CIVIL RIGHTS IN EDUCATION (CRE) COMMITTEE

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MAJOR POLICY - Immediate Action (2/3rd vote required)

A. Page 306, Gender Equity and Education

CTA believes in equal rights for all and supports eliminating sex or perceived sex**,** gender**,** gender identity, gender expression discrimination in educational programs, ~~and~~ activities, and facilities**.** School districts must enforce policies and procedures to ensure gender equity and awareness in all aspects of schooling, including, but not limited to, admissions, recruitment, ~~comparable~~ facilities, access to course offerings, counseling services, financial assistance, athletics, textbooks, curriculum, health and insurance benefits and services, and employment. CTA calls for the strengthened reinforcement of regulations by school districts in order to bring gender equity and gender awareness in all aspects of schooling. This policy provides that public schools have an affirmative obligation to combat sexism and other forms of bias, and a responsibility to provide equal educational opportunity to all pupils.

Rationale:

To update CTA policy to align with AB1266 – see attachments 1.

MAJOR POLICY – First Reading

A. NBI 03/14-02
Page 345

Education of Incarcerated Individuals
CTA believes ~~males~~ individuals who are incarcerated must be provided equal access to all educational, self-help and training programs offered by county jails, camps and correctional institutions.

Rationale: Policy that restricts educational opportunities to any group of individuals is contrary to the core values of CTA. In addition, some if not all, of our members may find gender qualifications for educational opportunities offensive.

B. **Page 350, The School-to-Prison-Pipeline and Incarceration Prevention**

The School-to-Prison Pipeline is a well-documented, social phenomenon in which students in poverty, students of color, LGBTQQIA students and students with disabilities and special needs are shuttled disproportionately into the criminal justice system and, ultimately, prison.
The School-to-Prison Pipeline arises from:

1. The misapplication and rigidity of zero-tolerance policies;
2. A culture of high stakes testing that identifies students for remediation and academic tracking;
3. Under-investment in on-site social services;
4. Law enforcement personnel present in schools carrying out discipline resulting in a dramatic increase in school-based arrests for misdemeanor offenses;
5. A lack of thoughtful and imaginative interventions that meet the educational and emotional needs of high-risk students.

CTA opposes policies and practices that support institutionalized racism, poverty, gender disproportionality, and other factors leading to the criminalization and demoralization of children.

CTA opposes:

1. Zero tolerance policies;
2. The negative effects of high stakes testing;
3. Excessive investment in the prison-industrial complex;
4. Institutional inequity in the distribution of resources;
5. School environments that are becoming increasingly similar to prisons (tracking devices in student IDs, surveillance cameras, police officers employed at the school site, metal detectors, armed guards on campus, etc.).

CTA believes the School-to-Prison Pipeline can be dismantled by:

1. Investment in providing a full range of on-site social services;
2. Working collaboratively with families to support students;
3. Early childhood education;
4. Establishing and enforcing productive discipline policies and practices based on restorative justice;
5. Reducing the use of exclusionary discipline policies;
6. Removing policies and practices that label children as criminals;
7. Utilizing curriculum materials and pedagogy that are responsive to at-risk populations;
8. Ongoing professional development focused on developing and maintaining inclusive, effective classrooms for at-risk populations;
9. Reducing the presence of law enforcement personnel in schools.

Rationale: Dismantling the "School-to-Prison Pipeline" through concerted efforts and structures will equip educators in meeting the needs of students caught in the pipeline.

C. Pg.306, **Gender Identification/Gender Expression/Sexual Orientation**

CTA believes all persons, regardless of actual or perceived sex, sexual orientation, or gender identity and expression, should be afforded equal opportunity within the public education system.

Every school district should provide counseling by trained personnel for students who are struggling with their actual or perceived sex**,** sexual orientation or gender identity and expression.

Rationale: To update CTA's policy to align with AB1266.

MAJOR POLICY – Second Reading

A. Insert new section to **Human and Civil Rights,** Page 310

Parent Empowerment

CTA believes in a collaborative approach to parent empowerment, a comprehensive and research-based school improvement plan, and ongoing collaboration of teachers, parents, students and community to address the issues faced in public education.

CTA opposes so-called "trigger" laws which circumvent authentic parental and community involvement, including but not limited to those pushed by corporate-backed reform groups or outside special-interest organizations/individuals.

