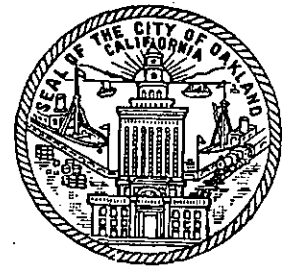


FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND
BILL ANALYSIS



2011 MAY -5 PM 5:14
Date: May 19, 2011

Bill Number: **SB 48** (as amended)

Bill Author: **Senator Mark Leno**

DEPARTMENT INFORMATION

Contact: **Richard Fuentes, District 5, 510-238-6126**
rfuentes@oaklandnet.com

RECOMMENDED POSITION: SUPPORT

Summary of the Bill:

The FAIR Education Act would ensure that LGBT people are included in instructional materials, which studies have shown is linked to greater student safety and lower rates of bullying. The FAIR Education Act would require that lesbian, gay, bisexual, and transgender (LGBT) Americans are included and recognized for their important historical contributions to the economic, political, and social development of California. Specifically, this legislation would add LGBT to the existing list of underrepresented cultural and ethnic groups, which are covered by current law related to inclusion in textbooks and other instructional materials in schools. This inclusion will help to ensure that students get a fair and accurate picture of the people and events that have shaped our society, and that fair and accurate portrayals of LGBT people are no longer excluded from classroom discussions. The FAIR Education Act will bring classroom instruction into alignment with non-discrimination laws passed by the California Legislature and adopted by the State Board of Education a decade ago, by prohibiting the adoption of discriminatory instructional materials and textbooks.

EXISTING LAW

Existing law requires social sciences instructions of both men and women, black Americans, American Indians, Mexicans, Asians, Pacific Island people, and other ethnic groups to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society. Current law prohibits instruction or school-sponsored activities that reflect adversely upon persons because of their race, sex, color, creed, ability, national origin, or ancestry.

Current law also prohibits the adoption of instructional materials that reflect negatively on any person because of their race, sex, color, creed, disability, national origin or ancestry. It also requires schools and governing boards to include only instructional materials that, in their determination, accurately portray the cultural and racial diversity of our society.

Item: _____
Rules & Legislation Comte.
May 19, 2011

RESEARCH

The LGBT community represents a significant and indelible part of the history and social fabric of California. An analysis of the 2000 U.S. Census revealed that there are more than 92,000 LGBT households in California (not including single LGBT people or LGBT couples who do not cohabitate), and about 6% of voters in a 2000 statewide election identified as LGBT.

While LGBT people represent a sizable and important part of the state, mention of the LGBT community's role in California history and contemporary society is virtually non-existent in textbooks and other school instructional materials.

In schools where LGBT people are included in classroom discussions, results have been positive. The Preventing School Harassment Survey in California found that schools where the majority of youth report having learned about LGBT people in the curriculum, only 11% of students report being bullied, but that number more than doubles to 24% if the majority of students in a school say they haven't learned about LGBT people.

Furthermore, the 2003 Preventing School Harassment Survey found that students who have learned about LGBT people at school were more likely to feel they have a voice at school and make positive contributions at school.

A 2004 survey of 359 California school districts found that many school districts already have LGBT-inclusive curriculum and many more are interested in doing so. More than 83% of school districts report including LGBT issues in their anti-bias lessons for some or all of their high school students; 64% do so for middle school; and 54% do so for elementary school students.

Positive Factors for Oakland

Sharing accurate and inclusive information is a vital step to setting a climate of respect and keeping our schools safe. Schools that perpetuate silence or harmful stereotypes about LGBT people can be breeding grounds for the fear and ignorance that fuel bullying during the early grades and hate violence or even suicide by the time students reach high school. By middle school, studies show that students who are bullied based on actual or perceived sexual orientation feel so unsafe that they skip school and their grades suffer compared to their peers. Accurate depictions of LGBT Americans in classroom materials teach all students to respect each other's differences, thereby increasing students' sense of belonging and ability to learn. Fair, inclusive, and age-appropriate lessons can make LGBT students feel less isolated, improving their ability to stay in school and graduate. SB 48 will improve student safety, reduce bullying,

enrich the learning experiences of all students, and promote an atmosphere of safety and respect in California schools.

Negative Factors for Oakland
NONE

PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:

- Critical (top priority for City lobbyist, city position required ASAP)
- Very Important (priority for City lobbyist, city position necessary)
- Somewhat Important (City position desirable if time and resources are available)
- Minimal or None (do not review with City Council, position not required)

Known support:

Principal Legislative Co-Authors: Senator Christine Kehoe (D-San Diego), Assemblymember Tom Ammiano (D-San Francisco), Assemblymember Toni Atkins (D-San Diego), Assemblymember Rich Gordon (D-San Mateo), Assemblymember Ricardo Lara (D-East Los Angeles).

