

SENATE THIRD READING
SB 857 (Laird)
As Amended September 7, 2023
Majority vote

SUMMARY

Requires the Superintendent of Public Instruction (SPI) by July 1, 2024, to convene an advisory task force of at least 15 members to identify the needs of LGBTQ+ students and make recommendations to assist in implementing supportive policies and initiatives to address LGBTQ+ student education and well-being.

Major Provisions

- 1) Requires the SPI by July 1, 2024, to convene an advisory task force to identify the needs of LGBTQ+ students and provide recommendations to assist in implementing supportive policies and initiatives to address LGBTQ+ student education and well-being, including all of the following:
 - a) Pupil mental health and feelings of safety and support;
 - b) Inclusive and safe access to school facilities;
 - c) Inclusive instructional material and school curriculum;
 - d) Prevention of, response to, and oversight of, bullying and harassment to determine the effectiveness of policies and programs; and
 - e) Inclusive participation in campus activities.
- 2) Requires the advisory task force to include a minimum of 15 members, including students, administrators, teachers, mental health professionals, a community LGBTQ+ advocate, and a representative from the Office of Health Equity.
- 3) Requires the SPI, or their designee, to select the members of the task force and, to the extent practicable, ensure that they represent the geographical, racial, ethnic, socioeconomic, cultural, physical, and educational diversity of California's LGBTQ+ community.
- 4) Requires the task force to report their findings and recommendations to the Legislature, the SPI, and the Governor, by January 1, 2026 and, at the request of any member, authorizes the report to include minority findings and recommendations.

COMMENTS

Increased suicide risk for LGBTQ+ students. Research finds that LGBTQ+ youth are between two and seven times more likely to attempt suicide than their heterosexual peers. LGBTQ+ youth who report greater school connectedness and school safety also report lower suicidal ideation and fewer suicide attempts. In addition, lesbian and gay adolescents are at lower risk for attempting suicide if local school districts have anti-bullying policies that include sexual orientation. (Hatzenbuehler, 2014)

Schoolsite supports can improve outcomes for LGBTQ+ students. Several supportive factors at school appear to improve academic outcomes and improve safety for LGBTQ+ students.

Research shows that LGBTQ+ students with many supportive educators feel safer at school, skip fewer classes, earn higher grades, and have fewer school-related problems than those without supportive educators (Russell, 2010). Students in schools with Gay Straight Alliance (GSA) clubs report less harassment and assault, are more likely to report these incidents when they occur, and are less likely to miss school because of safety concerns.

According to the Author

"Across this nation school campuses have become a battle ground in the fight for LGBTQ+ dignity and humanity. LGBTQ+ students often find themselves caught in the cross fire, lacking the support and resources they need to thrive. A safe and supportive school environment allows LGBTQ+ students to succeed academically and has a significant impact on their overall wellbeing. California continues to lead the nation in supporting LGBTQ+ youth both on and off the campus, through robust policy projections and budget allocations. However, we still have a long way to go. Many school districts lack the resources needed to implement these laws, face hostile local social climates that impede implementation, and lack awareness regarding existing legal requirements and the best ways to meet them.

School district administrators cannot address this issue alone, they need the input and expertise of all of those involved in creating a thriving environment for LGBTQ+ youth on school grounds in order to succeed. SB 857 brings students, teachers, and administrators together to ensure that authentic voices from the community are involved in discussions about how to create a safe and supportive environment for LGBTQ+ students, while providing the State Department of Education with valuable perspectives to ensure resources are efficiently allocated to implement existing laws and better support LGBTQ+ student needs."

Arguments in Support

Equality California, on behalf of a number of organizations advocating for and supporting LGBTQ+ students, writes, "While states across the country are attacking LGBTQ+ students, particularly transgender and non-binary youth, SB 857 will send a powerful message that California is committed to ensuring that all students have an opportunity to succeed. Every student deserves to have a safe and supportive school environment where they can learn and succeed. Unfortunately, while California has passed a number of laws aimed at protecting LGBTQ+ students, many school districts lack the resources to implement these laws, face hostile local social climates that impede implementation, or lack awareness regarding existing legal requirements and the best ways to meet them. According to Equality California Institute's 2022 Safe and Supportive Schools Report Card, 30% of school districts that responded to the survey had not adopted an anti-bullying policy that explicitly prohibits bullying on the basis of sexual orientation or gender identity. Nearly half (48%) of respondents had not adopted LGBTQ+ inclusive educational materials that are compliant with the FAIR Education Act.

It is critical to properly implement existing laws and policies to build a safe and supportive school climate for LGBTQ+ students. There are also many ways in which school districts can go above and beyond legal requirements in fostering safe and supportive school climates for their LGBTQ+ students and staff. The creation of an LGBTQ+ advisory task force will bring students, teachers, and administrators together to ensure that authentic voices from the community are actively involved in discussions about how to create a safe and supportive environment for

LGBTQ+ students, while also providing the CDE with valuable perspectives to ensure that resources are efficiently allocated to implement existing laws and better support LGBTQ+ student needs."

Arguments in Opposition

One individual opposes schools being turned into mental health facilities and being forced to take on the responsibilities of a medical facility.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

Minor and absorbable General Fund costs to the California Department of Education (CDE). CDE indicates the requirements of this bill are absorbable within the duties of the recently funded School Health Education Coordinator position at CDE.

VOTES

SENATE FLOOR: 35-0-5

YES: Allen, Alvarado-Gil, Archuleta, Ashby, Atkins, Becker, Blakespear, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hurtado, Laird, Limón, McGuire, Menjivar, Min, Newman, Niello, Ochoa Bogh, Padilla, Portantino, Roth, Skinner, Stern, Umberg, Wahab, Wiener, Wilk

ABS, ABST OR NV: Jones, Nguyen, Rubio, Seyarto, Smallwood-Cuevas

ASM EDUCATION: 5-0-2

YES: Muratsuchi, Juan Carrillo, Lee, McCarty, Quirk-Silva

ABS, ABST OR NV: Megan Dahle, Hoover

ASM APPROPRIATIONS: 12-1-3

YES: Holden, Bryan, Calderon, Wendy Carrillo, Mike Fong, Hart, Lowenthal, Papan, Pellerin, Soria, Weber, Wilson

NO: Mathis

ABS, ABST OR NV: Megan Dahle, Dixon, Sanchez

UPDATED

VERSION: September 7, 2023

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FN: 0002089