

---

# SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair  
2023 - 2024 Regular Session

---

## AB 5 (Zbur) - The Safe and Supportive Schools Act

**Version:** May 2, 2023

**Urgency:** No

**Hearing Date:** August 14, 2023

**Policy Vote:** ED. 5 - 0

**Mandate:** Yes

**Consultant:** Lenin Del Castillo

**Bill Summary:** This bill requires the California Department of Education (CDE) to develop an online training curriculum and online delivery platform by July 1, 2025 to support LGBTQ+ cultural competency training for teachers and certificated employees. This bill also requires local educational agencies (LEAs) to provide at least one hour of training each year to all certificated staff on cultural competency in supporting lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ+) students.

### Fiscal Impact:

- The CDE estimates one-time General Fund costs of \$1.3 million to contract for the establishment of a portal that will allow them to monitor compliance with the training requirement through its existing annual compliance monitoring process of state and federal programs. According to CDE, this will take five years to implement.
- The CDE also estimates ongoing General Fund costs of approximately \$487,000 for ongoing costs associated with complying with this bill. This estimate includes \$250,000 for 1.5 positions and \$175,000 to contract for ongoing maintenance of the portal.
- This bill could result in a reimbursable state mandate for LEAs to provide one hour of training each year to all teachers and other certificated employees serving pupils in grades seven through 12. Assuming an hourly rate of \$60 for each of the 130,000 teachers statewide in middle and high schools, the Proposition 98 General Fund costs would be about \$7.8 million. This could create pressure for the state to increase the K-12 Mandate Block Grant.

**Background:** Existing law requires the CDE to monitor, through its federal program monitoring process, whether LEAs have:

- a) Adopted a policy that prohibits discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics defined as hate crimes, and immigration status, disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The policy must include a statement that the policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district;

- b) Adopted a process for receiving and investigating complaints relating to discrimination, harassment, intimidation, and bullying;
- c) Publicized antidiscrimination, anti-harassment, anti-intimidation, and anti-bullying policies, including information about the manner in which to file a complaint to students, parents, employees, agents of the governing board, and the general public;
- d) Provided certificated school employees in schools serving students in grades 7 to 12, information on existing schoolsite and community resources related to the support of LGBTQ+ students, or related to the support of students who may face bias or bullying on the basis of religious affiliation, or perceived religious affiliation;
- e) Posted the policy in all schools and offices, including staff lounges and student government meeting rooms;
- f) Maintained documentation of complaints and their resolution for a minimum of one review cycle;
- g) Ensured that complainants are protected from retaliation and that their identity remains confidential, as appropriate; and
- h) Identified a responsible LEA officer for ensuring compliance.

**Proposed Law:** This bill requires the CDE, using resources appropriated in the Budget Act of 2021 for this purpose, by July 1, 2025, to finalize the development of an online training delivery platform and online training curriculum to support LGBTQ+ cultural competency training for teachers and certificated employees with specified topics, including:

- a) The creation of safe and supportive learning environments for LGBTQ+ pupils, including those with multiple intersecting identities, including, but not limited to, those who are members of the LGBTQ+ community, members of communities of color, immigrants, or people living with the human immunodeficiency virus.
- b) Identifying LGBTQ+ youth who are subject to, or may be at risk of, bullying and lack of acceptance at home or in their communities.
- c) Providing targeted support services to LGBTQ+ youth, including counseling services.
- d) Requirements regarding school anti-bullying and harassment policies and complaint procedures; and
- e) Requirements regarding suicide prevention policies and related procedures.

This bill requires an LEA, commencing with the 2025–26 school year, and continuing through the 2029–30 school year, at least one hour of training annually to all teachers and other certificated employees during the employee’s regular work hours or

designated professional development hours unless otherwise negotiated and mutually agreed upon with the employees' exclusive representative, serving pupils in grades 7 to 12, inclusive, in a manner designed to cover the core elements of the curriculum developed above over the five-year period and specifies that training may be provided using the online training curriculum and platform developed by CDE.

This bill requires an LEA to ensure that the in-service training it chooses to use as an alternative to the online training developed by CDE is substantially similar to and meets the same standards of the online training. It specifies employees may complete training individually or as part of a group presentation, and the training may be completed in shorter segments as long as the applicable hourly total requirement is met. It also specifies nothing prohibits an LEA from providing longer, more frequent, relevant in-service training to meet the online training standards, provided that it is mutually agreed to with the employee's exclusive representative. This bill requires an LEA to exempt a teacher or certificated employee from the training if they have completed the training within the same year at another local educational agency in this state.

This bill requires ELAs to post on its website the number of its teachers and other certificated employees who received online or in-service training and make it available to the CDE upon request as part of the department's annual compliance monitoring of state and federal programs.

This bill requires the CDE to provide a report to the relevant policy and fiscal committees of the Legislature, and be posted on its website, within nine months after the conclusion of the 2029–30 school year, summarizing the data collected through compliance monitoring over the five-year period, including the LEA selected for monitoring and relevant compliance findings, as specified.

**Related Legislation:** SB 857 (Laird, 2023) would require the State Superintendent of Public Instruction (SPI), on or before July 1, 2024, to convene an advisory task force to identify the statewide needs of LGBTQ+ pupils and report its findings to the Legislature, the SPI, and Governor by January 1, 2026. This bill is pending in the Assembly Appropriations Committee.

AB 493 (Gloria, Chapter 775, Statutes of 2019) requires the CDE to develop resources or update existing resources for in-service training on schoolsite and community resources for the support of LGBTQ+ students for use in LEAs and charter schools serving students in grades 7-12.

AB 827 (O'Donnell, Chapter 562, Statutes of 2015) requires the CDE, as part of its compliance monitoring, to assess whether LEAs have provided information to certificated staff serving grades 7-12 on schoolsite and community resources for LGBTQ+ students.

**Staff Comments:** AB 128 (Ting, Chapter 21, Statutes of 2021), the 2021 Budget Act, provided \$163,000 in one-time General Fund to support an existing position at CDE to select and collaborate with a lead partner on the development of an online LGBTQ+ cultural competency training platform; \$160,000 in one-time funding to CDE to contract with an LGBTQ+ organization to serve as the lead partner to CDE in the development of an online LGBTQ+ cultural competency training platform; and \$275,000 in one-time

General Fund for the Superintendent of Public Instruction and the lead partner to establish an advisory committee to inform the development and content of the LGBTQ+ cultural competency training curriculum to assure that it is culturally competent, comprehensive, and meets the needs of LGBTQ+ pupils, families, and teachers.

The 2021 education omnibus budget trailer bill (AB 130, Committee on Budget, Chapter 44, Statutes of 2021) provided \$2.4 million General Fund to CDE to create an online training on schoolsite and community resources focused on strategies to support LGBTQ+ pupils. Of this amount, \$1.8 million was to be used to develop online training content for teachers and other certificated staff. According to CDE, it is currently developing the online training platform required by AB 130. The CDE intends to use this platform to fulfill the training platform required by this bill.

**-- END --**