

School Legal Responsibilities

In providing a welcoming and inclusive environment for all students there are often questions about legal responsibilities and limitations. Many laws have been established to protect our students and give educators the ability and responsibility to address issues of diversity in the classroom. The following is a summarized version of the rights and responsibilities in California that explicitly, but not exclusively, affect LGBTQ individuals and families.

1. Teachers and school employees are **mandated by law to protect students from harassment** with regards to actual or perceived gender identity or sexual orientation. If a school employee witnesses such harassment they must intervene. (AB537 & AB9)

2. Students have a **right to privacy about personal information** regarding sexual orientation and gender identity. School employees are mandated to protect this information and cannot share it with the student's guardians/parents without the student's consent. (CA Constitution & AB537)

3. **Guardians/Parents do not have to be specially notified about education on LGBTQ topics** and educators do not have to ask permission to talk about such subjects. Notification is only given if the lesson involves descriptions of human reproductive organs and their functions. (SB71 & AB537)

4. Guardians/Parents and students **do not have the right to opt out** of diversity curriculum or training designed to promote safety and equality for LGBTQ people, even if objections are religiously based. (AB537)

5. Rules that apply to one gender **must apply to all genders** and must be enforced consistently. (Title IX & AB1266)

6. **Students should be recognized by the gender identity with which they identify** and should be addressed with their preferred gender pronouns. Schools are required to provide accommodations for these students' restroom and locker room needs. (Title IX)

7. If a school receives federal funding and allows any group that is not related to school curriculum to meet and use school facilities, such as a club, then it **must provide the same access** to groups they may deem controversial, such as a Gay-Straight Alliance. (Equal Access Act)

8. **Schools must include the accurate portrayal of the contributions of lesbian, gay, bisexual, and transgender (LGBT) people** in social science instruction when adopting new instructional materials. Portrayal of LGBT individuals or groups that promote discriminatory bias is prohibited. (SB48)

9. Students cannot be unfairly excluded from physical education, athletic teams, or any other school activity or facility based on their gender identity. **Schools must allow students to participate in sports teams and P.E. classes as their affirmed gender.** (Title IX & AB1266)

10. **Schools must adopt a policy that prohibits discrimination pertaining to gender identity, gender expression, and sexual orientation.** This must include procedures for filing complaints and a timeline for how these complaints will be investigated. (AB9)