



NATIONAL CENTER FOR LESBIAN RIGHTS

FACT SHEET

Seth's Law

This bill, AB 9, would require schools to establish policies to prevent bullying, be responsive to complaints about bullying, train personnel how to recognize and intervene in bullying, and make resources available to victims of bullying.

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SPONSORS: Equality California, ACLU, Gay-Straight Alliance Network, National Center for Lesbian Rights

PURPOSE OF THE PROPOSED LAW

Each day, thousands of young people are the targets of discrimination, harassment, intimidation and bullying at school. Research shows that students who are harassed at school frequently suffer long-term social, emotional, and psychological harm. The most effective way to reduce the harm is to create a school-wide culture of inclusion and respect for differences. Existing law does not adequately protect young people from school-based discrimination and harassment. This bill will ensure that existing laws are effective and enforced by requiring every school district to take concrete steps to improve school climate.

BACKGROUND

In September 2010, 13-year old Seth Walsh tragically took his own life after years of relentless harassment based on his sexual orientation and gender expression. Seth's mother and close friends report that teachers and school administrators were aware that Seth was being harassed and, in some instances, participated in the harassment. Yet Seth's mother's pleas to the school for help were brushed aside.

Wendy Walsh, Seth's mother, says, "Seth told me he was gay when he was in the sixth grade. He was a wonderful, loving child, and I loved him for who he was. I can't bring my son back. But schools can make a difference today by taking harassment and bullying seriously when parents or students tell them about it, and when they see it in the halls."

Every day young people in California schools are subjected to discrimination, harassment, intimidation, or bullying based upon actual or perceived sexual orientation, gender identity or expression, gender, race or ethnicity, nationality, religion, disability, or association with a person or group with one or more of these actual or perceived characteristics. California has taken some steps to address this issue, but we must do more to remedy the glaring gaps in existing law. This bill draws upon tested approaches and best practices to ensure that schools have adequate policies and procedures in place to prevent discrimination and harassment and to respond to incidents quickly.

EXISTING LAW

Current California law prohibits discrimination, harassment, intimidation, or bullying of students based on actual or perceived sexual orientation, gender identity or expression, gender, race or ethnicity, nationality, religion, disability, or association with a person or group with one or more of these actual or perceived characteristics. The California Student Safety and Violence Prevention Act (AB 537, Kuehl), which was enacted in 2000, prohibited discrimination and harassment in schools based on specified categories. The Safe Place to Learn Act (AB 394, Levine), and the Student Civil Rights Act (SB 777, Kuehl), were passed in 2007 and required the California Department of Education to monitor school districts' creation and publication of anti-

harassment policies and complaint procedures and updated the list of prohibited bases of discrimination and harassment.

Existing law provides a solid foundation for the protection of California students from discrimination, harassment, intimidation, and bullying, but, in practice, many school districts have not taken steps to implement the law, many students and parents do not understand their rights, and far too many students continue to experience severe discrimination and harassment with no meaningful protection from school officials.

WHAT THIS BILL WOULD DO

This bill would require each school district to include in its non-discrimination policy an enumerated list of the bases on which discrimination, harassment, intimidation, and bullying are prohibited under existing law—actual or perceived sexual orientation, gender, gender identity expression, race or ethnicity, nationality, religion, disability, or association with a person or group with one or more of these actual or perceived characteristics. Research shows that lesbian, gay, bisexual, and transgender students feel safer at school when their school policy specifically prohibits discrimination or harassment based on sexual orientation, gender identity and gender expression.

In addition, this bill would require that each school district non-discrimination policy describe the district's procedure for addressing discrimination and harassment complaints; identify two or more school personnel on each campus who are knowledgeable about the policy and able to assist students with discrimination and harassment complaints and refer them to counseling as appropriate; and be publicized in places that are easily accessible to students and parents, such as the student-parent handbook.

With respect to complaints of discrimination and harassment, AB 9 would require schools to include in their complaint procedures a written form for receiving and investigating discrimination and harassment complaints and to act on discrimination and harassment complaints, written or otherwise, expeditiously so that investigation and resolution may be reached quickly.

AB 9 would further require school districts to bolster existing professional development curricula for teachers, school counselors, and administrators with instruction on identifying and stopping discrimination and harassment and creating a school-wide culture of inclusion and respect for difference. And school districts would be required to communicate to the students, staff, and parents about the harmful impact of discrimination and harassment on the individual targets as well as on the entire school community.

Because research shows that the best way for schools to prevent and address discrimination, harassment, intimidation, and bullying is to deal with its underlying reasons, AB 9 promotes alternative discipline tactics that would teach appropriate behavior and help bullies understand and take responsibility for the harm caused prior to implementing punitive measures such as suspension and expulsion, which do not address the roots of the misbehavior.

The Superintendent of Public Instruction would be instructed to annually post on the Department of Education website a list of statewide resources, including community-based organizations that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, and bullying and to the families of these youth.

FOR MORE INFORMATION

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