

## Legislative Issues That Affect LGBTQ Youth and Families

Presented By Wendy Rae Hill

## Policy & The Legislative Process

### When is Policy Developed?

- In response to social problems when it affects a significant number of people
- When the social problem gains the attention of influential, powerful people
- Social policies reflect the social and personal values of those with decision-making capabilities



## A History of California Legislation Related to LGBTQ Youth & Families

### 1999

#### AB 537 – California Student Safety and Violence Prevention Act of 2000

- Added actual or perceived sexual orientation and gender (including gender identity and gender-related appearance and behavior) to the California Education Code non-discrimination policy.

## 2003

### **SB 71 – California Comprehensive Sexual Health and HIV/AIDS Prevention Act**

- Requires sexual health education to be more inclusive of healthy attitudes regarding gender, sexual orientation, dating, marriage, family, and body image.
- Requires materials and instruction to be medically accurate, age appropriate, objective and not based on religious doctrine.
- Removes "abstinence until marriage" from curriculum
- Requires that school districts adopt an "opt out" policy in regards to sexual health education (instead of an "opt in" policy).

## 2004

### **AB 458 – The California Foster Care Non-Discrimination Act**

- First law of its kind in the United States to explicitly include protections for lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth and adults involved with the foster care system.

## 2007

### **SB 777 – Students Civil Rights Act**

- Creates uniform nondiscrimination standards throughout California Education Code, clarifying and making sure that all non-discrimination standards for all schools and educational programs that receive state funding are consistent.

## 2007

### **AB 394 – Safe Place to Learn Act**

- Requires the California Department of Education (CDE) to regularly monitor school districts' complaint process procedures and whether or not school districts have adopted, posted, and publicized district anti-discrimination policies that include the same protected categories as the Education Code, including the categories of sexual orientation and gender identity.
- Also requires the CDE to create a model handout explaining to district staff & faculty their responsibilities to protect students from harassment and discrimination and post it on relevant department websites.
- Additionally, requires the CDE to make available to school districts information about curricula, training, and other resources schools can use to prevent harassment and discrimination.

## 2008

### **AB 3015 – Foster Youth School Safety Education**

- Requires that existing training programs for foster youth, foster youth group homes, child welfare personnel, foster parents, and relative caregivers, include information on current school safety laws that protect students from bias-motivated harassment and discrimination.

## 2009

### **SB 572 – Harvey Milk Day Bill**

- Requires the Governor to annually proclaim May 22 as Harvey Milk Day, a day of special recognition in California, and encourages public schools and educational institutions to conduct suitable commemorative exercises on that date.

## 2010

### **SB 543 – Mental Health Services for At-Risk Youth**

- Permits youth ages 12-17 to consent to mental health treatment without parental permission if the attending professional believes the youth is mature enough to make the decision or if the youth would present a danger of serious physical or mental harm to self and others without the services. Current parental consent requirements for mental health services create a barrier to treatment that is especially harmful to LGBT youth who may be put at risk of emotional or physical abuse by coming out to their parents prematurely or without support.

## 2011

SB 48 - The Fair, Accurate, Inclusive and Respectful (FAIR) Education Act

- Amended the education code to require schools to integrate factual information about social movements, current events and history of people with disabilities and LGBT people into existing social studies lessons. It also prevents the State Board of Education from adopting instructional materials that discriminate.

## 2011

AB 9 – Seth's Law, Bullying Prevention

- Tightens anti-bullying policies in California schools by ensuring that all schools have clear and consistent policies and by establishing timelines for investigating claims of bullying.

## 2012 - Pending

- SB 1172 - **Limiting Sexual Orientation Conversation Treatment**
- AB 1729 – **Bullying, Alternative Response**
- AB 1856 - **Providing Safe, Supportive Homes for LGBT Youth**

## How Advocates Influence State Government

- Sponsor a bill
- Seek an amendment to a bill
- Advocate for or against a bill
- Follow up after enactment of a bill to assure that appropriate regulations are in place
- Grassroots advocacy including letter writing campaigns and use of media

## Legislative Testimony

- Know your audience. What arguments will appeal?
- Do not argue from a moral standpoint alone. Present your recommendations as being reasonable and responsible.
- Deal frankly with fiscal considerations. Why does this proposal make good fiscal or business sense?

### Legislative Testimony continued..

- Use human interest stories in addition to statistics and facts.
- Do not use academic jargon or talk down to Legislators.
- Anticipate counterarguments and be prepared to respond.
- Role-play and critique your presentation.
- Prepare written testimony, but don't read it word for word!

### Legislative Testimony continued...

- Be flexible on your schedule and prepare to modify!
- Be clear about what you want the Legislators to do... ask for support or opposition.
- Have fun!!

### Online Links for LGBTQ Youth & Family Services

- **California Safe Schools Coalition**  
Chief goal is to ensure the effective and comprehensive implementation of the California Student Safety and Violence Prevention Act of 2000  
[www.casafeschools.org](http://www.casafeschools.org)
- **Office of the Foster Care Ombudsman**  
Ensure the voice of foster children and youth is heard, and act on their behalf.  
[www.fosteryouthhelp.ca.gov/LGBTQ.html](http://www.fosteryouthhelp.ca.gov/LGBTQ.html)
- **Gay-Straight Alliance Network**  
Empowers youth activists to fight homophobia and transphobia in schools.  
[www.gsanetwork.org](http://www.gsanetwork.org)
- **Gay, Lesbian, Straight, Education Network**  
National education organization focused on ensuring safe schools for all students.  
[www.glsen.org](http://www.glsen.org)