

California outlaws parent notification policies over students' gender

By Eric He

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Gov. [Gavin Newsom](#) signed a California bill that explicitly bans policies requiring schools to inform parents of their child's gender identity, sexual orientation or gender expression into law Monday. It saw contentious debate as it passed the Legislature in June, mirroring national conversations over attacks on the LGBTQ+ community, parental rights and the role that schools should play.

There were nearly 60 measures introduced in statehouses around the country this year pushing so-called "forced outing" proposals, [according to the American Civil Liberties Union](#). In California, several local school districts in largely conservative parts of the state such as Chino Valley, Murrieta Valley and Temecula Valley have passed similar policies, with Democratic Attorney General [Rob Bonta last year suing](#) to halt Chino Valley's law. These proposals have been pushed by parental rights groups who contend that schools should not keep information about students from their parents.

Assemblymember [Chris Ward](#) (D-San Diego), who introduced [AB 1955](#), cited the influx of parental notification policies prior to the bill passing the Assembly floor for why the measure is needed. Ward said that some critics have "historically have opposed any measures that provide safeguards for members of our community and wish to see us in our community erased from the public."

"This bill does not force schools to keep secrets from parents," Ward said. "This bill does not put students at risk. This bill does not drive a wedge between families. In fact, this bill makes sure that families are centered and empowered to have these conversations on their own terms."

WHAT'S IN THE BILL?

This Pro Bill Analysis is based on the [text of the bill](#) as passed by the Legislature on July 1.

The measure, known as the Support Academic Futures and Educators for Today's Youth (SAFETY) Act, states in its declarations that attacks on the rights of LGBTQ+ youth are continuing to grow both across the country and in California. It adds that "outing" students without their consent removes opportunities for them to build trust with their families to have a conversation about their sexual orientation or gender identity when they are ready (Secs. 1, 2).

The declarations cite research finding that:

- Affirming school environments [significantly reduce the odds](#) of transgender youth attempting suicide
- LGBTQ+ students who [have supportive staff at school](#) are less likely to feel unsafe because of their gender or sexual orientation, and report lower levels of depression
- Supportive educators help transgender and gender-nonconforming youth [experience better education](#) outcomes

The bill states that school personnel have faced harassment and discipline over "lawful" efforts to protect LGBTQ+ students from discrimination and to create a safe and supportive learning environment, and that no school employee should suffer an "adverse employment action" for safeguarding a student's right to privacy (Sec. 2).

Under the measure, public school employees are explicitly not required to disclose information about a student's sexual orientation, gender identity or gender expression to any other person without the student's consent (Sec. 5). School districts are also not allowed to enact or enforce any requirement for an employee to disclose such information (Sec. 6). Both provisions seek to declare existing law, not change it.

The bill will also explicitly render invalid any policy by a school district requiring employees to disclose information about a student's sexual orientation, gender identity or gender expression (Sec. 6). The only exception is if notification is required by state or federal law, such as with cases of potential self-harm.

The measure prohibits school districts from retaliating or taking adverse action against employees that:

- Support a student's right to share ideas and beliefs, combat bias, provide accurate and inclusive education and other provisions [under Article 1](#)
- Develop or update resources supporting LGBTQ+ students [under Article 2.7](#)
- Enforce a law banning discrimination on the basis of gender identity or expression, sexual orientation and any other characteristic under the definition of a hate crime, [as stated in Article 3](#)
- Comply with laws prohibiting discrimination in schools on the basis of gender identity, and other provisions [under Article 4](#)
- Follow the requirements under this measure
- Teach curriculum that includes the role and contributions of people of all genders, LGBTQ+ Americans and other groups [mentioned in Section 51204.5](#) to the history of California and the United States
- Include instruction about gender expression and identity and the harm of negative gender stereotypes as part of sexual health education courses, and include same-sex relationships when discussing or providing examples of relationships and couples — and other provisions under the [California Healthy Youth Act](#) (Sec. 4)

The measure adds to the [state's Education Code](#) a section titled "Supports and Resource for Parents, Guardians and Families of (LGBTQ+) Pupils." It requires the Education Department to develop or update such resources designed to be used in schools that have 7th to 12th grade students and in collaboration with parents of LGBTQ+ students. The resources will have to be updated to reflect changes in the law (Sec. 3).

Examples of school-based support and resources are:

- Support groups or affinity clubs and organizations
- Safe spaces
- Antibullying and harassment policies that families can access
- Counseling services
- Anti-bias training for school staff aimed at supporting LGBTQ+ youth and their families
- Suicide prevention policies that families can access

The bill also calls local organizations and physical and mental health providers examples of community resources for families of LGBTQ+ students (Sec. 3).

