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EQCA, GSA Network file motion to protect students from discrimination

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SAN DIEGO - Equality California and the Gay-Straight Alliance Network are seeking to intervene in a lawsuit filed by anti-Gay organizations that would prevent enforcement of California statutes protecting students from discrimination, harassment and bullying in publicly funded schools.

EQCA and the GSA Network today filed a motion to intervene in federal district court in San Diego to defend the California statutes that prohibit discrimination and harassment in publicly funded schools, including the newly enacted Student Civil Rights Act (SB 777). EQCA was the official sponsor of SB 777, and both organizations actively supported the law. The two organizations are represented by the National Center for Lesbian Rights, Lambda Legal, the Transgender Law Center, the law firm Sheppard Mullin Richter & Hampton, LLP and the Law Office of David C. Codell.

"This law protects all students, plain and simple, irrespective of their race, religion, sexual orientation or gender identity," said Lambda Legal Senior Staff Attorney Brian Chase. "With 200,000 of California's schoolchildren every year finding themselves victims of harassment or violence, the need for this law is beyond argument."

The Student Civil Rights Act, authored by Sen. Sheila Kuehl, D-Santa Monica, reinforces existing California laws that prohibit discrimination in publicly-funded schools and activities, including discrimination based on religion, race, disability, gender and sexual orientation. California law has prohibited discrimination in public education on these bases, including sexual orientation and gender, for years. SB 777 did not change the categories of discrimination prohibited by law, but merely updated the Education Code to clearly reflect current law so school administrators and teachers know their responsibilities to protect students without having to cross-reference other sections of state law.

"By enacting the Student Civil Rights Act, the Legislature and Gov. Arnold Schwarzenegger sent a clear message that California will not tolerate discrimination in our schools," said EQCA Executive Director Geoff Kors. "This law protects all youth in our public schools. It helps prevent

harassment and discrimination so students can learn free from threats and physical violence."

"We're intervening in this lawsuit because our student members advocated for SB 777 and are eager to defend it," said GSA Network Executive Director Carolyn Laub. "Thousands of our members have endured daily harassment at school based on their sexual orientation or gender identity. It's a shame there are adults who don't think all students deserve to have a safe place to learn."

According to the 2001 California Healthy Kids Survey, nearly 30 percent of California youth in grades seven to 11 report experiencing harassment or bullying based on their actual or perceived race, ethnicity, religion, disability, gender or sexual orientation.

"Every student has the right to be safe at school," said NCLR Legal Director Shannon Minter. "SB 777 simply makes this clear. The organizations bringing this suit are wasting taxpayers' money and seeking to undermine common sense protections for all California students," Minter said.

"The Transgender Law Center is proud of our Legislature for passing a bill that protects all of California's students," said Transgender Law Center Legal Director Kristina Wertz. "Education is dependant upon safe and constructive learning environments for all young people. All youth deserve to be treated with dignity and respect."

California's Legislature passed SB 777 in September and Gov. Schwarzenegger signed the bill into law on October 12.

The lawsuit challenging SB 777 was filed by lawyers for Advocates for Faith and Freedom and the Alliance Defense Fund last month in federal district court in San Diego.

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