



CODED CORRESPONDENCE

DATE: March 5, 2019	NUMBER: 19-03
TO: All Individuals and Groups Interested in the Activities of the Commission on Teacher Credentialing	FROM: Mary Vixie Sandy Executive Director Commission on Teacher Credentialing
SUBJECT: Data Collection – Sexual Orientation and Gender Identity	

Summary:

This correspondence reviews the new data collection requirements regarding sexual orientation and gender identity that the Commission is responsible for implementing.

Key Provisions:

Purpose

Assembly Bill 677 (Chap. 744, Stats. 2017), known as the Lesbian, Gay, Bisexual, Transgender Disparities Reduction Act, enacted a requirement that the Commission, among other governmental agencies, must begin collecting sexual orientation and gender identity information in the course of regular collection of demographic data. In addition, Senate Bill 179 (Chap. 853, Stats. 2017) also required the recognition of “nonbinary” as a gender option for Californians, and eliminated existing requirements that an individual demonstrate they have undergone treatment in order to change their gender identity. The Commission must begin collecting the demographic data required under AB 677 as early as possible, but no later than July 1, 2019. Reporting this information to the Commission is voluntary for individuals participating in Commission programs or being surveyed on behalf of the Commission.

When is Sexual Orientation or Gender Identity Collected?

The Commission must request this information whenever demographic data is collected about an individual’s ethnicity or ancestry. This collection is also required when a survey or collection is being done by a third party solely funded by the Commission, or when a third party collects demographic data to be used by the Commission. The Commission may also collect data when:

- Demographic data is being collected pursuant to federal programs or surveys, whereby the guidelines for demographic data collection categories are defined by the federal program or survey;
- Demographic data collected and provided to the Commission by other state agencies;
- Surveys are administered by third-party entities on behalf of the Commission or in conjunction with Commission work, and the Commission is not the sole funder of the third party agency; and
- Third-party entities, including, but not limited to, private employers, providing aggregated data to the Commission.

Reporting Requirements

The data collected pursuant to these requirements will be reported to the Legislature along with the method used to collect that data. This data shall also be made available to the public in accordance with applicable state and federal law. However, personal identifying information shall be deemed confidential and shall not be disclosed.

Responsibilities of Commission-Approved Educator Preparation Programs

All institutions (colleges, universities, school districts, county offices of education, charter schools and any other educational entity) approved to sponsor educator preparation programs in California that report racial and ethnic information to the Commission through the Accreditation Data System, or any other system in which such information is provided, must collect the following information for reporting:

- Sexual orientation information using the options: heterosexual/straight, gay/lesbian, bisexual, other, not sure, decline to state
- Gender identity using the options: male, female, nonbinary, decline to state

While collection by educator preparation programs is mandatory, individual candidates must always be provided the option to decline to provide the requested information.

Responsibilities of Commission Vendors/Contractors

All vendors whose work is funded by the Commission or by fees paid entirely to the vendor and/or the vendor and the Commission by candidates for a credential, permit, or other document by the Commission, and who collect racial and ethnic information for reporting to the Commission, must collect the following information for reporting:

- Sexual orientation information using the options: heterosexual/straight, gay/lesbian, bisexual, other, not sure, decline to state Gender identity using the options: male, female, nonbinary, decline to state

While collection by vendors/contractors is mandatory, individual candidates must always be provided the option to decline to provide the requested information.



Background:

State government agencies have routinely been required to collect data on race, ethnicity, and disability for the purpose of better identifying and understanding underserved communities or communities facing discrimination. Collecting this additional information is intended to help identify disparities and the effects of long-standing systematic discrimination towards lesbian, gay, bisexual and transgender communities.

References:

California Government Code §[8310.8](#)

[Assembly Bill 677](#): Chapter 677, Statutes of 2017

[Senate Bill 179](#): Chapter 853, Statutes of 2017

Contact Information:

All questions regarding these data collection requirements may be directed to the Commission's Data unit at CTCdata@ctc.ca.gov or by telephone at (916) 322-4974, Monday through Friday from 12:30 pm to 4:30 pm.

