

NEW LAW: “SAFETY Act” Support Academic Futures and Educators for Today’s Youth Act

July 16, 2024

Assembly Bill 1955 (“AB 1955”), the “Support Academic Futures and Educators for Today’s Youth Act,” or (SAFETY Act) was signed by the Governor on July 15, 2024. AB 1955 requires the California Department of Education (“CDE”) to develop or update existing resources for support and community resources for parents, guardians, and families of lesbian, gay, bisexual, transgender, queer, and questioning (“LGBTQ”) pupils for the purpose of improving overall school and community climate. The resources are to be designed in collaboration with LGBTQ pupils, parents, guardians, and families for use in grades 7-12.

AB 1955 also adds Sections 217, 220.1, 220.3, and 220.5 to the Education Code to prohibit school districts, county offices of education, charter schools, and the state special schools from enacting or enforcing any policy, rule, or administrative regulation that requires an employee or contractor to disclose any information related to a pupil’s sexual orientation, gender identity, or gender expression to any other person without the pupil’s consent unless otherwise required by state or federal law. Additionally, the bill prohibits retaliatory or adverse action towards school employees on the basis that the employee supported a pupil in exercising their rights to privacy and self-determination, performing their work duties consistent with AB 1955, or providing instruction consistent with Education Code Sections 51204.5 and 51930 relating to inclusive curriculum and sexual reproductive health.

AB 1955 comes in the wake of the adoption of policies by various local educational agencies (“LEA”) throughout the State to address communications to parents regarding student sexual orientation, gender identity, or gender expression, which resulted in litigation. The bill states that the new Education Code sections 220.3 and 220.5 are declaratory of existing law. Thus, the Legislature is indicating its belief that existing law already prohibited an LEA from requiring employees, through policy, rule, or administrative regulation, to disclose information related to a pupil’s sexual orientation, gender identity, or gender expression to any other person without the pupil’s consent, unless required by state or federal law. Section 220.5 states that any policy, regulation, guidance, directive, or other action of an LEA or a member of the governing board of an LEA that is inconsistent with AB 1955 is invalid and shall not have any force or effect.

AB 1955 can be viewed in full [here](#).

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Should you have any questions about this Legal Alert or AB 1955, please contact Lisa Corr (lcorr@ymclegal.com) or Tellis Aucoin (taucoin@ymclegal.com) or by calling 916.646.1400.

Mark your calendars for a webinar to discuss AB 1955 on August 14 at 12:00 p.m.

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