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FACT SHEET SAFE PLACE TO LEARN ACT (AB 394)

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Current law prohibits harassment and other forms of discrimination on the basis of actual or perceived sexual orientation and gender (including gender identity), disability, nationality, race or ethnicity, religion and other characteristics in California schools, but many districts are failing to address this critical safety issue or adequately comply with the law.

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Sponsors: Equality California and Asian Americans for Civil Rights and Equality

PURPOSE OF THE PROPOSED LAW

The Safe Place to Learn Act requires the California Department of Education to regularly monitor school districts regarding what steps have been taken to ensure compliance with the California Student Safety and Violence Prevention Act of 2000, AB 537 (Kuehl). This legislation will help to ensure that current school safety standards regarding harassment and discrimination are fully and properly implemented.

WHAT WOULD THE SAFE PLACE TO LEARN ACT DO?

This legislation would require the California Department of Education to:

- Regularly monitor whether school districts have taken legally required steps to implement and comply with the Student Safety and Violence Prevention Act of 2000
- Make available information on trainings, curricula, and other resources that specifically and effectively address bias-motivated discrimination and harassment in schools
- Develop and post on appropriate department websites a model handout describing schools' obligations to ensure a learning environment and best practices to address bias-related discrimination and harassment

WHY IS A NEW LAW NECESSARY?

The Student Safety and Violence Prevention Act went into effect January 1, 2000. This Act prohibits harassment and other forms of discrimination on the basis of actual or perceived sexual orientation and gender (including gender identity), disability, nationality, race or ethnicity and religion. However, since this law was enacted, unlawful bias-motivated discrimination and harassment continue to be pervasive in California schools and many schools districts are not in compliance with the law.

IS HARASSMENT AND DISCRIMINATION STILL A PROBLEM?

Numerous studies point to an ongoing problem of discrimination and violence that has severe consequences for students and schools. One such study, *The Safe Place to Learn Report*, issued by

the 4-H Center for Youth Development at the University of California, Davis and the California Safe Schools Coalition, cites findings from the 2001-02 California Healthy Kids Survey, which found that:

- 14.3% of all students report harassment because of their race or ethnicity
- 9.1% of all students report harassment because of their religion
- 7.5% percent of all students report being harassed on the basis of actual or perceived sexual orientation

This means that over 200,000 students are harassed because they are gay or lesbian or someone thought they were, and nearly 400,000 students are harassed because of their race.

Discriminatory harassment is a serious problem because it is linked to higher levels of academic, health and safety risk. Students who reported discriminatory harassment were twice as likely to be depressed, were more likely to use and abuse alcohol and other substances, and reported significantly lower grades than students who reported no harassment.

WHAT ARE SCHOOL DISTRICTS DOING TO ADDRESS THE PROBLEM?

The California Safe Schools Coalition recently conducted the *Safe Schools Policy Survey*. This Survey was completed by school districts from across the state and illustrates the successes and challenges that districts face in creating safe schools and reducing harassment. The survey found that:

- 60% of school districts do not have policies preventing discrimination and harassment based on gender identity, appearance or behavior as mandated by state law
- Less than half of districts require that all their teachers are trained to address discrimination and harassment based on sexual orientation
- 14% of districts do not train school site administrators to address discrimination and harassment based on sexual orientation
- 17% of districts are not aware of the resources available to conduct teacher trainings that would address discrimination and harassment based on sexual orientation and gender identity

These data clearly demonstrate that school districts and the State must reaffirm and strengthen their commitment to ensuring that all California schools continue to work to reduce violence and harassment, improve student safety at school, and improve students' connections to school, to the community, and to supportive adults. Moreover, these data illustrate the need to outline and clarify the basic steps necessary to ensure that California schools address this critical safety issue, such as adopting and publicizing a nondiscrimination policy; providing training and curriculum resources; and properly documenting and addressing complaints.