

AMENDED IN SENATE MAY 22, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1955

Introduced by Assembly Member Ward

**(Principal coauthors: Assembly Members Cervantes, Jackson, Lee,
Low, and Zbur)**

*(Principal coauthors: Senators Atkins, Eggman, Laird, Menjivar,
Padilla, and Wiener)*

(Coauthor: Assembly Member Muratsuchi)

(Coauthor: Senator Rubio)

January 29, 2024

An act to ~~amend Section 33319 of the Education Code, relating to pupil health.~~ add Sections 220.1, 220.3, and 220.5 to, and to add Article 2.6 (commencing with Section 217) to Chapter 2 of Part 1 of Division 1 of Title 1 of, the Education Code, relating to pupil rights.

LEGISLATIVE COUNSEL'S DIGEST

AB 1955, as amended, Ward. ~~Pupil health: school-based health services and school-based mental health services. Support Academic Futures and Educators for Today's Youth Act.~~

(1) Existing law requires the State Department of Education to develop resources or, as appropriate, update existing resources for in-service training on schoolsite and community resources for the support of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) pupils, and strategies to increase support for LGBTQ pupils, as specified.

This bill would require the State Department of Education to develop resources or, as appropriate, update existing resources, for supports and community resources for the support of parents, guardians, and

families of LGBTQ pupils and strategies to increase support for LGBTQ pupils, as specified.

(2) Existing law prohibits discrimination on the basis of, among other characteristics, gender, gender identity, gender expression, and sexual orientation in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state student financial aid. Existing law requires the State Board of Education to adopt regulations to implement these provisions.

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.

~~Existing law establishes the State Department of Education in state government, and vests the department with specified powers and duties relating to the state's public school system, including encouraging and assisting school districts to improve and monitor the health of their pupils. Existing law requires the department, as part of that assistance, to provide information and guidance to schools that request the information and guidance to establish "Health Days" to provide screenings for common health problems among pupils.~~

~~This bill would require the department to include county offices of education and charter schools in the above-described provisions. The bill would require the department to encourage school districts, county offices of education, and charter schools to participate in programs that offer reimbursement for school-based health services and school-based mental health services, as provided.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

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

4 SEC. 2. The Legislature finds and declares all of the following:
5 (a) All pupils deserve to feel safe, supported, and affirmed for
6 who they are at school.

7 (b) Choosing when to “come out” by disclosing an LGBTQ+
8 identity, and to whom, are deeply personal decisions, impacting
9 health and safety as well as critical relationships, that every
10 LGBTQ+ person has the right to make for themselves.

11 (c) Parents and families across California understand that
12 coming out as LGBTQ+ is an extremely personal decision and
13 want to support their children in coming out to them on their own
14 terms.

15 (d) Parents and families have an important role to play in the
16 lives of young people. Studies confirm that LGBTQ+ youth thrive
17 when they have parental support and feel safe sharing their full
18 identities with them, but it can be harmful to force young people
19 to share their full identities before they are ready.

20 (e) Policies that forcibly “out” pupils without their consent
21 remove opportunities for LGBTQ+ young people and their families
22 to build trust and have these conversations when they are ready.

23 (f) LGBTQ+ pupils have the right to express themselves freely
24 at school without fear, punishment, or retaliation, including that
25 teachers or administrators might “out” them without their
26 permission. Policies that require outing pupils without their
27 consent violate pupils’ rights to privacy and self-determination.

28 (g) Pupils have a constitutional right to privacy when it comes
29 to sensitive information about them, and courts have affirmed that
30 young people have a right to keep personal information private.

31 (h) Laws and policies that target or invite targeting of pupils
32 on the basis of gender or sexual orientation are prohibited under
33 state and federal law.

34 (i) Attacks on the rights, safety, and dignity of transgender,
35 gender-expansive, and other LGBTQ+ youth continue to grow

1 across the country, including here in California. These efforts are
2 having a measurable impact on the health and well-being of
3 LGBTQ+ pupils, and have led to a rise in bullying, harassment,
4 and discrimination.

5 (j) School policies that support LGBTQ+ pupils and their
6 parents and families in working towards family acceptance on
7 their own terms, without interference from teachers and school
8 staff, build safety and trust within school communities.