Rationale: NEA passed an NBI opposing parent trigger laws; this policy will position CTA to oppose anticipated attacks from its opponents.

OTHER ITEMS FOR IMMEDIATE ACTION

None

REFERRALS TO THE BOARD OF DIRECTORS

None

MATTERS PENDING

- Gather information for the implementation of AB1266
- Fair, Accurate, Inclusive and Respectful (FAIR) Education Act
- Craft policy language decrying the school to prison pipeline
- Develop policy language that combats militarization of our schools

- Develop clear and more appropriate language around restorative justice in the policy handbook

INFORMATIONAL ITEMS

1. Gilda Bloom-Leiva, NEA Board of Directors gave the NEA report.

    a. Vergara lawsuit decision expected in July
    b. Harris lawsuit decision expected in June
    c. Secretary-Treasurer Becky Pringle reported that NEA is in a strong financial position with $2,800,000 in the NEA contingency fund.
    d. Supported keeping Student Board Position
    e. Shared report on NEA Executive Board benefits breakdown.
    f. Hispanic Observance – Dolores Huerta
    g. Asian Pacific Islander Observance – Terry Shima and Mary Murakami
    h. NEA Board of Directors approved an NBI for the National Educators Monument in Washington, D.C.
    i. NEA Board of Directors unanimously selected Malala Yousafzai as the recipient of NEA's 2014 Friend of Education Award.

2. Tony Diaz¸ Fair Employment and Housing Council (FEHC) Liaison reported the following:
    a. The FEHC discussed Family Rights Act and Housing Regulations Act and held a public hearing.
    b. The final public hearing on both regulations will be held on June 2, 2014.

3. Harris Kight-Moore, Liaison to CTA/NEA-Retired, reported the following

    a. CTA-NEA Retired membership grew by 6% from September 2013 to the present. This was the largest percentage of growth among all CTA groups.
    b. The Governor and the Legislature will address the $73 billion in unfunded liability this year. As a result school districts will not be required to include their portion in their budgets. This should have a positive impact on local negotiations.

    c. CTA Board Report; Larry Allen

4. The committee approved the following bill positions:

AB 2706 (Hernandez)	Watch
SB 1349 (Jackson)	Support

Assembly Bill No. 1266

CHAPTER 85

An act to amend Section 221.5 of the Education Code, relating to pupil rights.

[Approved by Governor August 12, 2013. Filed with Secretary of State August 12, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1266, Ammiano. Pupil rights: sex-segregated school programs and activities.

Existing law prohibits public schools from discriminating on the basis of specified characteristics, including gender, gender identity, and gender expression, and specifies various statements of legislative intent and the policies of the state in that regard. Existing law requires that participation in a particular physical education activity or sport, if required of pupils of one sex, be available to pupils of each sex.

This bill would require that a pupil be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records.

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

SECTION 1. Section 221.5 of the Education Code is amended to read:

221.5. (a) It is the policy of the state that elementary and secondary school classes and courses, including nonacademic and elective classes and courses, be conducted, without regard to the sex of the pupil enrolled in these classes and courses.

(b) A school district may not prohibit a pupil from enrolling in any class or course on the basis of the sex of the pupil, except a class subject to Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2.

(c) A school district may not require a pupil of one sex to enroll in a particular class or course, unless the same class or course is also required of a pupil of the opposite sex.

(d) A school counselor, teacher, instructor, administrator, or aide may not, on the basis of the sex of a pupil, offer vocational or school program guidance to a pupil of one sex that is different from that offered to a pupil of the opposite sex or, in counseling a pupil, differentiate career, vocational, or higher education opportunities on the basis of the sex of the pupil counseled. Any school personnel acting in a career counseling or course selection capacity to a pupil shall affirmatively explore with the pupil the

possibility of careers, or courses leading to careers, that are nontraditional for that pupil's sex. The parents or legal guardian of the pupil shall be notified in a general manner at least once in the manner prescribed by Section 48980, in advance of career counseling and course selection commencing with course selection for grade 7 so that they may participate in the counseling sessions and decisions.

(e) Participation in a particular physical education activity or sport, if required of pupils of one sex, shall be available to pupils of each sex.

(f) A pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records.