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BRAVE NEW SCHOOLS

New pro-homosexual regulations drafted

Guidelines for alternative-lifestyle promotion put forth for K-12 students

By Julie Foster

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California's year-old anti-discrimination law designed to give added protection to and acceptance of homosexuals, bisexuals and transgender students and staff in government schools was clarified by a special task force that issued 12 recommendations for the law's enforcement.

Under the recommendations, which will soon be adopted by the California Department of Education as administrative regulations to be followed in every K-12 public school, all curriculum in the state will be changed to include alternative sexual lifestyles. In other words, literature, math word problems, health and social studies classes, as well as other subjects, will be tailored to positively portray homosexuality, bisexuality and transgenderism.

Specifically, some of the recommendations urge the department to "create positive, grade-appropriate visual images that include all sexual orientations and gender identities for use in school common areas throughout the school year." The task force wants the department to "seek legislation and funding to designate one person at each school knowledgeable about sexual orientation and gender identity issues to support implementation of AB 537" and to "ensure that the individual is involved in all compliance and training activities related to the law at the school."

The California Student Safety and Violence Prevention Act of 2000 began as Assembly Bill 537, was passed by the legislature in September 1999, signed into law by Gov. Gray Davis shortly thereafter and officially took effect in January 2000. Through AB 537, two new forms of discrimination were added to the existing prohibitions against discrimination and harassment in California public schools: actual or perceived sexual orientation and actual or perceived gender.

While heterosexual, homosexual and bisexual are terms that fall under the category of "sexual orientation," the term "gender" is different in that it does not necessarily refer to a person's sexual practice. Rather, gender is defined as "actual or perceived sex and includes a person's gender-related identity, appearance or behavior, whether or not that identity, appearance or behavior is different from that traditionally associated with the person's sex at birth." AB 537 is intended also to protect and normalize "transgender" students and staff.

The guidelines were developed by a 36-member special task force, which met regularly over eight months. Created by State Superintendent of Public Instruction Delaine Eastin, the task force was charged with identifying, researching and recommending guidelines to

implement AB 537, "to ensure that AB 537 did not become another law that sits on a bookshelf," according to the task force's report completed last month.

Recommendations were accompanied by "rationale" statements, giving the reasons behind the proposed guidelines, many of which can be implemented administratively by the State Board of Education. Other recommendations need to be approved by the California Department of Education, but none need be approved by voters or legislators since the guidelines are designed to implement a bill already approved by the legislature last year.

Equating sexual preference with racial characteristics, the report mentions curriculum changes made to address "changing cultural beliefs and perceptions regarding people of color, disenfranchised groups, women and other groups," the report states.

"Guidelines should include references to lesbian, gay, bisexual and transgender figures, events, concepts and issues, when appropriate. Inclusion of these references will provide a context for lesbian, gay, bisexual and transgender people to be perceived in a broad, positive cultural and historical perspective, rather than as an isolated group, subject to derision and scorn. State-adopted materials should acknowledge lesbian, gay, bisexual and transgender historical figures, events, and issues, when appropriate. Inclusion of these references provides a broader context that will help educators implement laws regarding discrimination and harassment," it continues.

Additionally, the task force asks the state Board of Education to "revise state curriculum frameworks and guidelines and moral and civic education curricula to foster an appreciation of California's diversity and discourage discriminatory attitudes and practices."

Interestingly, AB 537 specifically states that revised curriculum is not necessary to comply with the new law.

"Nothing in the California Student Safety and Violence Prevention Act of 2000 requires the inclusion of any curriculum, textbook, presentation or other material in any program or activity conducted by an educational institution or postsecondary educational institution," the law reads. Similarly, the law continues by saying the omission of such material is not a violation of the act.

Therefore, when the Education Department begins implementing the task force's guidelines, it will be regulating public schools beyond what the new law requires. As the primary content provider of public-school curriculum, the department has the authority to make changes to education materials without prior legislation. The task force believes new curriculum is necessary to prevent the harassment and violence prohibited by AB 537.

