

Frequently Asked Questions about the AB 1266 Referendum

What is AB 1266?

AB 1266 is a bill recently enacted by the California Legislature and signed by Governor Jerry Brown. The legislation creates the right of elementary and secondary school students to use sensitive sex-segregated school facilities such as showers, restrooms and locker rooms based on the student's perceived gender identity rather than their actual sex. It's the only legislation of this kind to have ever been enacted in the country.

Shouldn't we prohibit discrimination and bullying against transgendered students?

Certainly, and California law already protects transgender students against discrimination and bullying. Discrimination is prohibited on the basis of sexual orientation, gender, gender identity and nonconforming gender appearance and behavior. AB 1266 is not necessary to guard against discrimination or bullying of transgender students.

Isn't AB 1266 complex, carefully crafted legislation to deal with a complex issue?

No. Here is the complete language (only 37 words) of the operating section that AB 1266 added to the Education Code:

"(f) A pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records."

What are the problems with AB 1266?

There are many problems with the legislation. First, it's an invasion of student privacy to open sensitive school facilities such as showers, restrooms and locker rooms to students of the opposite sex. Further, the legislation is poorly drafted and flawed, a one-size-fits-all approach that contains no standards, guidelines or rules. The law does not require that a student have ever demonstrated any indication that he she or considers himself or herself as transgendered. A student can assert a gender identity at school at any time. Because gender identity is based on feelings and perceptions, he or she can be both transgender and heterosexual at the same time. Because of the lack of requirements, some teens and young adults will undoubtedly game the law. Additionally, the law contains no provisions to balance the interests of all students, including those who are transgender. Finally, it is so poorly conceived and drafted that it may result in harming those it intends to help. For example, it contains no provisions for parental involvement to help design an approach to accommodate the specific needs of a transgender student, and it may jeopardize existing local programs that provide less invasive approaches, such as access to single-stall gender-neutral restrooms, private changing areas, and use of faculty restroom facilities.

How do we know that these concerns are really legitimate?

Read AB 1266 for yourself. The operative section of the bill is one sentence - only 37 words. You can see that the concerns of parents and students are well founded.

What is the status of AB 1266?

AB 1266 has been chaptered, but does not take effect until January 1, 2014. However, a referendum has been filed by the Privacy For All Students coalition to give voters the right to reject the law. If the referendum qualifies for the ballot, AB 1266 will be suspended until voters decide whether to approve or reject it.

What is a referendum?

A referendum is a specific legal process that gives voters the right to approve or reject legislation. Once a referendum is qualified for the ballot, the legislation is suspended and does not take effect until voters approve or reject it.

How does the process work?

The Privacy For All Students coalition has until November 12th to submit the signatures of approximately 505,000 voters to qualify the referendum. Once sufficient signatures are submitted to elections officials, the law is suspended and does not take effect and would appear on the November 2014 statewide ballot. Voters would approve or reject the legislation at that time.

What is your plan to collect the needed signatures?

We plan to collect most of the signatures through the efforts of volunteers. However, this will be supplemented by a paid signature drive. Because of the short time available to referendum proponents, no referendum has ever qualified to the ballot solely by volunteers. The paid petition drive will provide us added insurance to make the ballot.

Is the referendum effort likely to be successful?

The coalition has conducted polling that shows AB 1266 would be soundly rejected by voters. We are busy recruiting volunteers and raising funds to qualify the referendum for the ballot so that voters have the opportunity to debate the issues.

Who is Privacy For All Students coalition? Do you have the expertise to successfully mount a referendum campaign?

The Privacy For All Students coalition is a group of advocacy, nonprofit and religious and civic groups, along with parents, students and educators who are concerned about the many problems, including an unwarranted invasion of student privacy, that will be created if AB 1266 is allowed to become law. Members of the coalition include groups such as Capitol Resources Institute, Pacific Justice Institute, ActRight, Faith and Public Policy, Concerned Women for America/California, TVNEXT.org, and numerous churches and others.

The coalition is being advised by Frank Schubert who has twice been named the country's top political consultant. Mr. Schubert is a referendum and ballot initiative expert and has managed 14 California statewide referendum and ballot initiative campaigns, winning 13 of those contests.

Haven't other referendum efforts come up short?

Qualifying a referendum is difficult. There have been other bad bills coming out of Sacramento and efforts to put them on the ballot haven't quite been successful. This referendum drive will be different. The Privacy For All Students coalition is well-organized and has a built in infrastructure to jump-start signature gathering. There is a plan in place to supplement the work

of our volunteers with a paid signature effort. And we have the support of top political professionals, including a campaign manager who has managed 14 statewide referendum and ballot initiative campaigns in California, winning 13 of those races. Most importantly, this time we know we have the people on our side. Our polling shows clearly that our opponents have gone too far and that voters are poised to reject AB 1266. We must give them that chance.

How can people get involved?

Supporters should go to the [Privacy For All Students coalition](#) website to obtain additional information, download petitions, get involved and [make a donation](#).