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UNFINISHED BUSINESS

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Bill No: SB 857  
Author: Laird (D), et al.  
Amended: 9/7/23  
Vote: 21

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SENATE EDUCATION COMMITTEE: 7-0, 4/12/23  
AYES: Newman, Ochoa Bogh, Cortese, Glazer, McGuire, Smallwood-Cuevas,  
Wilk

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SENATE FLOOR: 35-0, 5/15/23  
AYES: 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

NO VOTE RECORDED: Jones, Nguyen, Rubio, Seyarto, Smallwood-Cuevas

ASSEMBLY FLOOR: Not available

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**SUBJECT:** Advisory task force: LGBTQ+ pupil needs

**SOURCE:** California Association of Student Councils  
Equality California

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**DIGEST:** This bill would requires the State Superintendent of Public Instruction (SPI), on or before July 1, 2024, to convene an advisory task force (Task Force) to identify the statewide needs of lesbian, gay, bisexual, transgender, queer, questioning, and plus (LGBTQ+) pupils and report its findings to the Legislature, the SPI, and Governor by January 1, 2026.

*Assembly Amendments:*

1) Clarify the objectives of the Task Force;

- 2) Increase the number on the Task Force from 11 to 15 and increase the number of pupils on the taskforce from three to eight; and
- 3) Make technical changes.

**ANALYSIS:**

## Existing law:

- 1) Declares it is the policy of the State of California to afford equal rights and opportunities in the educational institutions of the state of to all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes as specified. (Education Code (EC) § 200)
- 2) Requires the California Department of Education (CDE), as part of its compliance monitoring, to assess whether local educational agencies (LEAs) have provided information to certificated staff serving grades 7-12 on school site and community resources for LGBTQ students. (EC § 234.1 (d))
- 3) Requires the CDE to monitor LEAs for adoption of policies prohibiting discrimination, harassment, intimidation, and bullying on the basis of sexual orientation, gender, gender identity, or gender expression. (EC § 234.1(a))
- 4) Requires the CDE to monitor LEAs for adoption of processes for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying, and establishes complaint procedures. (EC § 234.1(b))

## This bill:

- 1) Requires the SPI, on or before July 1, 2024, to convene a Task Force to identify the statewide needs of LGBTQ+ pupils and to assist in implementing supportive policies and initiatives to address LGBTQ+ pupil education, including, but not limited to, 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.

- e) Inclusive participation in campus activities.
- 2) Requires the SPI to select 11 members representative of all of the following group with, to the extent practicable, the members representing the geographical, racial, ethnic, socioeconomic, cultural, physical, and educational diversity of California's LGBTQ+ community, and emphasis on identifying at-risk or disadvantaged LGBTQ+ pupils to serve as the high school members of the advisory task force.
    - a) Eight pupils identifying as members of the LGBTQ+ community who are enrolled in a California high school;
    - b) One school administrator currently employed by a LEA;
    - c) Two certificated school teachers currently employed by LEA;
    - d) One licensed physician and surgeon, with a preference for one who practices LGBTQ+ affirming care;
    - e) Two mental health professionals, with a preference for those who practice LGBTQ+ affirming care;
    - f) One community LGBTQ+ advocate, with a preference for one with programmatic expertise; and
    - g) One representative from the Office of Health Equity established by the State Department of Public Health.
  - 3) Requires the Task Force, on or before January 1, 2026, to report their findings and recommendations based on the assessment of areas described in 1) to the Legislature, the SPI, and the Governor as specified.
  - 4) Specifies that the report may include minority findings and recommendation, at the request of any member of the Task Force.

### **Comments**

- 1) *Need for the bill.* 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.”

- 2) *2021 National School Climate Survey by the Gay, Lesbian & Straight Education Network (GLSEN)*. A growing body of research has linked disparities to non-binary students' experiences of violence, harassment, and exclusion in educational settings. LGBTQ+ youth often navigate more hostile school climates than their peers. According to a 2021 National School Climate Survey by the GLSEN, "76.1% of LGBT students were verbally harassed, 31.2% were physically harassed, and 12.5% were physically assaulted due to their sexual orientation." Furthermore, 81.8% of LGBTQ+ students who participated in GLSEN's survey reported feeling unsafe in school because of at least one of their actual or perceived personal characteristics. The relationship between marginalization and mental health in gender minority populations is well documented. In the same survey, over half of LGBTQ+ students (61.6%) reported feeling unsafe in school because of their mental health or emotional disability. Non-binary students' experiences of violence, harassment, and exclusion in educational settings can lead to negative educational experiences, including chronic absenteeism, academic achievement, and school discipline.
- 3) *CDE: Supporting LBGTQ+ Students*. CDE currently provides instructional guidance, references, and policies on its website to help LEAs and families support their LGBTQ+ students, such as highlighting the Fair, Accurate, Inclusive, and Respectful (FAIR) Education Act, which prescribes inclusion of the contributions of groups previously excluded in the history of California and the U.S. This section once included men and women and numerous ethnic groups; the expanded language requires the inclusion of the contributions of LGBTQ + Americans to California and U.S. history as well as their roles in contemporary society.

The website also includes training offered by the *American Psychological Association* and the *Trevor Project*, resources for schools such as establishing peer support or Affinity Clubs on campus, links to antibias training to support LBGTQ+ youth, and how to create safe spaces for LBGTQ+ students on campus.

CDE also provides its website resources for families and Community organizations by region. For example, LEAs and families in Monterey, Santa Clara, Santa Cruz, and San Benito can be connected to the Billy DeFrank Lesbian and Gay Community Center, PFLAG, Queer Youth Task Force, and Epicenter Monterey. In another instance, LEAs and families in Riverside, Inyo, Mono, and San Bernardino, can find resources to help their students at the Desert AIDS Project, Joshua's Home, Safe Schools, Desert Cities, and TruEvolution.

Moreover, current law requires CDE, as part of its compliance monitoring, to assess whether local schools have provided information to certificated staff serving grades 7-12 on school sites and community resources for LBGTQ students. Current law also requires the CDE to monitor local schools to ensure the adoption of policies prohibiting discrimination, harassment, intimidation, and bullying based on sexual orientation, gender, gender identity, or gender expression.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee, minor and absorbable General Fund costs to CDE. CDE indicates the requirements of this bill are absorbable within the duties of the recently funded School Health Education Coordinator position at CDE.

**SUPPORT:** (Verified 9/13/23)

California Association of Student Councils (co-source)  
 Equality California (co-source)  
 State Superintendent of Public Instruction Tony Thurmond  
 ACLU California Action  
 American Association of University Women - California  
 APLA Health  
 Association of California School Administrators  
 California Charter Schools Association  
 California Federation of Teachers  
 California School-Based Health Alliance

California Teachers Association  
California Transcends  
California Youth Empowerment Network  
Citizens for Choice  
Dolores Huerta Foundation  
Essential Access Health  
Gender Spectrum  
Jewish Federation of Greater Los Angeles  
LGBTQ Center OC  
Los Angeles LGBT Center  
Los Angeles Unified School District  
Mental Health America of California  
National Center for Lesbian Rights  
Our Family Coalition  
Positive Images LGBTQIA+ Center  
Radiant Health Centers  
San Diego Pride  
Santa Clarita Valley Democrats  
The Source LGBT+ Center  
The Women's Building  
Transyouth Liberation  
Viet Rainbow of Orange County

**OPPOSITION:** (Verified 9/13/23)

None received

**ARGUMENTS IN SUPPORT:** According to Equality California, "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."

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9/13/23 20:45:19

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