



May 22, 2024

Assemblyman Chris Ward
1021 O Street, Suite 6350
Sacramento, CA 95814

SUBJECT – ASSEMBLY BILL 1955, STRONG OPPOSITION

We at the California Policy Center write in strong opposition to Assembly Bill 1955 which claims to affirm current law — a law that doesn't exist. It is difficult to believe that you, as the author — and some number of your colleagues — believe that this so-called SAFETY Act is anything but lipstick on a pig.

Here's the bottom line: Public schools are meant to support parents in their efforts to educate their children, not to subvert parents as this bill would codify.

There are so many problems with this bill that a simple opposition letter cannot cover every one of them. It's hard for skeptics to see this gut-and-amend as anything but an effort to hide those problems from public scrutiny, let alone adequate constitutional review.

We can expand upon the following key points should the committee be serious about its interest in sincere debate when AB 1955 is scheduled to be heard on May 29.

First, this bill is unconstitutional. It violates parents' established authority over their children and would constitute – as a federal judge has already found – a trifecta of harms. It would harm the child who needs parental guidance and possibly mental health intervention to determine if gender incongruence is organic or whether it is the result of bullying, peer pressure, or a fleeting impulse. It would harm parents by depriving them of the long-recognized Fourteenth Amendment right to care, guide, and make healthcare decisions for their children. And finally, it would harm teachers, compelling them to violate parents' rights by forcing teachers to conceal information they believe is critical to the welfare of their students. *See Mirabelli v. Olson EUSD (2023)*, Case No. 3:23-cv-00768-BEN-WVG, September 14, 2023.

Second, this bill would also violate the federal Family Educational Rights and Privacy Act (FERPA). FERPA is clear on the right of the parents to have universal access to information about their child from their public school. Indeed, it's strange not to see any reference to FERPA in the legislative findings and declarations. Districts that create dummy files or "unofficial records" to "support" a new identity for kids who may believe they were born in the wrong body stand to lose federal funding under FERPA, which says: "No funds shall be made available under any applicable program to any educational agency or institution which has a policy of

denying, or which effectively prevents, the parents of students who are or have been in attendance at a school of such agency or at such institution, as the case may be, the right to inspect and review the education records of their children.” 20 U.S.C.A. § 1232g(a)(1)(A).

Third, this bill assumes that parents are dangerous and not to be trusted. As such, it presumes that the state or self-interested strangers are better positioned to deal with the difficulties of adolescence than parents. Hundreds of millions of dollars in settlements with victims of sex assault by public school employees is evidence that the opposite is too often true.

Fourth, while it is certainly prudent to protect the privacy of a child from the public – consistent with federal and state law – children do not have a right to privacy that transcends their parents’ well-established rights.

There’s a grim poetry in the fact that his bill has been gutted-and-amended in the second house. That reflects a deceptive practice, the kind which this bill would encourage. Shortcutting the house of origin committee hearings means that the public missed out on a robust discussion in the Assembly before the previous contents of an unrelated measure were replaced by some of the most controversial language this legislature has seen in years.

The Attorney General and State Superintendent of Public Instruction continue to harass local school districts for their adoption of policies affirmed by judges across the state. So, it’s noteworthy – curious, even – that this body would be legislating issues before the appellate process is complete. The legislature is generally hesitant to step in until the highest courts rule on controversial issues. This bill would break that norm.

Further, this bill does not (as you suggest) restate current law. It attempts, in fact, to codify the California Department of Education’s illegal guidance on AB 1266. Even the Attorney General has told a federal judge that the practice envisioned in this bill is currently “unenforceable” or illegal.

And we can’t help but notice the irony in your other bill, AB 1858. That bill would require parental notification and the option for an opt-out when executing school shooter drills. You recognize the need for “age-appropriate and developmentally appropriate drill content” and are careful about terminology used with impressionable minds, understanding that parents have the best perspective on their children’s behavior, mental capacity, emotional state and reaction to intense and adverse situations. That you can’t transpose that same awareness to this proposal is concerning and suggests that this is a politically motivated stunt meant to divide concerned Californians rather than genuinely protect our children.

Finally, it’s unclear that this bill, if made law, would have any substantive effect on the local school board parental notification policies it clearly targets for elimination. This bill may only further inflame rancorous debate and erode trust amid parents and school officials.

Again, any attempt to hide information from parents, to subvert parental authority or to order school employees, including teachers, to lie to parents is an abuse of authority. More than being illegal, it’s unethical. We believe it is important to restore trust between school districts and

parents and guardians of pupils rather than send our vulnerable youth into the arms of strangers as they navigate their formative years. Parents are ultimately responsible for their children and should be aware of all information associated with their public education process.

There is no amendment in the world that can cure the fatal flaws with this measure. Thus, our strong opposition to AB 1955.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lance Christensen". The signature is fluid and cursive, with the first name "Lance" being more prominent than the last name "Christensen".

Lance Christensen
Vice President of Education Policy & Government Affairs