



SB 48 – “FAIR” Education Act

Mark Leno (D-San Francisco)

CWA Position – Oppose

Talking Points

1. SB 48, the FAIR (Fair, Accurate, Inclusive and Respectful) Education Act, is sponsored by Equality California, a lesbian, gay, bisexual and transgender advocacy organization. The proposed law will affect all California public schools from kindergarten to grade 12. SB 48 mandates instruction in social sciences to include a study of the “role and contributions” of “lesbian, gay, bisexual, and transgender Americans” in the same way that schools currently include the contributions of ethnic minorities, and prohibits adoption of textbooks and other materials, instruction or school-sponsored activities containing any matter that “reflects adversely” upon persons because of their “sexual orientation.” (Note: the language “reflects adversely” was amended on March 29 to “promotes a discriminatory bias.”) The bill states that it is the intent of the Legislature that charter and alternative schools “take notice” of these provisions due to their requirement not to discriminate based on such characteristics in any part of their operations. SB 48 has no opt-out provisions.
2. SB 48 adds “sexual orientation” and “gender” to a list of characteristics about which textbooks, instructional materials, and school activities may not “reflect adversely.” Under California’s education code, the definition of “gender” is borrowed from Penal Code section 422.56: “*Gender*” means sex, and includes a person’s gender identity and gender related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth. Therefore, gender refers not only to male and female, but transgendered individuals, transvestites, and any other appearance or behavior along a broad sexual identity continuum. “Sexual orientation” is defined as heterosexuality, homosexuality or bisexuality.
3. While no one condones violence or derogatory comments directed at students based on any personal characteristics, this is not the issue at hand. Under the guise of student safety and bullying prevention, SB 48 is very plainly another step toward complete normalization of transgenderism, homosexuality and bisexuality through the public schools prompting open discussions, in classrooms of all ages, about the sexual practices of one to three percent of the population. The messages in our schools with regard to bullying should be simple and general, asking children to be kind to one another. Instead, this bill seeks to control the moral attitudes of our children on school campuses.
4. The terminology “reflects adversely” (amended on March 29 to “promotes a discriminatory bias”) used in SB 48 leaves room for broad interpretation that could very possibly result in schools being unable to limit homecoming or prom kings and queens to boys and girls, respectively. Similarly, textbook references to heterosexual marriage, traditional gender and gender roles could be considered discriminatory and be required to be more “inclusive” of all identities and lifestyles.
5. If only positive messages can be made regarding homosexuality and bisexuality, students will not receive important facts about the dangers of this behavior. Homosexual acts are unhealthy – especially for males. Like smoking, alcohol and drug abuse, they should be discouraged. Dangerous conduct that results in increased incidence of disease and that can shorten a person’s life should never be promoted to impressionable students.
6. In addition, identifying homosexual and bisexual activity as normal and healthy will result in confusion for children, possibly even encouraging experimentation, and often contradicting the moral foundation laid at

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home. Schools should not, through curriculum, ancillary materials, activities or publications, foster acceptance of behaviors involving sexuality and practices contrary to the moral and religious teaching within families.

7. Mandating these changes at the state level intrudes into local decision-making at the district level closest to parents and community standards. This runs contrary to the education code (Sec. 600000) which states that, beyond broad minimum academic standards, “because of economic, geographic, physical, political, educational, and social diversity, specific choices about instructional materials need to be made at the local level.”
8. SB 48 provides no opt-out provision for parents to remove their children from class discussions. Currently, California public school parents are only notified about and given an opportunity to opt their children out of “sex education” and “family life” classes. Because the “social science” category is broad and discussions about various historical figures are woven throughout the curricula these discussions could occur at any time and without warning. Parents in the Vallejo City Unified School District faced a similar situation recently when they were denied the right to opt their children out of an anti-bullying curriculum there (Read more [here](#)).
9. Parents should be able to trust local schools to safeguard their children’s safety. While children should be protected from bullies, SB 48 uses the excuse of protection as a smokescreen to advance the agenda of homosexual activists. When parents entrust their children to the schools, it is not just physical safety that is their concern, but also their emotional safety with an expectation that the classroom teaching will not actively contradict the values of their home and their faith. Parents want their children taught basic academics, not a radical social agenda.

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