

Legal Requirements to Teach Diversity, Equity and Inclusion in Public School

As a preliminary matter, public schools are required by law to teach diversity, equity and inclusion of all students in their classroom curriculum and school activities. The California legislature has enacted various statutes which prohibit discrimination and establish that it is in the public interest to require the accurate portrayal of our society's cultural and racial diversity in school instruction, activities and materials, such as:

- **California's Safe Place to Learn Act** requires districts to work to reduce discrimination, harassment, violence, intimidation and bullying on actual or perceived characteristics such as race, gender, sexual orientation, religion and disability in public schools. Education Code §§234-234.5.
- Education Code §60040 requires that "[when] adopting instructional materials for use in schools, governing boards shall include only instructional materials which accurately portray the cultural and racial diversity of our society, including the role and contributions of Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, people with disabilities, and members of other ethnic and cultural groups to the total development of California and the United States."
- Education Code §51204.5 requires the adoption and inclusion in Grades 1-12 social studies curriculum of the role and contributions of all ethnic and cultural groups "to the economic, political and social development of California and the USA with particular emphasis on portraying the role of these groups in contemporary society."
- Under Education Code §51500, teachers are prohibited from giving instruction and school districts are prohibited from sponsoring 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" of the Education Code.

In addition:

- Education Code §218 requires the state to provide training and community resources to support LGBTQ+ students and to improve the overall school climate for them. School resources include various supports such as affinity clubs, school staff training, anti-bullying policies and inclusive health and other curriculum materials.
- Education Code §220 provides that no person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, immigration status, race or ethnicity, religion, sexual orientation or any other protected characteristic in any program or activity conducted by an educational institution.
- Students have constitutional rights to free speech and equal protection that can be violated if a law or district policy limits students' access to accurate information based on partisan interests or racial or other discriminatory animus. For example, if a district adopts a policy banning certain subjects or inclusive materials/curriculum, that policy might violate students' constitutional rights (in addition to violating state laws referenced

above and federal Title VI's prohibition on race discrimination in public education).

Further resources for a discrimination-free educational environment, including information on federal protections:

- U.S. Department of Education's Office for Civil Rights (OCR) [Resources for LGBTQ+ Students](#) and [Supporting Educational Environments Free from Discrimination](#)
- [NEA What Educators Should Know About LGBTQ+ Rights](#)
- [ACLU Know Your Rights for LGBTQ Students](#)
- [California Department of Education FAQ on LGBTQ+ Rights](#)