

Laws & Policies Protecting LGBTQ+ Youth in CA K-12 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 are required to be trained in identifying and intervening during instances of bullying and cyberbullying when safe to do so. School personnel for grades 7-12 are also to receive annual professional development training and information on resources available to LGBTQ+ students

AB-2291, Safe and Supportive Schools Act, title IX, Seth's Law, & Education Code Section 2341 (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 & 4th 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 parents/ guardians and allow students to make up missed assignments. Sexual health education must be comprehensive and appropriate for students of all sexual orientations and genders. Schools are required to adopt suicide prevention policies for students in grades 7-12 that address the needs of LGBTQ+ youth.

California Healthy Youth Act (2016), Confidential Medical Release, CDE Code§ 48205, AB-2246



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, 7 classes

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

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REFERRALS, TECHNICAL ASSISTANCE,
TRAININGS & COACHING**

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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, dressing and presenting yourself in a way consistent with your gender identity, and access to single-sex spaces (including bathrooms and locker rooms) and activities consistent with your gender identity. Protects all students who experience sexual violence, irrespective of the gender of the survivor or the alleged perpetrator(s), including harassment or assault where the perpetrator and survivor are the same gender. Schools must investigate and take action in instances of sexual violence against LGBTQ+ students using the same policies and procedures used in all reports of sexual violence.

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 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 is 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.

Suicide Prevention Policies in Schools – AB 2246 (2016)

Ensured implementation of suicide prevention policies for students in grades 7-12 that address the needs of LGBTQ+ youth.

Online Anti-Bullying Training for Teacher and School Staff – AB 2291 (2018)

Required that schools' student suicide prevention policies are reviewed and updated regularly, a minimum of every five years.

Safe and Supportive School Act – AB-493 (2019)

Required schools to provide staff and teachers working with students in grades 7-12 with annual training and information on resources for LGBTQ+.

The Support Academic Futures & Educators for Today's Youth (SAFETY) Act – AB 1955 (2024)

Ensures that no student will be subjected to forced outings and provides critical support for both students and educators who face potential retaliation for creating inclusive environments.