

Assembly Bill No. 2845

CHAPTER 621

An act to amend Sections 234.1 and 234.5 of the Education Code, relating to school safety.

[Approved by Governor September 25, 2016. Filed with Secretary of State September 25, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2845, Williams. School safety: Safe Place to Learn Act.

Existing law establishes the system of public elementary and secondary schools in this state, and provides for the establishment of local educational agencies to operate these schools and provide instruction to pupils. Existing law states the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified characteristic, equal rights and opportunities in the educational institutions of the state. Existing law, the Safe Place to Learn Act, requires the State Department of Education, as part of its regular monitoring and review of a local educational agency, to assess whether the local educational agency has, among other things, adopted a policy that prohibits discrimination, harassment, intimidation, and bullying, as specified, and has publicized that policy to pupils, parents, employees, agents of the governing board, and the general public.

Existing law also requires the department to assess whether the local educational agency has provided to certificated schoolsite employees who serve pupils in any of grades 7 to 12, inclusive, information on existing schoolsite and community resources related to the support of lesbian, gay, bisexual, transgender, and questioning pupils, as specified.

This bill would express legislative findings and declarations relating to pupils who are subject to verbal, physical, and online harassment. The bill would add the support of pupils who face bias or bullying on the basis of religious affiliation, or perceived religious affiliation.

Existing law requires the Superintendent of Public Instruction to post, and annually update, on the department's Internet Web site and provide to each school district a list of statewide resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying, and their families.

This bill would instead provide that that list include statewide resources, including community-based organizations, that provide support to youth, and their families, who have been subjected to school-based discrimination, harassment, intimidation, or bullying on the basis of religious affiliation,

nationality, race, or ethnicity, or perceived religious affiliation, nationality, race, or ethnicity.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) All pupils deserve and need safe and supportive school environments in which to learn.

(2) Pupils who are Muslim, Sikh, or of South Asian descent often face verbal, physical, or online harassment, all of which have significant effects on their academic achievement and mental health.

(3) Recent reports indicate that more than half of Muslim and Sikh pupils in California report that they have faced verbal threats or insults, cyberbullying, or physical assaults.

(4) The federal government has recognized the harm that is caused by such bullying, and has called upon Muslim parents to contact the United States Department of Justice or the United States Department of Education if their children are bullied at school. The White House has initiated the Asian American and Pacific Islander Bullying Prevention Task Force in response to concerns about the bullying of Muslim, Sikh, and Asian American pupils.

(5) Multiple studies demonstrate that pupils who face bullying suffer academically. Bullying is also linked to negative outcomes, including impacts on mental health, substance use, and suicide.

(6) Research demonstrates that Muslim, Sikh, and other pupils who face hate-based bias and bullying in school do not report these incidents to school staff, primarily because they believe that school staff are not trained to address these issues.

(7) Creating supportive learning environments improves pupil performance.

(8) The United States Department of Education provides numerous resources for schools to support pupils who are facing bullying due to their religion, race, or national origin. These resources were highlighted in an open letter dated December 31, 2015, and sent by the United States Secretary of Education to education administrators throughout the nation.

(b) The Legislature therefore encourages school districts, county offices of education, and charter schools to provide information on existing schoolsite and community resources to educate teachers, administrators, and other school staff on the support of Muslim, Sikh, and other pupils who may face anti-Muslim bias and bullying, as required by subdivision (d) of Section 234.1 of the Education Code.

SEC. 2. Section 234.1 of the Education Code is amended to read:

234.1. The department, pursuant to subdivision (b) of Section 64001, shall monitor adherence to the requirements of Chapter 5.3 (commencing with Section 4900) of Division 1 of Title 5 of the California Code of Regulations and this chapter as part of its regular monitoring and review of

local educational agencies, commonly known as the Categorical Program Monitoring process. The department shall assess whether local educational agencies have done all of the following:

(a) Adopted a policy that prohibits discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics set forth in Section 422.55 of the Penal Code and Section 220 of this code, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The policy shall include a statement that the policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district.

(b) Adopted a process for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying based on any of the actual or perceived characteristics set forth in Section 422.55 of the Penal Code and Section 220 of this code, and disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The complaint process shall include, but not be limited to, all of the following:

(1) A requirement that, if school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so.

(2) A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools under the jurisdiction of the school district.

(3) An appeal process afforded to the complainant should he or she disagree with the resolution of a complaint filed pursuant to this section.

(4) All forms developed pursuant to this process shall be translated pursuant to Section 48985.

(c) Publicized antidiscrimination, anti-harassment, anti-intimidation, and antibullying policies adopted pursuant to subdivision (a), including information about the manner in which to file a complaint, to pupils, parents, employees, agents of the governing board, and the general public. The information shall be translated pursuant to Section 48985.

(d) (1) Provided, incident to the publicizing described in subdivision (c), to certificated schoolsite employees who serve pupils in any of grades 7 to 12, inclusive, who are employed by the local educational agency, information on existing schoolsite and community resources related to the support of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) pupils, or related to the support of pupils who may face bias or bullying on the basis of religious affiliation, or perceived religious affiliation.

(2) As used in this subdivision, both of the following apply:

(A) Schoolsite resources may include, but are not limited to, peer support or affinity clubs and organizations, safe spaces for LGBTQ or other at-risk pupils, counseling services, staff who have received antibias or other training aimed at supporting these pupils or who serve as designated support to these

pupils, health and other curriculum materials that are inclusive of, and relevant to, these pupils, online training developed pursuant to Section 32283.5, and other policies adopted pursuant to this article, including related complaint procedures.

(B) Community resources may include, but are not limited to, community-based organizations that provide support to LGBTQ or other at-risk pupils and their families, and physical and mental health providers with experience or training in treating or supporting these pupils.

(e) Posted the policy established pursuant to subdivision (a) in all schools and offices, including staff lounges and pupil government meeting rooms.

(f) Maintained documentation of complaints and their resolution for a minimum of one review cycle.

(g) Ensured that complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation, or bullying remains confidential, as appropriate.

(h) Identified a responsible local educational agency officer for ensuring school district or county office of education compliance with the requirements of Chapter 5.3 (commencing with Section 4900) of Division 1 of Title 5 of the California Code of Regulations and this chapter.

(i) Nothing in this section shall be construed to require school employees to engage with religious institutions in the course of identifying community support resources pursuant to this section.

SEC. 3. Section 234.5 of the Education Code is amended to read:

234.5. (a) The Superintendent shall post, and annually update, on the department's Internet Web site and provide to each school district a list of statewide resources, including community-based organizations, that provide support to youth, and their families, who have been subjected to school-based discrimination, harassment, intimidation, or bullying, including school-based discrimination, harassment, intimidation, or bullying on the basis of religious affiliation, nationality, race, or ethnicity, or perceived religious affiliation, nationality, race, or ethnicity.

(b) The department's Internet Web site shall also include a list of statewide resources for youth who have been affected by gangs, gun violence, and psychological trauma caused by violence at home, at school, and in the community.