



SENATE FLOOR ALERT SB 777 — Oppose May 17, 2007

PARENTS DON'T WANT THEIR CHILDREN FORCED TO LEARN ALL ABOUT TRANSSEXUALITY, BISEXUALITY AND HOMOSEXUALITY IN TEXTBOOKS, INSTRUCTIONAL MATERIALS AND SCHOOL ACTIVITIES

SB 777 (Amended May 10) Mandates Radical Changes to All School Textbooks, Instructional Materials, and School-Sponsored Activities in California Public Schools for Children as Young as Kindergarten, Without Parental Consent

1. SB 777 (Kuehl) imports the definitions of transsexuality, bisexuality, and homosexuality from the California Penal Code, Section 422.55-57. "Gender" and "sexual orientation" in 422.55 are defined by 422.56 and 422.57 to mean all aspects of transsexuality, bisexuality, and homosexuality.

422.55. For purposes of this title, and for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

(a) "Hate crime" means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

(1) Disability.

(2) Gender.

(3) Nationality.

(4) Race or ethnicity.

(5) Religion.

(6) Sexual orientation.

(7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) "Hate crime" includes, but is not limited to, a violation of Section 422.6.

422.56. For purposes of this title, the following definitions shall apply:

(a) "Association with a person or group with these actual or perceived characteristics" includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more

of those characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of subdivision (a) of Section 422.55.

(b) "Disability" includes mental disability and physical disability as defined in Section 12926 of the Government Code.

(c) **"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.**

(d) "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense, whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that the crime would not have been committed but for the actual or perceived characteristic. This subdivision does not constitute a change in, but is declaratory of, existing law under *In re M.S.*(1995) 10 Cal. 4th 698 and *People v. Superior Court (Aishman)* (1995) 10 Cal. 4th 735.

(e) "Nationality" includes citizenship, country of origin, and national origin.

(f) "Race or ethnicity" includes ancestry, color, and ethnic background.

(g) "Religion" includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

(h) **"Sexual orientation" means heterosexuality, homosexuality, or bisexuality.**

(i) "Victim" includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library, or other victim or intended victim of the offense.

422.57. For purposes this code, unless an explicit provision of law or the context clearly requires a different meaning, **"gender" has the same meaning as in Section 422.56.**

2. SB 777 imports the Penal Code's anything-goes definitions of transsexuality and sex changes, bisexuality and homosexuality into the California Education Code, and deletes the true definition of sex, which is "the biological condition or quality of being a male or female human being."

SEC. 4. Section 210.7 is added to the Education Code, to read:

210.7. "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.

SEC. 5. Section 212 of the Education Code is repealed.

(Education Code, Section 212 currently reads: "Sex" means the biological condition or quality of being a male or female human being.)

SEC. 6. Section 212 is added to the Education Code, to read:

212. "Nationality" includes citizenship, country of origin, and national origin.

SEC. 7. Section 212.1 is added to the Education Code, to read:

212.1. "Race or ethnicity" includes ancestry, color, and ethnic background.

SEC. 8. Section 212.3 is added to the Education Code, to read:

212.3. "Religion" includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

SEC. 9. Section 212.6 is added to the Education Code, to read:

212.6. "Sexual orientation" means heterosexuality, homosexuality, or bisexuality.

3. SB 777 inserts all aspects of transsexuality, cross-dressing, bisexuality and homosexuality into Education Code Section 220, and makes this section dependent on the anything-goes "gender" definitions in the Penal Code:

SEC. 10. Section 219 is added to the Education Code, to read:

219. Disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics.

SEC. 11. Section 220 of the Education Code is amended to read:

220. No person shall be subjected to discrimination on the basis of disability, gender, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid.

4. SB 777 then proceeds to require all textbooks, instructional materials, classroom instruction, school sports programs, assemblies, and every school-sponsored activity to positively portray (neither "reflects or promotes a discriminatory bias" nor "reflecting adversely upon") cross-dressing, sex-change operations, homosexual 'marriages,' and all aspects of bisexuality and homosexuality. This mandate will affect children from kindergarten through 12th grade.

SEC. 29. Section 51500 of the Education Code is amended to read:

51500. No teacher shall give instruction nor shall a school district sponsor any activity that reflects or promotes a discriminatory bias against any person because of a characteristic listed in Section 220.

SEC. 30. Section 51501 of the Education Code is amended to read:

51501. No textbook or other instructional materials shall be adopted by the state board or by any governing board for use in the public schools that reflects or promotes a discriminatory bias against any person because of a characteristic listed in Section 220.

SEC. 32. Section 60044 of the Education Code is amended to read:

60044. No instructional materials shall be adopted by any governing board for use in the schools that, in its determination, contains:

(a) Any matter reflecting adversely upon persons because of a characteristic listed in Section 220.

5. There is no substantive difference between "reflects or promotes a discriminatory bias" and "reflects adversely." Both phrases are in the bill and both mean the same thing. Positive portrayal of transsexual, bisexual and homosexual lifestyles will be mandated upon all children, beginning in kindergarten.