WHO ARE THE POWER PLAYERS?

The measure was backed by Attorney General **Rob Bonta**, Superintendent of Public Instruction [Tony Thurmond](#), the [California Teachers Association](#) and the **California Medical Association**, along with powerful organizations in the [ACLU](#) and **Planned Parenthood**.

Assemblymember **Chris Ward** (D-San Diego) introduced the bill, with the [entire LGBTQ Caucus](#) signing on as principal co-authors. Assemblymember [Al Muratsuchi](#) (D-Torrance) and state Sen. [Susan Rubio](#) (D-Baldwin Park) were co-authors.

Kristi Hirst, co-founder of the left-leaning education nonprofit **Our Schools USA** and a Chino Valley resident, said at the June 26 Assembly Education Committee hearing that parent notification policies are "destroying the fabric of my community," turning public meetings into "sites of harassment and violence."

“We can't survive another year of this not being resolved by the state, because the extremists won't stop wasting public money and resources on their political crusades,” Hirst said. “The time to resolve any ambiguity is now.”

The bill's opponents include conservative groups such as the [California Policy Center](#), [Alliance Defending Freedom](#) and [California Family Council](#). **Lance Christensen**, vice president of education policy and government affairs at the California Policy Center, wrote [in a veto request](#) to Gov. **Gavin Newsom** that “children do not have a right to privacy that transcends their parents' well established rights,” and that the measure assumes that “parents are dangerous and not to be trusted,” with schools “better positioned to deal with the difficulties of adolescence than parents.”

Sonja Shaw, president of the **Chino Valley Unified School District Board of Education**, contended at the hearing that the bill is unconstitutional, prevents parents from being able to help their children and “makes lying a legal requirement” in schools.

“How can a child come out to thousands of peers and staff members, and us not be able to tell the parents?” Shaw said.

WHAT'S HAPPENED SO FAR?

Debate over AB 1955 [nearly came to blows](#) on the Assembly floor, when Assemblymembers [Corey Jackson](#) (D-Moreno Valley) and [Bill Essayli](#) (R-Corona) exchanged words after Essayli opposed the bill and was repeatedly reprimanded for speaking out of order.

Essayli [introduced a bill](#) last year that [would have required](#) schools to notify parents within three days if a student identifies as a gender other than what they were assigned at birth or uses a bathroom of a different sex. Muratsuchi, chair of the Assembly Education Committee, declined to give the bill a hearing [because he was afraid](#) it would provoke hateful rhetoric toward transgender students.

AB 1955 was amended on May 22 to reflect the current version of the bill, as Ward changed the contents of an unrelated measure through a legislative workaround to introduce new proposals past the deadline known as “gut-and-amend.”

In the Senate Education Committee on May 29, discussion over the bill ran for over an hour and a half and frequently veered into related issues such as gender-affirming care for children, where the right to privacy begins and ends in families and the prevalence and causes of suicidality in transgender kids.

State Sen. [Rosilicie Ochoa Bogh](#) (R-Yucaipa) said parents should be notified immediately if their child is experiencing gender dysphoria because the parents may need to secure the home from weapons if their child is suicidal. She said most parents unconditionally love their children and defended parents who are angry when they first learn their child is transgender.

“They may not accept, but they will respect their child,” she said.

The committee's chair, state Sen. [Josh Newman](#) (D-Fullerton), said the bill was fundamentally about providing a safe and supportive space for kids at school.

“You can make a distinction between respect for self expression and identity versus active participation in gender transition,” Newman said.

The bill was also slated to be heard in the Senate Health Committee, but after it passed the education committee, the Senate voted to send it straight to the appropriations committee because it didn't have a health-related component. Democrats also blocked a Republican effort to refer the bill to the Senate Judiciary Committee.

WHAT'S NEXT?

The bill passed the Legislature on party-line votes and was signed into law by Newsom on July 15, but could face a court challenge.

The state's Department of Justice noted in the [Senate Appropriations Committee analysis](#) that the bill could invite litigation. If it survives the challenge, some school districts may refuse to comply “for political reasons ... and instead invite an enforcement action.” The bill doesn't contain an explicit enforcement mechanism, but the analysis notes that the department's Civil Rights Enforcement Section would likely carry out any penalties.

WHAT ARE SOME STORIES ON THE BILL?

[Read POLITICO news on AB 1955.](#)

Rachel Bluth contributed to this report.