

# The FAIR Education Act

## About FAIR

The FAIR Education Act requires that California K-12 schools provide **Fair, Accurate, Inclusive** and **Respectful** representations of people with disabilities and people who are lesbian, gay, bisexual or transgender in history and social studies curriculum.

The California Education Code has been updated over time to make sure that the role and contributions of members of underrepresented racial, ethnic and cultural groups to the economic, political, and social development of California and the United States are included in history and social studies lessons. The FAIR Education Act amends the Education Code by mandating California schools to also include the contributions of people with disabilities and members of the LGBT community in the curriculum.

The updated educational guidelines also prescribe that schools do not adopt learning materials with a discriminatory bias or negative stereotypes based on gender, sexual orientation or disability.

**The FAIR Education Act, SB 48, was authored by Senator Mark Leno, signed into law on July 14, 2011, and went into effect on January 1, 2012.**

### Who Will Determine What is Taught Under These Updated Education Guidelines?

There is no state-mandated curriculum on these topics. Instead, the state issues guidelines and then lessons are developed and approved at the local level, where school districts and school board members, with input from parents and teachers, will decide what's appropriate for each classroom.

## What Kinds of Lessons Might Students Learn?

Coursework may vary, but local school districts, parents and teachers might consider including in history courses lessons such as:

- When students learn about the Holocaust and how the Nazis killed millions of Jews, they might also learn that Hitler targeted and killed people simply because they were gay or lesbian, or Romani, or had disabilities, or because of their beliefs, such as being a Communist or a Jehovah's Witness.
- Students could learn about the public debate that led to the 1993 passage of the Don't Ask Don't Tell policy, where people were not allowed to serve in the U.S. military if they were openly gay or lesbian. Then they would also learn about the repeal of this policy in 2011.
- Students currently learn about César Chávez and the farm worker's rights movement, Susan B. Anthony and how women won the right to vote, and Martin Luther King Jr. who worked for and died for civil rights. Now they could also learn about Harvey Milk and how he worked to advance gay rights, and that he was also assassinated.

## What Does the Law Actually State?

The Fair Education Act amends the California Education Code for Elementary and Secondary School's chapters on Required Courses of Study and Instructional Materials:

- § 51204.5. Instruction in social sciences shall include the early history of California and a study of the role and contributions of both men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, *lesbian, gay, bisexual, and transgender Americans, persons with disabilities*, and members of other ethnic and cultural groups, to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society.

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- § 51500. A teacher shall not give instruction and a school district shall not sponsor any activity that promotes a discriminatory bias on the basis of race or ethnicity, *gender*, religion, *disability*, nationality, or *sexual orientation*, or because of a characteristic listed in Section 220.
- § 51501. The state board and any governing board shall not adopt any textbooks or other instructional materials for use in the public schools that contain any matter reflecting adversely upon persons on the basis of race or ethnicity, *gender*, religion, *disability*, nationality, or *sexual orientation*, or because of a characteristic listed in Section 220.
- § 60040. When adopting instructional materials for use in the schools, governing boards shall include only instructional materials which, in their determination, accurately portray the cultural and racial diversity of our society, including:
  - (a) The contributions of both men and women in all types of roles, including professional, vocational, and executive roles.
  - (b) The role and contributions of Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups to the total development of California and the United States.
  - (c) The role and contributions of the entrepreneur and labor in the total development of California and the United States.
- § 60044. A governing board shall not adopt any instructional materials for use in the schools that, in its determination, contain:
  - (a) Any matter reflecting adversely upon persons on the basis of race or ethnicity, gender, religion, disability, nationality, or sexual orientation, occupation, or because of a characteristic listed in Section 220.
  - (b) Any sectarian or denominational doctrine or propaganda contrary to law.

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This website is created by Our Family Coalition in collaboration with many organizations working towards the implementation of the FAIR Education Act

