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# California Three Rs

## Rights, Responsibility, and Respect

*A Project of the California County Superintendents Educational  
Services Association and The First Amendment Center*

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### **SB 48 Doesn't Have to Tear your District Apart**

By Wayne Jacobsen,  
President, *BridgeBuilders*

Most people have strong opinions about Senate Bill 48, which adds lesbian, gay, bisexual, and transgendered Americans, as well as other ethnic and cultural groups, to existing state law that requires their contributions to be included in social studies and history. It also forbids districts to use curriculum that casts any of these groups in a negative light. SB 48 became law on January 1, 2012.

The law was designed to help undermine the harassment and discrimination based on actual or perceived sexual orientation that research is showing is all too common in schools and sometimes leads to bullying and even suicide. The bill's authors and supporters believe that by providing positive role models for those students who identify as lesbian, gay, bisexual and transgendered, school safety for all students will be greatly enhanced. LGBT students and those perceived to be will feel less isolated and other students may be more accepting.

Others, however, see SB 48 as an attempt to force public school districts to choose sides in one of society's most controversial issues, and to promote views of sexuality that undermine the beliefs held by many. Some are working to repeal the law.

Much of the rationale for passing SB 48 was to help mitigate the dangers and fears that LGBT students face on public school campuses that affect both their academic performance, their sense of safety, and their personal well being. At the same time, students with differing views may feel that their rights have been violated. If the district is perceived to have chosen sides in the larger conflict, a backlash may follow.

If we hope to resolve the harassment, bullying, and self-image problems that arise out of sexual orientation issues we cannot compel everyone to agree on the moral questions that surround them. To do so would lead to hopeless conflict. Protecting the safety of all students won't arise out of our agreement on this issue, but through our mutual commitment to a greater liberty we can all protect—the liberty of conscience.

We're already doing that for religious differences. Given the chance districts can do it over differing views of sexuality as well.

No one should be asked to attend a public school district that is biased against his or her beliefs—and that holds true as much for a student who identifies as gay as one who embraces a religious faith that opposes homosexual activity. To truly build a just and safe environment for all, everyone has to be invited to the table and come up with solutions that will end bullying and build mutual respect.

A school board president once called me about a sexual orientation policy she wanted to approve, but it had created a public outcry in her community. "I can pass this tomorrow four to three," she said. "Why would I not do that?"

"It would seem to me that if you truly wanted to end discrimination you'd want to pass a policy seven to zero," I responded.

She didn't believe that was possible. I told her that I thought it was extremely likely given the common ground work done by the First Amendment Center, the 3Rs Project, and BridgeBuilders. Giving people the option to work together beyond their differences for policies that are fair to all has proved incredibly successful wherever it's been attempted. Besides, I assured her, if it failed, she could still pass her policy four to three later.

Courageously she put aside her proposal and formed a task force of thirty people representing all sides of the issue. After two days they were able to unanimously recommend a new set of policies to the school board that included sexual orientation discrimination. The school board passed it seven to zero.

Afterwards she told me, "I didn't think it would work, and yet the policy we have now is even stronger than the one I wanted." And in the process she had educated her community that they didn't have to agree on an issue to create a more just and safe environment in the schools.

It is the nature of politics to be divisive. But the strength of good governance is to invite people to work beyond their own self-interest to find a greater common good. Fortunately there is enough time and flexibility in the legislation for school districts to do this work.

Though the law was implemented January 1, the California Department of Education in a recent FAQ document\* has stated that nothing has to be done immediately K-8, except to ensure that any curriculum that casts a negative light on any of the groups in the legislation is removed from the classroom. While school districts at this level may add supplementary curriculum to fulfill the ambitions of the law, they will not be required to do so until the state adopts new textbooks. For history-social science in K-8 schools, that will not begin until 2015.

Though the law stipulates that positive contributions of these groups have to be added to the curriculum, it doesn't outline any specifics. Each school district can decide what needs to be added and at what grade level. It doesn't have to be done every year for every class. This presents an opportunity for districts to create their own task force of school and community leaders and ask them to recommend implementation strategies. The First Amendment Center in conjunction with GLSEN (the Gay, Lesbian and Straight Education Network) and the Christian Educators Association International has mapped out a set of guidelines to help educators do exactly that in *Sexual Orientation and Public Schools*.\*\* This document is endorsed by ASCD and the American Association of School Administrators and is available online from the First Amendment Center.