Additional Legislative Co-Authors: Senator Loni Hancock (D-Oakland), Senator Fran Pavley (D-Los Angeles & Ventura), Senator Leland Yee (D-San Francisco), Assemblymember Michael Allen (D-Napa & Sonoma), Assemblymember Bob Blumenfield (D-Los Angeles), Assemblymember Paul Fong (D-Silicon Valley), Assemblymember Cathleen Galgiani (D-Stockton), Assemblymember Mary Hayashi (D-Castro Valley), Assemblymember Jared Huffman (D-Marin & Sonoma), Assemblymember Tony Mendoza (D-Norwalk), Assemblymember Anthony Portantino (D-Pasadena), Assemblymember Mariko Yamada (D-Davis).

Equality California (co-source)

Gay-Straight Alliance Network (co-source)

American Federation of State, County and Municipal Employees, AFL-CIO

Asian/Pacific Islander Youth Promoting Advocacy and Leadership

California Church Impact

California Teachers Association

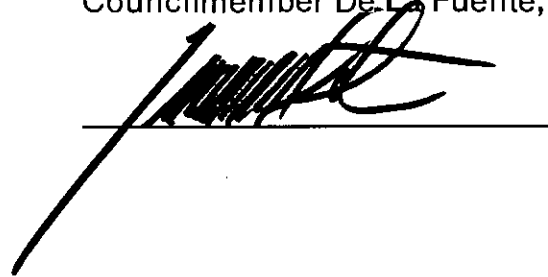
California Language Teachers Association

City of West Hollywood
Disability Rights California
Fresno County Democratic Central Committee
Los Angeles Unified School District
National Center for Lesbian Rights
Public Advocates
San Joaquin Valley Democratic Club
School for Integrated Academies and Technologies
San Francisco Unified School District
Transgender Law Center
The Trevor Project

Known Opposition:

Advanced Marketing Concepts, Inc.
California Catholic Conference, Inc.
Capitol Resource Family Impact
Calvary Chapel of Chino Hills
Calvary Christian Church of Saint Helena
Concerned Women for America of California
Concerned Women for America of Central California
Eagle Forum of Long Beach

Respectfully Submitted,
Councilmember De La Fuente,



AMENDED IN SENATE MARCH 29, 2011

SENATE BILL

No. 48

Introduced by Senator Leno

(Principal coauthor: Senator Kehoe)

(Principal coauthors: Assembly Members Ammiano, Atkins, Gordon,
and Lara)

(Coauthors: Senators *Alquist*, Hancock, ~~Pavley~~, *Lowenthal*, *Pavley*,
Price, and Yee)

(Coauthors: Assembly Members Allen, Blumenfield, Fong, Galgiani,
Hayashi, Huffman, *Bonnie Lowenthal*, Mendoza, Portantino, and
Yamada)

December 13, 2010

An act to amend Sections 51204.5, 51500, 51501, 60040, and 60044
of the Education Code, relating to instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 48, as amended, Leno. Instruction: prohibition of discriminatory
content.

Existing law requires instruction in social sciences to include a study
of the role and contributions of both men and women to the development
of California and the United States.

This bill would require instruction in social sciences to also include
a study of the role and contributions of Native Americans, African
Americans, Mexican Americans, Asian Americans, Pacific Islanders,
European Americans, lesbian, gay, bisexual, and transgender Americans,
persons with disabilities, and other ethnic and cultural groups, to the
development of California and the United States.

Existing law prohibits instruction or school sponsored activities that
reflect adversely upon persons because of their race, sex, color, creed,

handicap, national origin, or ancestry. Existing law prohibits the State Board of Education and the governing board of any school district from adopting textbooks or other instructional materials that contain any matter that reflects adversely upon persons because of their race, sex, color, creed, handicap, national origin, or ancestry.

This bill would revise the list of characteristics included in these provisions to include *by referring to* race or ethnicity, gender, religion, disability, nationality, and sexual orientation, or other characteristic listed as specified.

Existing law prohibits a governing board from adopting instructional materials that contain any matter reflecting adversely upon persons because of their race, color, creed, national origin, ancestry, sex, handicap, or occupation, or that contain any sectarian or denominational doctrine or propaganda contrary to law.

This bill would revise the list of characteristics included in this provision to include race or ethnicity, gender, religion, disability, nationality,—and sexual orientation, *and occupation*, or other characteristic listed as specified.

Existing law requires that when adopting instructional materials for use in the schools, governing boards shall include materials that accurately portray the role and contribution of culturally and racially diverse groups including Native Americans, African Americans, Mexican Americans, Asian Americans, and European Americans to the total development of California and the United States.

This bill would revise the list of culturally and racially diverse groups to also include Pacific Islanders, lesbian, gay, bisexual, and transgender Americans, *persons with disabilities*, and other ethnic and cultural groups.

Existing law provides that there shall be no discrimination on the basis of specified characteristics in any operation of alternative schools or charter schools.

This bill would state the intent of the Legislature that alternative and charter schools take notice of the provisions of this bill in light of provisions of existing law that prohibit discrimination in any aspect of their operation.