9 (k) (1) Teachers and school staff can provide crucial support
10 to LGBTQ+ young people and can play an important role in
11 encouraging them to seek out appropriate resources and support.

12 (2) Affirming school environments significantly reduce the odds
13 of transgender youth attempting suicide, according to The Trevor
14 Project Research Brief: LGBTQ & Gender-Affirming Spaces
15 (2020).

16 (3) LGBTQ+ students with supportive staff at their school
17 experienced a number of positive outcomes, including being less
18 likely to feel unsafe at school because of their gender expression
19 or sexual orientation, or both, and reporting lower levels of
20 depression, according to Joseph G. Kosciw, Ph.D., et al., The 2019
21 National School Climate Survey: The Experiences of Lesbian, Gay,
22 Bisexual, Transgender, and Queer Youth in Our Nation's Schools
23 (2019).

24 (4) Transgender and gender-nonconforming youth with
25 supportive educators had better education outcomes, according
26 to Michelle Marie Johns et al., Protective Factors Among
27 Transgender and Gender Variant Youth: A Systematic Review by
28 Socioecological Level (2018).

29 (l) School personnel have faced increasing harassment and
30 adverse employment actions because of their lawful efforts to
31 protect pupil privacy, to protect pupils from discrimination, to
32 provide instruction consistent with state standards, and to create
33 a safe and supportive learning environment for all pupils, including
34 LGBTQ+ pupils.

35 (m) This harassment and adverse treatment of school personnel
36 prevents all pupils from accessing safe and supportive learning
37 environments.

38 (n) No school employee should suffer an adverse employment
39 action because the employee supported a pupil or pupils in
40 exercising their legal rights to privacy, nondiscrimination,

1 state-aligned instructional materials, and equal educational
2 opportunity.

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

6
7 Article 2.6. Supports and Resources for Parents, Guardians,
8 and Families of Lesbian, Gay, Bisexual, Transgender, Queer, and
9 Questioning Pupils

10
11 217. (a) (1) The department shall develop resources, or, as
12 appropriate, update existing resources, for supports and community
13 resources for the support of parents, guardians, and families of
14 lesbian, gay, bisexual, transgender, queer, and questioning
15 (LGBTQ) pupils and strategies to increase support for LGBTQ
16 pupils and thereby improve overall school and community climate.
17 The resources shall be designed for use in schools operated by a
18 school district or county office of education and charter schools
19 serving pupils in grades 7 to 12, inclusive.

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

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

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

31 (A) Parents, guardians, and families of LGBTQ pupils support
32 groups or affinity clubs and organizations.

33 (B) Safe spaces for parents, guardians, and families of LGBTQ
34 pupils.

35 (C) Antibullying and harassment policies and related complaint
36 procedures for parents, guardians, and families to access.

37 (D) Counseling services.

38 (E) School staff who have received antibias or other training
39 aimed at supporting LGBTQ youth and their parents, guardians,
40 and families.

1 (F) Suicide prevention policies and related procedures for
2 parents, guardians, and families to access.

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

6 (A) Local community-based organizations that provide support
7 to parents, guardians, and families of LGBTQ youth.

8 (B) Local physical and mental health providers with experience
9 in treating and supporting parents, families, and guardians of
10 LGBTQ youth.

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

12 220.1. An employee or a contractor of a school district, county
13 office of education, charter school, or state special school for the
14 blind or the deaf, or a member of the governing board of a school
15 district or county office of education or a member of the governing
16 body of a charter school, shall not in any manner retaliate or take
17 adverse action against any employee, including by placing the
18 employee on administrative leave, on the basis that the employee
19 (a) supported a pupil in the exercise of rights set forth in Article
20 1 (commencing with Section 200) of, Article 2.7 (commencing with
21 Section 218) of, Article 3 (commencing with Section 220) of, or
22 Article 4 (commencing with Section 221.5) of, this chapter, (b)
23 performed the employee's work activities in a manner consistent
24 with the recommendations or employer obligations set forth in this
25 chapter, or (c) provided instruction to pupils consistent with the
26 current content standards, curriculum frameworks, and
27 instructional materials adopted by the state board, and any other
28 requirements of this code, including, but not limited to, Section
29 51204.5 and the California Healthy Youth Act (Chapter 5.6
30 (commencing with Section 51930) of Part 28 of Division 4 of Title
31 2).

