

AMENDED IN ASSEMBLY MARCH 9, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1314

Introduced by Assembly ~~Member~~ Members Essayli and Gallagher

February 16, 2023

An act to amend Section ~~33502~~ 51101 of the Education Code, relating to ~~state educational entities~~: *pupils*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1314, as amended, Essayli. ~~State educational entities: Educational Innovation and Planning Commission. Gender identity: parental notification.~~

Existing law provides that parents and guardians of children enrolled in public schools have the right, and should have the opportunity, as mutually supportive and respectful partners in the education of their children within the public schools, to be informed by the school, and to participate in the education of their children, as specified to include, among other things, having access to the school records of their child.

Existing law authorizes a minor who is 12 years of age or older to consent to mental health treatment or counseling services, notwithstanding any provision of law to the contrary, if, in the opinion of the attending professional person, the minor is mature enough to participate intelligently in those services, or to outpatient mental health treatment or counseling services if the foregoing is true and the minor would present a danger of serious physical or mental harm to self or to others without the mental health treatment or counseling or residential shelter services, or is the alleged victim of incest or child abuse. Existing law requires the mental health treatment or counseling of a minor authorized by these provisions to include involvement of the

minor's parent or guardian unless, in the opinion of the professional person who is treating or counseling the minor, the involvement would be inappropriate.

This bill would, notwithstanding the consent provisions described above, provide that a parent or guardian has the right to be notified in writing within 3 days from the date any teacher, counselor, or employee of the school becomes aware that a pupil is identifying at school as a gender that does not align with the child's sex on their birth certificate, other official records, or sex assigned at birth, using sex-segregated school programs and activities, including athletic teams and competitions, or using facilities that do not align with the child's sex on their birth certificate, other official records, or sex assigned at birth. The bill would state legislative intent related to these provisions. By imposing additional duties on public school officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law establishes in the state government the Educational Innovation and Planning Commission. Existing law authorizes the Speaker of the Assembly, the Senate Committee on Rules, and the State Board of Education to appoint members to the commission, as prescribed.~~

~~This bill would make nonsubstantive changes to this provision.~~

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

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

1 SECTION 1. Section 51101 of the Education Code is amended
2 to read:

3 51101. (a) Except as provided in subdivision (d), the parents
4 and guardians of pupils enrolled in public schools have the right
5 and should have the opportunity, as mutually supportive and
6 respectful partners in the education of their children within the

1 public schools, to be informed by the school, and to participate in
2 the education of their children, as follows:

3 (1) Within a reasonable period of time following making the
4 request, to observe the classroom or classrooms in which their
5 child is enrolled or for the purpose of selecting the school in which
6 their child will be enrolled in accordance with the requirements
7 of any intradistrict or interdistrict pupil attendance policies or
8 programs.

9 (2) Within a reasonable time of their request, to meet with their
10 child's teacher or teachers and the principal of the school in which
11 their child is enrolled.

12 (3) To volunteer their time and resources for the improvement
13 of school facilities and school programs under the supervision of
14 district employees, including, but not limited to, providing
15 assistance in the classroom with the approval, and under the direct
16 supervision, of the teacher. Although volunteer parents may assist
17 with instruction, primary instructional responsibility shall remain
18 with the teacher.

19 (4) To be notified on a timely basis if their child is absent from
20 school without permission.

21 (5) To receive the results of their child's performance on
22 standardized tests and statewide tests and information on the
23 performance of the school that their child attends on standardized
24 statewide tests.

25 (6) To request a particular school for their child, and to receive
26 a response from the school district. This paragraph does not
27 obligate the school district to grant the parent's request.

28 (7) To have a school environment for their child that is safe and
29 supportive of learning.

30 (8) To examine the curriculum materials of the class or classes
31 in which their child is enrolled.

32 (9) To be informed of their child's progress in school and of
33 the appropriate school personnel whom they should contact if
34 problems arise with their child.

35 (10) To have access to the school records of their child.

36 (11) To receive information concerning the academic
37 performance standards, proficiencies, or skills their child is
38 expected to accomplish.

39 (12) To be informed in advance about school rules, including
40 disciplinary rules and procedures in accordance with Section

1 48980, attendance policies, dress codes, and procedures for visiting
2 the school.

3 (13) To receive information about any psychological testing the
4 school does involving their child and to deny permission to give
5 the test.

6 (14) To participate as a member of a parent advisory committee,
7 schoolsite council, or site-based management leadership team, in
8 accordance with any rules and regulations governing membership
9 in these organizations. In order to facilitate parental participation,
10 schoolsite councils are encouraged to schedule a biannual open
11 forum for the purpose of informing parents about current school
12 issues and activities and answering parents' questions. The
13 meetings should be scheduled on weekends, and prior notice should
14 be provided to parents.

15 (15) To question anything in their child's record that the parent
16 feels is inaccurate or misleading or is an invasion of privacy and
17 to receive a response from the school.

18 (16) To be notified, as early in the school year as practicable
19 pursuant to Section 48070.5, if their child is identified as being at
20 risk of retention and of their right to consult with school personnel
21 responsible for a decision to promote or retain their child and to
22 appeal a decision to retain or promote their child.