This bill also would make other technical, nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51204.5 of the Education Code is
2 amended to read:

3 51204.5. Instruction in social sciences shall include the early
4 history of California and a study of the role and contributions of
5 both men and women, Native Americans, African Americans,
6 *Mexican Americans*, Asian Americans, Pacific Islanders, European
7 Americans, lesbian, gay, bisexual, and transgender Americans,
8 *persons with disabilities*, and members of other ethnic and cultural
9 groups, to the economic, political, and social development of
10 California and the United States of America, with particular
11 emphasis on portraying the role of these groups in contemporary
12 society.

13 SEC. 2. Section 51500 of the Education Code is amended to
14 read:

15 51500. A teacher shall not give instruction and a school district
16 shall not sponsor any activity that ~~reflects adversely upon persons~~
17 *promotes a discriminatory bias* on the basis of race or ethnicity,
18 gender, religion, disability, nationality, sexual orientation, or
19 because of a characteristic listed in Section 220.

20 SEC. 3. Section 51501 of the Education Code is amended to
21 read:

22 51501. The state board ~~or~~ *and* any governing board shall not
23 adopt any ~~textbook~~ *textbooks* or other instructional materials for
24 use in the public schools that ~~contains~~ *contain* any matter reflecting
25 adversely upon persons on the basis of race or ethnicity, gender,
26 religion, disability, nationality, sexual orientation, or because of
27 a characteristic listed in Section 220.

28 SEC. 4. Section 60040 of the Education Code is amended to
29 read:

30 60040. When adopting instructional materials for use in the
31 schools, governing boards shall include only instructional materials
32 which, in their determination, accurately portray the cultural and
33 racial diversity of our society, including:

34 (a) The contributions of both men and women in all types of
35 roles, including professional, vocational, and executive roles.

36 (b) The role and contributions of Native Americans, African
37 Americans, Mexican Americans, Asian Americans, Pacific
38 Islanders, European Americans, lesbian, gay, bisexual, and

1 transgender Americans, *persons with disabilities*, and members of
2 other ethnic and cultural groups to the total development of
3 California and the United States.

4 (e) The role and contributions of the entrepreneur and labor in
5 the total development of California and the United States.

6 SEC. 5. Section 60044 of the Education Code is amended to
7 read:

8 60044. A governing board shall not adopt any instructional
9 materials for use in the schools that, in its determination, ~~contains~~
10 *contain*:

11 (a) Any matter reflecting adversely upon persons on the basis
12 of race or ethnicity, gender, religion, disability, nationality, sexual
13 orientation, *occupation*, or because of a characteristic listed in
14 Section 220.

15 (b) Any sectarian or denominational doctrine or propaganda
16 contrary to law.

17 SEC. 6. It is the intent of the Legislature that alternative and
18 charter schools take notice of the provisions of this act in light of
19 Section 235 of the Education Code, which prohibits discrimination
20 on the basis of disability, gender, nationality, race or ethnicity,
21 religion, sexual orientation, or other specified characteristics in
22 any aspect of the operation of alternative and charter schools.

[Signature]
City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER IGNACIO DE LA FUENTE

RESOLUTION SUPPORTING SENATE BILL 48 (LENO) "FAIR, ACCURATE, INCLUSIVE AND RESPECTFUL (FAIR) EDUCATION ACT " THAT WOULD 1) AMEND THE EDUCATION CODE TO INCLUDE SOCIAL SCIENCES INSTRUCTION ON THE CONTRIBUTIONS OF LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBT) PEOPLE AND 2) PROHIBIT DISCRIMINATORY INSTRUCTION AND DISCRIMINATORY MATERIALS FROM BEING ADOPTED BY THE STATE BOARD OF EDUCATION

WHEREAS, The FAIR Education Act would ensure that lesbian, gay, bisexual, and transgender (LGBT) people are included in instructional materials, which studies have shown is linked to greater student safety and lower rates of bullying; and

WHEREAS, The FAIR Education Act would require that LGBT Americans are included and recognized for their important historical contributions to the economic, political, and social development of California; and

WHEREAS, Specifically, this legislation would add LGBT to the existing list of underrepresented cultural and ethnic groups, which are covered by current law related to inclusion in textbooks and other instructional materials in schools; and

WHEREAS, This inclusion will help to ensure that students get a fair and accurate picture of all the people and events that have shaped our society, and that fair and accurate portrayals of LGBT people are no longer excluded from classroom discussions; and

WHEREAS, The FAIR Education Act will bring classroom instruction into alignment with non-discrimination laws passed by the California Legislature and adopted by the State Board of Education a decade ago, by prohibiting the adoption of discriminatory instructional materials and textbooks; now, therefore, be it

RESOLVED: The City of Oakland declares its support for **SB 84 (Leno)**; and be it

FURTHER RESOLVED: That the City Council hereby directs the City Administrator and the City's legislative lobbyist to advocate for the above position in the California State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2011

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAFF, and PRESIDENT REID

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California