

Date of Hearing: April 26, 2017

ASSEMBLY COMMITTEE ON EDUCATION

Patrick O'Donnell, Chair

AB 1318 (Chiu) – As Amended April 18, 2017

SUBJECT: School safety: Safe Place to Learn Act

SUMMARY: Requires schools to provide staff members information about local resources available to support pupils subject to bias and discrimination based on certain actual or perceived characteristics; requires annual trainings of school staff on addressing intergroup conflict; requires reporting of bullying incidents to the Superintendent of Public Instruction (SPI); and requires the California Department of Education (CDE) to provide specific information on its website related to bias and discrimination and intergroup conflict. Specifically, **this bill:**

- 1) Expresses findings and declarations regarding the importance of safe, inclusive, and supportive school environments for all pupils and the pressing need to prevent harassment, intimidation, and discrimination on school campuses, due to rising incidences of such actions.
- 2) 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 pupils of color, Muslim, Sikh, LGBTQ, immigrant and other pupils who may face bias and or bullying.
- 3) Requires that local education agencies (LEAs) with schools serving pupils in grades 7 to 12 provide certificated school employees information on existing schoolsite and community resources related to the support of pupils who may face bias or bullying, on the basis of actual or perceived disability, gender, gender identity, gender expression, race, ethnicity, or national origin, to existing provisions regarding the provision of such resources to support lesbian, gay, bisexual, transgender, and questioning pupils as well as for pupils facing bias or bullying on the basis of actual or perceived religious affiliation. Includes this requirement in the items that the CDE is required to monitor as a part of its regular monitoring and review of LEAs, known as the Federal Program Monitoring (FPM) process.
- 4) Requires the antidiscrimination, antiharassment, anti-intimidation, and antibullying policy that LEAs are required to adopt, and the CDE is required to monitor, to include a statement reaffirming the state's policy of diversity and inclusion.
- 5) Requires LEAs to report to the SPI on incidents of bullying, the responses to those incidents, and the perceived motivation for each bullying incident. Requires this report to be made publicly available, subject to confidentiality provisions of current law.
- 6) Requires the CDE to post, and update annually, on the department website 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 subject to school-based discrimination, harassment, intimidation, or bullying on the basis of actual or perceived disability, gender, gender identity, gender expression, or sexual orientation, to existing requirements to provide such information in support of pupils based upon their actual or perceived religious affiliation, nationality, race, or ethnicity.

- 7) Requires the CDE to post model trainings and curricula on tools and methods for addressing intergroup conflict and the promotion of positive intergroup relations, on its website.
- 8) Defines “intergroup” as between groups that are defined by race, ethnicity, national origin, religious affiliation, sexual orientation, disability, economic status, age, sex, or gender, including gender expression and identity.
- 9) Requires every school, operated by a school district, county office of education, or charter school, serving pupils in grades 7 to 12, to provide in-service training to certificated schoolsite employees on tools and methods for addressing intergroup conflict and promoting positive intergroup relations. Such training is to be provided within the first seven weeks of every school year, as part of a regularly scheduled staff meeting or professional development event.

EXISTING LAW:

- 1) Prohibits discrimination in public schools on the basis of disability, gender, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes. (EC 220, Penal Code 422.55)
- 2) Requires the SPI to post, and annually update, on the department’s website 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 on the basis of religious affiliation, nationality, race, or ethnicity, or perceived religious affiliation, nationality, race, or ethnicity. (EC 234.5)
- 3) Requires the CDE to monitor, through its federal program monitoring process, whether LEAs have: (EC 234.1)
 - a) Adopted a policy that prohibits discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics defined as hate crimes, 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 must 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 relating to discrimination, harassment, intimidation, and bullying, including:
 - i) A requirement that school personnel who witness such acts take immediate steps to intervene when safe to do so;
 - ii) A timeline for the investigation and resolution of complaints, and an appeal process.
 - c) Publicized antidiscrimination, antiharassment, anti-intimidation, and antibullying policies, including information about the manner in which to file a complaint, to pupils, parents, employees, agents of the governing board, and the general public.