Addressing that belief, the task force wrote, "Most educators and other school personnel will agree that they have a responsibility to provide a safe, supportive environment for their students. Unfortunately, however, negative attitudes about sexual orientation and gender identity exist. Students who are perceived to be or who are lesbian, gay, bisexual or transgender too often are the victims of harassment, discrimination, and even violence. Numerous studies have documented such anti-gay attitudes and incidents in kindergarten through twelfth grade (K-12) schools. If we sincerely believe that California's schools

should provide an equally safe, engaging, and supportive educational atmosphere for all students and staff, the CDE and California school districts must take proactive steps to help stop anti-lesbian, gay, bisexual and transgender harassment, discrimination and violence in schools."

"AB 537 was enacted as a first legal step to make things right," the report continues. Nowhere does the report address moral or religious objections to alternative sexual lifestyles or whether those objections fall in the realm of "harassment" or "discriminatory attitudes." It only acknowledges that some people may find the guidelines "controversial."

"While implementation of some recommendations might appear to be controversial in some districts, most school administrators will agree that such implementation is the legally and professionally pragmatic thing to do. On a deeper human level, if each of us honestly subscribes to the belief that schools should be safe and supportive for all, then we will move past our fears of controversy and do what we know is the right thing -- to ensure that equal access to quality education is, indeed, provided for all," the task force wrote.

Three of the task-force members are affiliated with the Gay, Lesbian and Straight Education Network -- the same organization that sponsored Massachusetts' homosexual teen-sex conference that made headlines last year and over which former Gov. Paul Cellucci faced heated opposition as President Bush's nominee to be ambassador to Canada. GLSEN is also an organization instrumental in facilitating "Gay-Straight Alliances," which are on-campus student clubs that promote the homosexual lifestyle as normal and acceptable behavior. The guidelines also recommend the state fund GSAs.

Two task force members were from the San Francisco Unified School District, one was a rabbi from Sacramento noted for her unorthodox spiritual messages spoken at the beginning of legislative business in the state legislature, and numerous others representing pro-homosexual organizations.

The new regulations were highlighted Wednesday by civil-liberties attorney Brad Dacus, who spoke to a group of Republican women concerned about the new law. President of the Pacific Justice Institute, Dacus founded his nonprofit organization to defend religious liberties and parents' rights at no charge to clients. Recently, his group placed the defense of religious liberties in public schools as its top priority, and Dacus has toured the state informing people about the changing climate in California's educational institutions.

Dacus believes the new proposed regulations are overly broad and vague in their application -- qualities upon which the regulations may be challenged in court. While "harassment" is already defined in the law to include certain kinds of speech, such as racial slurs or continued unwanted verbal communication, the AB 537 guidelines would prohibit "discriminatory attitudes," which are not defined.

The regulations are "much broader than harassment," said Dacus. "They go to what [people] are thinking or feeling or believing," and create a "policy of censorship. They violate free speech rights" for people who wish to communicate disapproval of homosexuality based on religious doctrine, he continued.

"Offensive does not equal harassment," Dacus remarked.

Assemblyman Dennis Mountjoy, R-Arcadia, agreed, indicating the new guidelines are representative of a larger social "decline."

"We have been taught to be so tolerant as a society that we have become tolerant of the sin. Be tolerant of the person, but not the sin," he said, saying the AB 537 guidelines are just another example of bureaucratic activism.

"These people are not accountable. We see it all the time where the law is handed to the bureaucrats to interpret, and the people can't fire them" if they disagree with what bureaucrats enact.

Mountjoy introduced a one-sentence bill this year that reads, "The promotion of homosexuality in public education is prohibited." The Democrat-dominated legislature prevented the bill from moving forward in the legislative process by refusing to vote on the measure. But Mountjoy is undeterred, saying he will continue to put forward bills "for their merit," regardless of their popularity in the legislature.

"I'm not here for politics. I'm here for people," he remarked.

The state's Safe Schools and Violence Prevention office, which is disseminating the new guidelines on its website, did not return calls for comment.

[Click here to see the 31-page task-force report on implementing AB 537. Requires Adobe Acrobat Reader and may take several minutes to load.](#)

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