23 (17) (A) *Notwithstanding any other law, including Section 6924*
24 *of the Family Code and Section 124260 of the Health and Safety*
25 *Code, to be notified in writing within three days from the date any*
26 *teacher, counselor, or employee of the school becomes aware that*
27 *their child is doing either of the following:*

28 (i) *Identifying at school as a gender that does not align with the*
29 *child's sex on their birth certificate, other official records, or sex*
30 *assigned at birth.*

31 (ii) *Using sex-segregated school programs and activities,*
32 *including athletic teams and competitions, or using facilities that*
33 *do not align with the child's sex on their birth certificate, other*
34 *official records, or sex assigned at birth.*

35 (B) *It is the intent of the Legislature, in enacting subparagraph*
36 *(A), to do all of the following:*

37 (i) *Provide procedures designed to maintain and, in some cases,*
38 *restore, trust between school districts and parents and guardians*
39 *of pupils.*

1 (ii) *Bring parents and guardians into the decisionmaking process*
2 *for mental health and social-emotional issues of their children at*
3 *the earliest possible time in order to prevent or reduce potential*
4 *instances of self-harm.*

5 (iii) *Promote communication and positive relationships with*
6 *parents and guardians of pupils that promote the best outcomes*
7 *for pupils' academic and social-emotional success.*

8 (iv) *Ensure timely notification to parents or guardians if, during*
9 *the school day or at school-related activities, their pupil is being*
10 *referred to by school employees as a gender that is different than*
11 *the gender listed on the pupil's birth certificate or other official*
12 *records.*

13 (b) In addition to the rights described in subdivision (a), parents
14 and guardians of pupils, including those parents and guardians
15 whose primary language is not English, shall have the opportunity
16 to work together in a mutually supportive and respectful partnership
17 with schools, and to help their children succeed in school. Each
18 governing board of a school district shall develop jointly with
19 parents and guardians, and shall adopt, a policy that outlines the
20 manner in which parents or guardians of pupils, school staff, and
21 pupils may share the responsibility for continuing the intellectual,
22 physical, emotional, and social development and well-being of
23 pupils at each schoolsite. The policy shall include, but is not
24 necessarily limited to, the following:

25 (1) The means by which the school and parents or guardians of
26 pupils may help pupils to achieve academic and other standards
27 of the school.

28 (2) A description of the school's responsibility to provide a high
29 quality curriculum and instructional program in a supportive and
30 effective learning environment that enables all pupils to meet the
31 academic expectations of the school.

32 (3) The manner in which the parents and guardians of pupils
33 may support the learning environment of their children, including,
34 but not limited to, the following:

35 (A) Monitoring attendance of their children.

36 (B) Ensuring that homework is completed and turned in on a
37 timely basis.

38 (C) Participation of the children in extracurricular activities.

39 (D) Monitoring and regulating the television viewed by their
40 children.

1 (E) Working with their children at home in learning activities
2 that extend learning in the classroom.

3 (F) Volunteering in their children's classrooms, or for other
4 activities at the school.

5 (G) Participating, as appropriate, in decisions relating to the
6 education of their own child or the total school program.

7 (c) All schools that participate in the High Priority Schools
8 Grant Program established pursuant to Article 3.5 (commencing
9 with Section 52055.600) of Chapter 6.1 of Part 28 and that maintain
10 kindergarten or any of grades 1 to 5, inclusive, shall jointly develop
11 with parents or guardians for all children enrolled at that schoolsite,
12 a school-parent compact pursuant to Section 6319 of Title 20 of
13 the United States Code.

14 (d) This section does not authorize a school to inform a parent
15 or guardian, as provided in this section, or to permit participation
16 by a parent or guardian in the education of a child, if it conflicts
17 with a valid restraining order, protective order, or order for custody
18 or visitation issued by a court of competent jurisdiction.

19 *SEC. 2. If the Commission on State Mandates determines that*
20 *this act contains costs mandated by the state, reimbursement to*
21 *local agencies and school districts for those costs shall be made*
22 *pursuant to Part 7 (commencing with Section 17500) of Division*
23 *4 of Title 2 of the Government Code.*

24 ~~SECTION 1. Section 33502 of the Education Code is amended~~
25 ~~to read:~~

26 ~~33502. (a) There is in the state government the Educational~~
27 ~~Innovation and Planning Commission consisting of a Member of~~
28 ~~the Assembly appointed by the Speaker of the Assembly, a Member~~
29 ~~of the Senate appointed by the Senate Committee on Rules, one~~
30 ~~public member appointed by the Speaker of the Assembly, one~~
31 ~~public member appointed by the Senate Committee on Rules, one~~
32 ~~public member appointed by the Governor, and 15 public members~~
33 ~~appointed by the state board upon the recommendation of the~~
34 ~~Superintendent or the members of the state board.~~

35 ~~(b) The 15 public members appointed by the state board shall~~
36 ~~be broadly representative of the cultural and educational resources~~
37 ~~of the state and the public, including at least one individual from~~
38 ~~each of the following categories:~~

39 ~~(1) Classroom teachers at the elementary level.~~

40 ~~(2) Classroom teachers at the secondary level.~~

1 ~~(3) Principals, superintendents, and other professional employees~~
2 ~~of local educational agencies and private schools.~~

3 ~~(4) Teachers from institutions of higher education.~~

4 ~~(5) School librarians, personnel involved in operating media~~
5 ~~programs in local schools, and guidance counselors.~~

6 ~~(6) Individuals from fields of professional competence in dealing~~
7 ~~with children needing special education because of physical or~~
8 ~~mental handicaps, specific learning disabilities, severe educational~~
9 ~~disadvantages, and limited English proficiency or because they~~
10 ~~are gifted or talented, and individuals from fields of professional~~
11 ~~competence in guidance and counseling.~~

12 ~~(7) Parents, senior-class high school pupils and other interested~~
13 ~~members of the public.~~

14 ~~(8) Leaders from private industry.~~

15 ~~(e) The state board upon recommendation from the~~
16 ~~Superintendent may add to the 15 public members of the~~
17 ~~commission as required to fully conform to federal legislation and~~
18 ~~regulations.~~