



AB-1955 Ley de apoyo al futuro académico y a los educadores para los jóvenes de hoy (2023-2024)

COMPARTIR ESTE:



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Proyecto de ley de la Asamblea N° 1955

CAPÍTULO 95

Una ley para agregar las Secciones 220.1, 220.3 y 220.5 y para agregar el Artículo 2.6 (comenzando con la Sección 217) al Capítulo 2 de la Parte 1 de la División 1 del Título 1 del Código de Educación, relacionado con los derechos de los alumnos.

[Aprobado por el Gobernador el 15 de julio de 2024. Presentado ante el Secretario de Estado el 15 de julio de 2024.]

RESUMEN DEL ASESOR LEGISLATIVO

AB 1955, Ward. Ley de apoyo al futuro académico y a los educadores para la juventud de hoy.

(1) La ley vigente requiere que el Departamento de Educación del Estado desarrolle recursos o, según corresponda, actualice los recursos existentes para la capacitación en servicio sobre recursos escolares y comunitarios para el apoyo de alumnos lesbianas, gais, bisexuales, transgénero, queer y en cuestionamiento (LGBTQ), y estrategias para aumentar el apoyo a los alumnos LGBTQ, según se especifique.

Este proyecto de ley requeriría que el Departamento de Educación del Estado desarrolle recursos o, según corresponda, actualice los recursos existentes para apoyos y recursos comunitarios para el apoyo de los padres, tutores y familias de alumnos LGBTQ y estrategias para aumentar el apoyo a los alumnos LGBTQ, según se especifica.

(2) La legislación vigente prohíbe la discriminación por motivos de género, identidad de género, expresión de género y orientación sexual, entre otras características, en cualquier programa o actividad que lleve a cabo una institución educativa que reciba o se beneficie de asistencia financiera estatal o que inscriba a alumnos que reciben ayuda financiera estatal para estudiantes. La legislación vigente exige que la Junta Estatal de Educación adopte reglamentos para implementar estas disposiciones.

This bill would prohibit school districts, county offices of education, charter schools, and the state special schools, and a member of the governing board or body of those educational entities, from enacting or enforcing any policy, rule, or administrative regulation that requires an employee or a contractor to disclose any information related to a pupil's sexual orientation, gender identity, or gender expression to any other person without the pupil's consent unless otherwise required by law, as provided. The bill would prohibit employees or contractors of those educational entities from being required to make such a disclosure unless otherwise required by law, as provided. The bill would prohibit employees or contractors of school districts, county offices of education, charter schools, or the state special schools, or members of the governing boards or bodies of those educational entities, from retaliating or taking adverse action against an employee on the basis that the employee supported a pupil in the exercise of specified rights, work activities, or providing certain instruction, as provided.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This act shall be known, and may be cited, as the Support Academic Futures and Educators for Today's Youth Act or SAFETY Act.

SEC. 2. The Legislature finds and declares all of the following:

- (a) All pupils deserve to feel safe, supported, and affirmed for who they are at school.
- (b) Choosing when to “come out” by disclosing an LGBTQ+ identity, and to whom, are deeply personal decisions, impacting health and safety as well as critical relationships, that every LGBTQ+ person has the right to make for themselves.
- (c) Parents and families across California understand that coming out as LGBTQ+ is an extremely personal decision and want to support their children in coming out to them on their own terms.
- (d) Parents and families have an important role to play in the lives of young people. Studies confirm that LGBTQ+ youth thrive when they have parental support and feel safe sharing their full identities with them, but it can be harmful to force young people to share their full identities before they are ready.
- (e) Policies that forcibly “out” pupils without their consent remove opportunities for LGBTQ+ young people and their families to build trust and have these conversations when they are ready.
- (f) LGBTQ+ pupils have the right to express themselves freely at school without fear, punishment, or retaliation, including that teachers or administrators might “out” them without their permission. Policies that require outing pupils without their consent violate pupils’ rights to privacy and self-determination.
- (g) Pupils have a constitutional right to privacy when it comes to sensitive information about them, and courts have affirmed that young people have a right to keep personal information private.
- (h) Laws and policies that target or invite targeting of pupils on the basis of gender or sexual orientation are prohibited under state and federal law.
- (i) Attacks on the rights, safety, and dignity of transgender, gender-expansive, and other LGBTQ+ youth continue to grow across the country, including here in California. These efforts are having a measurable impact on the health and well-being of LGBTQ+ pupils, and have led to a rise in bullying, harassment, and discrimination.
- (j) School policies that support LGBTQ+ pupils and their parents and families in working towards family acceptance on their own terms, without interference from teachers and school staff, build safety and trust within school communities.
- (k) (1) Teachers and school staff can provide crucial support to LGBTQ+ young people and can play an important role in encouraging them to seek out appropriate resources and support.
- (2) Affirming school environments significantly reduce the odds of transgender youth attempting suicide, according to The Trevor Project Research Brief: LGBTQ & Gender-Affirming Spaces (2020).
- (3) LGBTQ+ students with supportive staff at their school experienced a number of positive outcomes, including being less likely to feel unsafe at school because of their gender expression or sexual orientation, or both, and reporting lower levels of depression, according to Joseph G. Kosciw, Ph.D., et al., The 2019 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation’s Schools (2019).
- (4) Transgender and gender-nonconforming youth with supportive educators had better education outcomes, according to Michelle Marie Johns et al., Protective Factors Among Transgender and Gender Variant Youth: A Systematic Review by Socioecological Level (2018).
- (l) School personnel have faced increasing harassment and adverse employment actions because of their lawful efforts to protect pupil privacy, to protect pupils from discrimination, to provide instruction consistent with state standards, and to create a safe and supportive learning environment for all pupils, including LGBTQ+ pupils.
- (m) This harassment and adverse treatment of school personnel prevents all pupils from accessing safe and supportive learning environments.
- (n) No school employee should suffer an adverse employment action because the employee supported a pupil or pupils in exercising their legal rights to privacy, nondiscrimination, state-aligned instructional materials, and equal educational opportunity.