#### **Finding Common Ground Steps to Follow**

- Create a "common ground task force" of local community members who represent a wide range views.
- Agree on the civic ground rules and develop a shared understanding of current law that will help task force members understand their rights and responsibility to find solutions for their local schools that promote mutual respect that goes beyond differing beliefs.
- Research the issues that GLBT youth face in your own community such as harrasment and bullying and examine ways that bullying also extends to heterosexual students perceived to be different.
- Through discussion and reflection on findings from the research, build a commitment to help create a safer environment for everyone.

- Think outside the box of “us vs. them” positions that may be provoking conflict in the larger society, to an inclusive “all students matter” perspective to create solutions at the local level that are fair to the differences represented. Cooperation need not require compromise of people’s deepest convictions.
- Provide educational opportunities for administrators, teachers, parents and students in the First Amendment principles that when applied create a fair and safe environment for all.

The objective is best expressed in the consensus document *Sexual Orientation and Public Schools*:  
 “Under the First Amendment, a school is both safe and free when all members of the school community commit to addressing their religious and political differences with civility and respect. A safe school is free of bullying and harassment. And a free school is safe for student speech, even about issues that divide us.”

Implemented with a greater respect for all, SB 48 doesn’t have to bring increased conflict to schools. It can actually pave the way for a conversation that will lead to greater understanding and respect.

\**Frequent Questions and Answers for SB 48* by the California Department of Education can be found here: <http://www.cde.ca.gov/ci/cr/cf/senatebill48faq.asp>

\*\**Sexual Orientation and Public Education* can be downloaded here: <http://www.firstamendmentcenter.org/madison/wp-content/uploads/2011/03/sexual.orientation.guidelines.pdf>

Wayne Jacobsen, President of BridgeBuilders, *has been a member of the California 3Rs Project Advisory Board for 10 years and has done extensive mediation in school districts and communities using the Finding Common Ground process.*

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<p><i>Funding for the last six years of CA3Rs Project professional development for teachers has been the USDOE Teaching American History program. This grant program was eliminated in recent federal budget reductions. The Institutes listed below will be the last planned large-scale trainings until new professional development funding for the CA3Rs Project is secured.</i></p>	
<p><b>CA3RS Summer Professional Development Institutes for Teachers</b></p>	
<p><b>June 25-29, 2012</b>  <b>San Joaquin County Office of Education</b>  <b>Stockton</b></p>	<p><b>One Nation: Many Faiths – How Ideas of Religious Liberty Shaped America</b>  <b>Modern Era: 19<sup>th</sup> c. – Present</b>          Registration flier: <a href="http://ca3rsproject.org/flierSJCOE_ON-Modern2012.pdf">http://ca3rsproject.org/flierSJCOE_ON-Modern2012.pdf</a></p>
<p><b>July 16-18, 2012</b>  <b>3 Follow-up Days TBA</b>  <b>San Bernardino Co. Supt. of Schools</b>  <b>WEESC</b>  <b>Rancho Cucamonga</b></p>	<p><b>CA3Rs Leadership Development Program</b>  <b>Open to selected teachers who have completed both sections of the Religion in American History or the One Nation Many Faiths Institutes</b>  <a href="#">Registration by invitation</a></p>
<p><b>July 23-27, 2012</b>  <b>San Bernardino Co. Supt. of Schools</b>  <b>WEESC</b>  <b>Rancho Cucamonga</b></p>	<p><b>One Nation: Many Faiths – How Ideas of Religious Liberty Shaped America</b>  <b>Early Period: Pre-Columbian to Constitutional Era</b>          Registration flier: <a href="http://ca3rsproject.org/Flier-ONEarly_2012.pdf">http://ca3rsproject.org/Flier-ONEarly_2012.pdf</a></p>
<p><b>Contact Margaret Hill, CA 3Rs Project Director for more information <a href="mailto:mhill@csusb.edu">mhill@csusb.edu</a></b></p>	

### **Common Ground Resources:**

***Finding Common Ground: A Guide to Religious Liberty in Public Schools*** by Charles C. Haynes and Oliver Thomas. First Amendment Center, 2007. Download for free at <http://www.firstamendmentcenter.org/FCGcomplete.pdf>. This book has guidelines on how to handle a wide range of issues related to religious liberty and public schools.

The ***Religious Freedom Education Project at the Newseum*** <http://www.religiousfreedomeducation.org/> is the new program at the First Amendment Center with a focus on religious liberty in public life. Dr. Charles Haynes is the director.

#### **For California Three Rs program information, contact...**

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#### **For First Amendment religious liberty information, contact...**

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#### **For information on teaching about world religions, contact...**

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Sign up to receive the **Three Rs Bulletin** and program announcements electronically at [mhill@csusb.edu](mailto:mhill@csusb.edu) or see <http://ca3rsproject.org/> for the CA3Rs Project Bulletin archive.

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