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**CAPITOL RESOURCE INSTITUTE**

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**SENT VIA FAX, EMAIL AND U.S. MAIL**

May 21, 2009

Mike McMahon, Board President  
Ron Mooney, Board Vice President  
Tracy Jensen, Trustee  
Trish Spencer, Trustee  
Niel Tam, Trustee  
Board of Education  
ALAMEDA UNIFIED SCHOOL DISTRICT  
2200 Central Avenue  
Alameda, CA 94501  
Fax: (510) 522-6926

Dear Alameda Unified School District board members:

There seems to be some confusion as to whether the proposed LGBT curriculum currently under consideration is mandated by state law. I write to clarify current law and hopefully provide some assistance in preparing the board to vote on the proposed curriculum.

Nine years ago, the state legislature passed California Student Safety and Violence Prevention Act of 2000 (AB 537). This law added sexual orientation and gender identity to the protected characteristics in public education. Alameda Unified is already in compliance with AB 537 because it has implemented policies that explicitly prohibit harassment against LGBT students.

AB 537 specifically says that “nothing” in this act “requires the inclusion of any curriculum, textbook, presentation, or other material in any program or activity conducted by an educational institution.” Thus, Alameda’s current anti-discrimination policies comply with the California laws that guarantee equal protections to every LGBT student, every religious student, etc.

The proposed LGBT curriculum is not necessary or mandated by the California Department of Education. None of the books in the proposed lesson plans is found in the state-approved California Reading Lists for kindergarten through fifth grade students. In fact, the proposed LGBT curriculum focuses on only two protected subgroups (sexual orientation and gender identity)—and it entirely excludes protections for religious children who disagree.

The school board should rest assured that their district is already in full compliance with state law based on the policies currently in place. If discrimination or bullying still prove a problem in local schools, Alameda Unified needs to enforce the existing legal protections against harassment, which are found in state law and current district policies. If enforcing the law requires additional training for teachers, the district should provide that training to ensure all students are protected equally.

I hope this information will help elucidate the law and answer any questions surrounding the district's responsibilities under the law. If you have any further questions or concerns, please feel free to contact me.

Sincerely,

Karen England  
Executive Director