SEC. 3. Article 2.6 (commencing with Section 217) is added to Chapter 2 of Part 1 of Division 1 of Title 1 of the Education Code, to read:

Article 2.6. Supports and Resources for Parents, Guardians, and Families of Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning Pupils

217. (a) (1) The department shall develop resources, or, as appropriate, update existing resources, for supports and community resources for the support of parents, guardians, and families of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) pupils and strategies to increase support for LGBTQ pupils and thereby improve overall school and community climate. The resources shall be designed for use in schools operated by a school district or county office of education and charter schools serving pupils in grades 7 to 12, inclusive.

(2) The department shall develop the supports and community resources for parents, guardians, and families of LGBTQ pupils in collaboration with parents, guardians, and families of, including, but not limited to, LGBTQ pupils.

(b) The department shall periodically update the supports and community resources for the support of parents, guardians, and families of LGBTQ pupils to reflect changes in law.

(c) (1) As used in this section, school-based supports and community resources for the support of parents, guardians, and families of LGBTQ pupils include, but are not limited to, all of the following:

- (A) Parents, guardians, and families of LGBTQ pupils support groups or affinity clubs and organizations.
- (B) Safe spaces for parents, guardians, and families of LGBTQ pupils.
- (C) Antibullying and harassment policies and related complaint procedures for parents, guardians, and families to access.
- (D) Counseling services.
- (E) School staff who have received antibias or other training aimed at supporting LGBTQ youth and their parents, guardians, and families.
- (F) Suicide prevention policies and related procedures for parents, guardians, and families to access.

(2) As used in this section, community resources for the support of parents, guardians, and families of LGBTQ pupils include, but are not limited to, both of the following:

- (A) Local community-based organizations that provide support to parents, guardians, and families of LGBTQ youth.
- (B) Local physical and mental health providers with experience in treating and supporting parents, families, and guardians of LGBTQ youth.

SEC. 4. Section 220.1 is added to the Education Code, to read:

220.1. Un empleado o contratista de un distrito escolar, oficina de educación del condado, escuela autónoma o escuela especial estatal para ciegos o sordos, o un miembro de la junta directiva de un distrito escolar u oficina de educación del condado o un miembro del órgano de gobierno de una escuela autónoma, no deberá de ninguna manera tomar represalias o acciones adversas contra ningún empleado, incluyendo colocar al empleado en licencia administrativa, sobre la base de que el empleado (a) apoyó a un alumno en el ejercicio de los derechos establecidos en el Artículo 1 (comenzando con la Sección 200) de, el Artículo 2.7 (comenzando con la Sección 218) de, el Artículo 3 (comenzando con la Sección 220) de, o el Artículo 4 (comenzando con la Sección 221.5) de, este capítulo, (b) realizó las actividades laborales del empleado de una manera consistente con las recomendaciones u obligaciones del empleador establecidas en este capítulo, o (c) proporcionó instrucción a los alumnos de acuerdo con los estándares de contenido actuales, los marcos curriculares y los materiales de instrucción adoptados por la junta estatal, y cualquier otro requisito de este código, incluyendo, pero no limitado a, la Sección 51204.5 y la Ley de Juventud Saludable de California (Capítulo 5.6 (que comienza con la Sección 51930) de la Parte 28 de la División 4 del Título 2).

ARTICULO 5. Se añade el artículo 220.3 al Código de Educación, que quedará redactado como sigue:

220.3. (a) Un empleado o contratista de un distrito escolar, una oficina de educación del condado, una escuela autónoma o una escuela especial estatal para ciegos o sordos no estará obligado a revelar ninguna información relacionada con la orientación sexual, la identidad de género o la expresión de género de un alumno a ninguna otra persona sin el consentimiento del alumno, a menos que la ley estatal o federal exija lo contrario.

(b) La subdivisión (a) no constituye un cambio en la ley existente, sino que es declaratoria de la misma.

ARTICULO 6. Se añade la Sección 220.5 al Código de Educación, para que se lea como sigue:

220.5. (a) Un distrito escolar, una oficina de educación del condado, una escuela autónoma, una escuela especial estatal para ciegos o sordos, o un miembro de la junta directiva de un distrito escolar o una oficina de educación del condado o un miembro del órgano directivo de una escuela autónoma, no promulgará ni hará cumplir ninguna política, norma o reglamento administrativo que requiera que un empleado o contratista divulgue cualquier información relacionada con la orientación sexual, la identidad de género o la expresión de género de un alumno a cualquier otra persona sin el consentimiento del alumno, a menos que la ley estatal o federal exija lo contrario.

(b) La subdivisión (a) no constituye un cambio en la ley existente, sino que es declaratoria de la misma.

(c) Cualquier política, reglamento, orientación, directiva u otra acción de un distrito escolar, una oficina de educación del condado, una escuela autónoma o una escuela especial estatal para ciegos o sordos, o de un miembro de la junta directiva de un distrito escolar o una oficina de educación del condado o de un miembro del órgano de gobierno de una escuela autónoma, que sea incompatible con la subdivisión (a) es inválida y no tendrá ninguna fuerza o efecto.