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EQCA, GSA Network File Motion To Protect Students

Equality California and the Gay-Straight Alliance Network filed a motion on Dec. 21 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.

?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.?

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. For years, California law has prohibited discrimination in public education on these bases including sexual orientation and gender. 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.

?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 7 to 11 report experiencing harassment or bullying based on their actual or perceived race, ethnicity, religion, disability, gender or sexual orientation.

?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 school children every year finding themselves victims of harassment or violence, the need for this law is beyond argument.?
?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.?

?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 dependent 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 with Advocates for Faith and Freedom and the Alliance Defense Fund last month in federal district court in San Diego.

Equality California is a nonprofit, nonpartisan, grassroots-based, statewide advocacy organization whose mission is to achieve equality and civil rights of all LGBT Californians. GSA Network is a nonprofit organization, governed by youth and adults, that empowers youth activists to fight homophobia and transphobia in schools through Gay-Straight Alliance clubs. There are currently more than 650 GSA clubs in California schools, including more than 45% of the public high schools. Lambda Legal is a national organization committed to achieving full recognition of the civil rights of GLBT people and those with HIV through impact litigation, education, and public policy work. The National Center for Lesbian Rights is a national legal organization committed to advancing the civil and human rights of LGBT people and their families through litigation, public policy advocacy, and public education. The Transgender Law Center is a civil rights organization advocating for transgender communities through direct legal services, education, community organizing, and policy and media advocacy.

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