32 SEC. 5. Section 220.3 is added to the Education Code, to read:

33 220.3. (a) An employee or a contractor of a school district,
34 county office of education, charter school, or state special school
35 for the blind or the deaf shall not be required to disclose any
36 information related to a pupil's sexual orientation, gender identity,
37 or gender expression to any other person without the pupil's
38 consent unless otherwise required by state or federal law.

39 (b) Subdivision (a) does not constitute a change in, but is
40 declaratory of, existing law.

1 *SEC. 6. Section 220.5 is added to the Education Code, to read:*

2 220.5. (a) *A school district, county office of education, charter*
3 *school, state special school for the blind or the deaf, or a member*
4 *of the governing board of a school district or county office of*
5 *education or a member of the governing body of a charter school,*
6 *shall not enact or enforce any policy, rule, or administrative*
7 *regulation that would require an employee or a contractor to*
8 *disclose any information related to a pupil's sexual orientation,*
9 *gender identity, or gender expression to any other person without*
10 *the pupil's consent, unless otherwise required by state or federal*
11 *law.*

12 (b) *Subdivision (a) does not constitute a change in, but is*
13 *declaratory of, existing law.*

14 (c) *Any policy, regulation, guidance, directive, or other action*
15 *of a school district, county office of education, charter school, or*
16 *state special school for the blind or the deaf, or a member of the*
17 *governing board of a school district or county office of education*
18 *or a member of the governing body of a charter school, that is*
19 *inconsistent with subdivision (a) is invalid and shall not have any*
20 *force or effect.*

21 ~~SECTION 1. Section 33319 of the Education Code is amended~~
22 ~~to read:~~

23 ~~33319. (a) The department shall encourage and assist local~~
24 ~~educational agencies to improve and monitor the health of their~~
25 ~~pupils. The department shall provide guidance and assist local~~
26 ~~educational agencies to secure the voluntary assistance of local~~
27 ~~health professionals, schools of medicine, schools of public health,~~
28 ~~schools of nursing, voluntary health agencies, and other appropriate~~
29 ~~entities to provide pupil health screening and appropriate medical~~
30 ~~referrals and to provide valuable health information to pupils and~~
31 ~~their parents. The department shall encourage local educational~~
32 ~~agencies to contact and cooperate with local maternal, child, and~~
33 ~~adolescent health boards and child health and disability prevention~~
34 ~~programs established pursuant to Article 6 (commencing with~~
35 ~~Section 124025) of Chapter 3 of Part 2 of Division 106 of the~~
36 ~~Health and Safety Code.~~

37 ~~(b) As part of the assistance provided to local educational~~
38 ~~agencies pursuant to subdivision (a), the department shall provide~~
39 ~~information and guidance to local educational agencies that request~~
40 ~~the information and guidance to establish "Health Days" to provide~~

1 screenings for common health problems among pupils and to
2 provide information to pupils and parents on the prevention of
3 illness, proper nutrition, and other aspects of good health. The
4 Health Days should be organized and staffed by school nurses
5 working in cooperation with volunteers from schools of medicine,
6 schools of public health, schools of nursing, voluntary health
7 agencies, health professionals, local maternal, child, and adolescent
8 health boards, and other appropriate entities. Medical screenings
9 and services conducted pursuant to this section shall be conducted
10 in accordance with Chapter 9 (commencing with Section 49400)
11 of Part 27 of Division 4.

12 (c) The department shall encourage local educational agencies
13 to participate in programs that offer reimbursement for
14 school-based health services and school-based mental health
15 services, including, but not limited to, both of the following:

16 (1) The Medi-Cal billing option for local educational agencies
17 pursuant to Section 14115.8 of the Welfare and Institutions Code.

18 (2) The statewide fee schedule for school-linked outpatient
19 mental health or substance use disorder treatment pursuant to
20 Section 5961.4 of the Welfare and Institutions Code.

21 (d) For purposes of this section, a “local educational agency”
22 means a school district, county office of education, or charter
23 school.