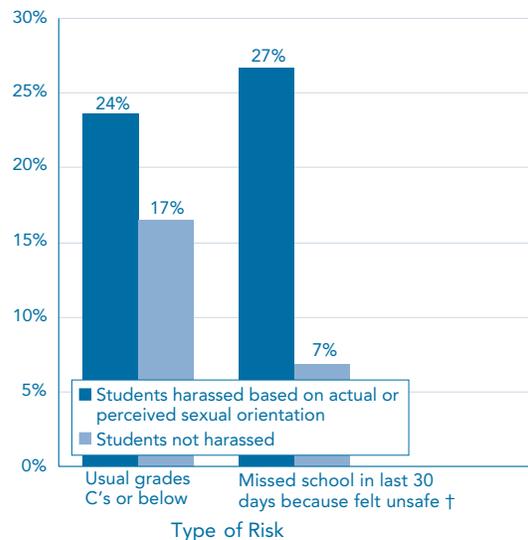
Compared to students who were not harassed:

- Students harassed based on actual or perceived sexual orientation are **more than three times as likely** to carry a weapon to school, to seriously consider suicide, to make a plan for attempting suicide or to miss at least one day of school in the last 30 days because they felt unsafe.
- Students harassed based on actual or perceived sexual orientation are **more than twice as likely** to report depression (feeling so sad and hopeless they stopped normal activities for two weeks), to use methamphetamines, or to use inhalants.
- Students harassed based on actual or perceived sexual orientation are also more likely to have low grades (Cs or below), to be victims of violence, to smoke cigarettes, drink alcohol, binge drink, or use marijuana.

Harassment based on sexual orientation is more frequent in middle school than high school



Students harassed based on sexual orientation are more likely to miss school and have low grades



†Data on missing school are not directly comparable to data on low grades

School climates are unsafe for LGBT students, students perceived to be LGBT, and gender non-conforming students, according to the Preventing School Harassment survey.

- 91 percent of students reported hearing students make negative comments based on sexual orientation. 44 percent reported hearing teachers make negative comments based on sexual orientation.
- 46 percent of students said their schools were not safe for lesbian, gay, bisexual, and transgender (LGBT) students.
- Two out of every three students who identified as LGBT reported being harassed based on actual or perceived sexual orientation.
- School climates are also unsafe for gender non-conforming students. 53 percent of students said their schools were unsafe for “guys who aren’t as masculine as other guys,” and 34 percent said their schools were unsafe for “girls who aren’t as feminine as other girls.” 27 percent of students reported being harassed for gender non-conformity.

Schools can take steps to improve safety and health for all students, according to the Preventing School Harassment (PSH) survey.

The PSH survey reveals that specific steps schools can take that are related to a more positive overall school climate, lower rates of harassment based on actual or perceived sexual orientation and gender non-conformity, and stronger student resilience.

- Local school officials and school administrators should establish and publicize district policies prohibiting harassment based on sexual orientation and gender, including gender identity, appearance and behavior; ensure that all school staff are trained to prevent and respond to harassment; support the formation of Gay-Straight Alliances or similar clubs; and treat all forms of harassment and discrimination as serious and preventable.
- Teachers and school staff can make schools safer by responding to slurs and negative comments, by sharing with students where to go for information about sexual orientation and gender identity, and by including LGBT people and information about sexual orientation and gender identity in the curriculum.

The full *Safe Place to Learn* report is available at www.casafeschools.org.

For more information, contact Molly O’Shaughnessy at (415) 626-1680.

STEPS Schools Can Take

- Establish and publicize a harassment policy that specifically includes sexual orientation and gender, including gender identity, appearance, and behavior.
- Train teachers and staff to intervene when they hear slurs or negative comments based on sexual orientation or gender non-conformity.
- Support the establishment of a Gay-Straight Alliance or similar student club.
- Ensure that students know where to go for information and support related to sexual orientation and gender identity.
- Introduce curriculum that includes LGBT people and information about sexual orientation and gender identity.

OUTCOMES for Students and School Environment

- Fewer incidents of harassment and bullying.
- Fewer bias-related comments and less name-calling.
- Greater feelings of safety.
- Improved connections to school, community, and supportive adults