

STUDENT RIGHTS IN CALIFORNIA SCHOOLS

www.gsanetwork.org



All students have rights to a safe and supportive school environment. Here are some of the rights you have in school.

**The symbol § refers to the article, or the particular section of the California Education Code*

Identity & Expression

You can talk about being LGBTQ or discuss LGBTQ issues at your public, charter, or non-religious private school (§48907, §48950; 1st Amendment to the U.S. Constitution)

All students have the right to be free from bullying, harassment, and discrimination, regardless of sexual orientation, gender identity, or gender expression (§200-220)

- For example, you have the right to have your name used correctly, or to be protected from harassment related to your clothing.
- All students have the right to participate fully in the education process free of discrimination and harassment (§201(a))
- California public schools must combat racism, sexism, and other forms of discrimination to provide all with equal education (§201(b))
- If school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so. (§234.1(b)(1))
- School staff cannot out you to other students or other school staff without your permission, except under very limited circumstances. Schools should not out you to your parents or guardians, but be aware that schools have done this in the past.

Does This Apply to Me?

Under state law, these student rights apply to public schools (including public charters) and non-religious private schools in California that receive state funding.

Curriculum

- Your school should teach LGBTQ inclusive history (§51204.5, §60040) and sexual health education (§51930-51939)
- Your school shouldn't allow classroom curriculum or sponsored activities that are discriminatory or biased (§51500)
- You have the right to discuss LGBTQ issues and topics in school (§48907)

Access to Activities

- You can have a GSA club if your school allows for noncurricular clubs. GSAs cannot be treated differently than any other noncurricular club (federal Equal Access Act -- 20 U.S.C. § 4071)
- You can participate in all school activities, programs, and facilities in the way that matches your gender identity, including sports teams and bathrooms. You cannot be forced to use a private restroom (§221.5(f))
- This means you can't be told you can only use a staff bathroom.



Access to Activities (...continued)

- Undocumented youth have the right to K-12 education [Read more about Plyler v. Doe here: <http://bit.ly/2dNg4oj>]
- School officials are required to excuse you for confidential medical appointments, and cannot require you to have parent or guardian consent to do so. This is so that students can safely and confidentially access specific medical services. [Read more about §46010.1, §48205 and confidential medical release here: <http://bit.ly/2F5kt08>]
- You can be politically active and even protest at school. However, there are some important things to keep in mind. See more information here: <http://bit.ly/2qwlo5h>



Filing Complaints

Document everything!

- **Who** was involved
- **What** happened
- **Where** it happened
- **When** it happened
- **Who** you reported it to, whether they did anything about it, and when
- Any **witnesses**

Two kinds of complaints:

The most common complaint is the **Uniform Complaint Form**. Any student who experiences discrimination or harassment may file a complaint with the school or school district. Someone else, like another student, parent, or interested third party or organization, may also file a complaint. You can ask your school to provide you the form, or use the sample form here: <http://bit.ly/2AJXWCM>

A few things to remember:

- Make sure to file your complaint **within 6 months** of the incident. Remember to keep a copy!
- The district has 60 days to conduct an investigation and respond to your complaint.
- If you aren't satisfied with the investigation or the result, you have 15 days to appeal to the California Department of Education.
- You can also file an appeal if the district fails to respond. Appeal must be filed within 15 days of the date you should have received a response from the district.
- If you want to ask the California Department of Education for help, you can contact them using this form: <http://bit.ly/2mjfGAw>

The second kind of complaint is the **Williams Complaint Form**. This is specifically for the right to a clean and safe school, to have a book to use in class and at home, and to have a qualified teacher. You can ask your school for the form, or download it here: <http://bit.ly/2CTZEql>.

