

Education or Indoctrination?

How LGBT Legislation Has Impacted California Education

Beginning in 1999, many California laws have been enacted forwarding a plan to “normalize” lesbian, gay, bisexual and transgender (LGBT) lifestyles through changes to the state’s education code. Some key bills are identified here. The implementation continues in 2013.

1999 – 2000

AB 537 – The Safe Schools and Violence Prevention Act of 2000 added “sexual orientation” (actual or perceived) and “gender” (actual or perceived) language to the education code, expressly prohibiting discrimination and harassment on the basis of these characteristics. In order to implement AB 537, Delaine Eastin, Superintendent of Public Instruction, created a task force to form “recommendations” for school districts to follow, such as the acknowledgement of gay, lesbian, bisexual and transgender individuals in curriculum, library materials, common area visual displays and other venues in grades K-12. While the outcome of this initial bill resulted in “recommendations” that some school districts adopted and others did not, subsequent legislation has turned recommendations into requirements. Appropriation for AB 537 was \$100,000,000.

AB 1785–With curbing “hate crimes” and “hate violence” on school campuses as its purported objective, AB 1785 revised curriculum frameworks that called for “human relations education” to foster appreciation for people of different ethnicities, to foster appreciation for “culture” and “cultural diversity” that would now include “gender” and “sexual orientation” based on the Penal Code definition of the terms, which 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.” Among other provisions, the bill added a course in “human relations” to the credentialing prerequisites for certification of those providing services to limited-English-proficient students. AB 1785 also created additional “hate crime” and “hate-related incident” reporting requirements for schools.

AB 1931 – This bill authorized \$2,150,000 for regional training and grants for students and teachers to participate in educational programs focused on countering hatred and intolerance.

2001 – 2002

SB 225 – This bill added “sexual orientation” to the anti-discrimination language with regard to interscholastic sports programs.

2003 – 2004

SB 71–The California Comprehensive Sexual Health HIV/AIDS Prevention Education Act, sponsored by Planned Parenthood and the American Civil Liberties Union, added “sexual orientation” (homosexuality, bisexuality, etc.) to the state’s K-12 sex education curriculum and placed “committed relationships” on par with marriage. Under SB 71, school districts offering sex education in any grades K-12 may only offer “comprehensive” programs to include “age appropriate” information on contraceptives (prohibiting abstinence only programs). Schools would be required to provide HIV/AIDS instruction at least once in junior high and once in high school. SB 71 prohibited “opt-in” sex education policies, which better protect children, and allowed students to be surveyed on sensitive sexual topics without positive parental permission. The bill provided for parents to be notified of planned “comprehensive” sex education instruction or surveys with a single notice at the beginning of the school year.

2006 – 2007

AB 394 – The “Safe Place to Learn Act” required school districts to establish anti-discrimination and anti-harassment policies based on actual or perceived gender identity or sexual orientation and require monitoring for compliance.

SB 777 – The California Student Civil Rights Act prohibited any teacher from giving instruction that “promotes a discriminatory bias against” or “reflects adversely upon” any persons because of their “gender” (including transgender) or “sexual orientation,” again referring to the Penal Code definitions. The bill also banned any school-sponsored activities that might “promote a discriminatory bias against” these criteria. All schools that receive any benefits or state financial assistance or that enroll students who receive state financial aid were affected, including charter schools and home school programs through public or charter schools. No specific curriculum content requirements were included (this would come later).

2009 – 2010

SB 572 – This bill established “Harvey Milk Day” in California public schools, honoring the late Harvey Milk, a controversial figure and the “first openly gay elected official.” Under SB 572, schools will be encouraged to hold commemorative exercises “remembering the life of Harvey Milk, recognizing his accomplishments, and familiarizing pupils with the contributions he made to this state.” The only other days of “special significance” in the schools are: the Day of the Teacher, John Muir Day, California Poppy Day and Welcome Home Vietnam Veterans Day.

SB 543 – With the passage of SB 543, a minor as young as age 12 can consent to mental health treatment or to residential shelter services without the consent of a parent if the minor is “mature enough” in the opinion of a “professional person.”

ACR 82 – This resolution carried no force of law, but it encouraged “all public education institutions, working with students, teachers, faculty, and other members of the public education community, to designate each campus as a ‘Discrimination-Free Zone’ to provide a safe haven from intolerance or discrimination.” Campuses designated in such a way are encouraged to use “placards, signs, notices of available services, and other appropriate identifications to create a campus climate that welcomes diversity and supports the tolerance of others.”

2011

SB 48– Building upon AB 537 and SB 777, the Fair, Accurate, Inclusive and Respectful (FAIR) Education Act amended the Education Code to require that social science instruction include, at all grade levels, the contributions of lesbian, gay, bisexual and transgender persons. There is no requirement for prior notification of parents and no opt-out provision. The bill becomes effective in January 2012 (Bill analysis indicates that, due to fiscal challenges, “the current framework development and instructional materials adoption activities have been suspended until the 2015-16 fiscal year. Thus it will be several years before new instructional materials for kindergarten and grades 1-8, inclusive, are adopted.”). SB 48 adds “sexual orientation” and “gender” to a list of characteristics about which textbooks, instructional materials, and school activities may not “reflect adversely.”

2013

AB 1266 – Recently signed by Gov. Brown, this bill continues the implementation of the AB 537 recommendations. AB 1266 requires public schools to allow any student to participate in any sex-segregated school programs based on the student’s gender identity, regardless of the gender on the pupil’s records. The requirement extends to any “school programs, activities, and facilities, including athletic teams and competition.” Facilities include restrooms, locker rooms, etc.

