



CITY OF HUNTINGTON BEACH

City Council Meeting – Council Member Items Report

To: City Council
From: Gracey Van Der Mark, Mayor
Date: August 6, 2024
Subject: **REQUEST TO PREPARE AN ORDINANCE DECLARING HUNTINGTON BEACH TO BE A “PARENTS’ RIGHT TO KNOW” CITY**

ISSUE STATEMENT

Last month, Governor Newsom signed into law Assembly Bill 1955 (AB 1955), which prevents educators from informing parents of their child's gender identity or gender expression. In essence, it pits children against parents and inserts educators as barriers between parents and children - undermining a parent's ability to communicate with their children - especially about critical, long-term, life-altering issues.

Parents are not incidental or accidental; and neither are parents' rights over their children and their education. Parents are primary educators because they begin educating children the moment they enter the world, but more foundationally because they shoulder the ultimate responsibility in the education of their children. In *Troxel v. Granville*, 530 U.S. 57, 67-68 (2000), the U.S. Supreme Court remarked, “the custodial parent has a constitutional right to determine, without undue interference by the state, how best to raise, nurture, and educate the child. The parental right stems from the liberty protected by the Due Process Clause of the Fourteenth Amendment.”

In *Hodgson v. Minnesota*, 497 U.S. 417, 447 (1990), the U.S. Supreme Court said, “[a] natural parent who has demonstrated sufficient commitment to his or her children is thereafter entitled to raise the children free from undue state interference.” In *Winkelman v. Parma City Sch. Dist.*, 550 U.S. 516, 529 (2007), the U.S. Supreme Court said, “it is not a novel proposition to say that parents have a recognized legal interest in the education and upbringing of their child.”

Secular educators, such as those in schools and other educational programs throughout our City and State, are *secondary* educators to parents, are subordinate to parents, work for tax-paying parents, and answer to parents. AB 1955 is an affront to parental rights and a violation of parental constitutional rights.

The Governor's most recent attack on our children and our parents is not only an attack on Huntington Beach families but is also an economic disaster for California, with the departure of many big businesses such as SpaceX, which generates over 8.5 billion dollars and employs over 13,000 California residents, many of whom will be left unemployed. Not to mention the economic benefit SpaceX affords all the surrounding businesses.

This new law is so egregious, Elon Musk has announced the relocation of SpaceX from California to Texas. In Musk's words, the Governor signing AB 1955 into law is "the final straw," and he is leaving California "because of this law and the many others that preceded it, attacking both families and companies." (<https://texasscorecard.com/state/final-straw-elon-musk-moving-spacex-to-texas-after-california-passes-anti-parent-law>). Huntington Beach has an interest in protecting its citizens and the economic viability of the City and the State.

The City has many schools located within its borders. While not all of the schools and school districts are under the control of the City, the City has its own educators in various programs offered through the City. Beyond this, the City has an interest in protecting its children and protecting the rights of its parents.

The notion that an educator's act of communicating a child's gender identity or gender expression to the child's parents is "education" itself is specious. An educator acting as a communication barrier between a child and a parent about a highly private and personal issue such as gender is not an act of "education," but a brazen act of sabotage toward parents. It is also a deprivation to those children in need of obtaining the help, support, formation, love, and care the child should be getting from home. AB 1955 is not "education" and therefore has no preemptive statewide authority.

In response to this new State law, the City should adopt an Ordinance stating the reasons why AB 1955 is a bad law and declaring that Huntington Beach is a "Parents' Right to Know" City. No educator should stand in the way of informing parents of their child's gender identity or gender expression. Further, the City has an interest in challenging the State on AB 1955 or joining a parent's challenge to the State on AB 1955.

RECOMMENDED ACTION

Direct the City Manager to work with the City Attorney to prepare an Ordinance for introduction at the September 3, 2024 City Council Meeting declaring that Huntington Beach is a "Parents' Right to Know" City, that no educator stands in the way of informing parents of their child's gender identity or gender expression, and declaring that the City has an interest in challenging the State on AB 1955 or joining a parent's challenge to the State on AB 1955.

ENVIRONMENTAL STATUS

This action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has not potential for resulting in physical change to the environment, directly or indirectly.

STRATEGIC PLAN GOAL

Non Applicable - Administrative Item