



Laws & Policies Protecting LGBTQ+ Youth in California Public Schools



Non-Discrimination & Harassment

Students may not be harassed or discriminated based on actual or perceived sexual orientation, gender identity, or gender expression, or association with. Schools must have an inclusive, publicized anti-bullying policy and complaint process. School personnel who witness this are required to intervene when safe.

Title IX, Seth's Law, & Education Code Section 234.1(b)(1)

Expression & Privacy

Freedom of speech and expression, to be out, and to access LGBTQ websites apply on campus and to other school-sponsored programs. Students also have the right to privacy, including the right to keep information about their sexual orientation and/or gender identity private from other school staff/faculty, parents, and students, even if they are out.

1st & 14th Amendments, & Lawrence V. Texas 539 U.S. 558



Health Education & Care

Students 12 and older have the right to leave school without parental consent to access confidential medical services. Schools must excuse absences without notifying parent/guardians and must allow students to make up missed assignments. Sexual health education must be comprehensive and appropriate for students of all sexual orientations and genders.

California Healthy Youth Act (2016), Confidential Medical Release, CDE Code § 48205

Access for Transgender Students

Students can access sex-segregated school programs/activities, including athletic teams & competitions, and use facilities consistent with their gender identity, irrespective of the gender listed on the pupil's records. Includes, but not limited to: bathrooms, locker rooms, sports teams, & classes.

The School Success & Opportunity Act (2013), Cal. Civ. Code § 51(b)]



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Title IX

Bans sex discrimination in schools and has been interpreted by courts and the US Justice and Education Departments to prohibit discrimination based on sexual orientation and against transgender and gender non-conforming students, including but not limited to: being treated according to the gender you identify with, being called by the name and pronouns consistent with your gender identity, and dress and present yourself in a way consistent with your gender identity.

Confidential Medical Release: Educ. Code § 48205; 87 Ops. Cal. Atty. Gen. 168, 172 (2004)

Education Code section 48205 requires school officials to excuse students from school to attend confidential medical appointments. Students 12 years and older have the right to leave school without parental consent to access confidential medical services including, but not limited to: HIV or STI testing, mental health or counseling services, drug or alcohol treatment/counseling, abortion care, obtaining birth control. Schools must excuse these absences without notifying parents/guardians and allow students to make up missed assignments.

Seth's Law – AB 9 (2012)

Strengthened existing state anti-bullying laws to help protect all California public school students. Seth's Law requires public schools in California to update their anti-bullying policies and programs, and it focuses on protecting students who are bullied based on their actual or perceived sexual orientation and gender identity/gender expression, as well as race, ethnicity, nationality, gender, disability, and religion. Requires school districts to: Adopt a strong anti-bullying policy that specifically spells out prohibited bases for bullying, including sexual orientation and gender identity/gender expression; Adopt a specific process for receiving and investigating complaints of bullying, including a requirement that school personnel intervene if they witness bullying; Publicize the anti-bullying policy and complaint process, including posting the policy in all schools and offices; Post on the district website materials to support victims of bullying. Seth's Law specifically contains the following requirement: "If school personnel witness an act of discrimination, harassment, intimidation, or bullying, he or she shall take immediate steps to intervene when safe to do so." (Education Code Section 234.1(b)(1))

The School Success & Opportunity Act – AB 1266 (2013)

Clarified existing state law to ensure that students can access sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with their gender identity, irrespective of the gender listed on the pupil's records. Includes but not limited to: bathrooms, locker rooms, sports teams, and classes.

The California Healthy Youth Act – AB 329 (2016)

The California Healthy Youth Act, which took effect in January 2016, requires school districts to provide students with integrated, comprehensive, accurate, and unbiased comprehensive sexual health and HIV prevention education at least once in middle school and once in high school. The California Healthy Youth Act includes new language about adolescent relationship abuse and sex trafficking and reinforces a focus on healthy attitudes, healthy behaviors, and healthy relationships. It also strengthened previous requirements that instruction and materials be appropriate for students of all sexual orientations and genders and ensures that sexual health education does not promote outdated gender norms. The law also updated the existing HIV prevention education mandate to reflect the developments made in our understanding of and ability to treat and prevent HIV over the last 20 years.

Privacy: Lawrence v. Texas, 539 U.S. 558

Extended constitutional right to privacy/autonomy, including being "outed". Students have a right to privacy, which includes the right to keep information about their sexual orientation and/or gender identity private from other school staff/faculty, parents, and students.



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