- d) Provided certificated school employees in schools serving pupils in grades 7 to 12, 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.
 - e) Posted the policy 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 their identity remains confidential, as appropriate.
 - h) Identified a responsible LEA officer for ensuring compliance.
- 4) Requires the CDE to display current information, and periodically update information, on curricula and other resources that specifically address bias-related discrimination, harassment, intimidation, cyber sexual bullying, and bullying on its website. (EC 234.2)
- 5) Requires the CDE to develop, and post on its website, a model handout describing the policies addressing bias-related discrimination, harassment, intimidation, and bullying in schools.(EC 234.3)

FISCAL EFFECT: The Office of Legislative Counsel has keyed this bill as a state-mandated local program.

COMMENTS:

Need for the bill. According to the author, “This bill strengthens the Safe Place to Learn Act, which addresses discrimination, harassment, intimidation and bullying based on the actual or perceived characteristics of a student including disability, gender, gender expression, nationality, race or ethnicity, religion, sexual orientation through the adoption of policies and investigation complaint procedures.

Since the 2016 Presidential election cycle, there has been an increase in hate incidents. According to the Southern Poverty Law Center, most of the nearly 900 incidents reported to them nationwide in the ten days following the November 2016 election occurred at schools. These incidents often go unreported because students do not believe that teachers are trained to address these issues, according to findings from a report produced by the Council of American-Islamic Relations, California Chapter.

AB 1318 seeks to prevent these incidents by providing tools and resources to school employees through trainings to cultivate positive intergroup relations on school campuses. The bill requires that the CDE post available best practices and resources for LEAs on an internet website. Additionally, the bill improves communication regarding diversity and inclusion among students, guardians and school employees by requiring that a notice be sent to all to reaffirm the values of inclusion and diversity.

Finally, AB 1318 adds a reporting requirement to ensure transparency and accountability in addressing intergroup conflicts. This measure requires that incidents of discrimination, intimidation, harassment and bullying, including the perceived motivation, and the LEA's responses to be reported to the SPI and made publicly available. This is an important mechanism to identify any trends in the types of incidents occurring and provides an opportunity to assess and improve school practices to address them."

Surveys of California Muslim and Sikh students find high rates of bullying. A 2015 report published by the California chapter of the Council on American-Islamic Relations, titled *Mislabeled: The Impact of School Bullying and Discrimination on California Muslim Students*, reported data from surveys of 500 Muslim students in California:

- 55% of students surveyed reported being subjected to some form of bullying based on their religious identity. This is twice as high as the national percentage of students who report being bullied at school;
- 29% of the female students who wear a *hijab*, the Islamic headscarf, reported being offensively touched by another student, and 27% reported being discriminated against by their teacher;
- 19% of students reported cyberbullying based on religion;
- 20% of students reported that school staff either made offensive comments about the students' religion;
- 20% of students who reported bullying were unhappy with the response from school administrators.

A 2014 publication by the Sikh Coalition, titled "*Go Home Terrorist: A Report on Bullying Against Sikh American School Children*" reported data from a survey and focus groups with several hundred Sikh students in Fresno:

- 54% of Sikh youth have experienced bullying or harassment, 21% report being bullied or harassed at least once a week, and 13% report bullying almost daily;
- 67% of Sikh youth who wear turbans and maintain uncut hair in accordance with religious beliefs have experienced bullying and harassment;
- 63% of those bullied believed they were bullied on the basis of religion or ethnicity, and almost 27% believed it was because other students thought they looked like terrorists;
- 51% of Sikh youth believe school officials do not respond adequately to bullying incidents.

Bias against LGBTQ students. The Gay Lesbian Straight Education Network's (GLSEN) 2013 National School Climate Survey found that:

- 91% of California LGBTQ students report hearing anti-LGBTQ remarks;

- 7 in 10 reported being called names or threatened based on their sexual orientation;
- Nearly one-third report physical harassment or assault;
- 46% report cyberbullying;
- LGBTQ students who are harassed do not report these incidents to school staff, primarily because they believe school staff will not address these problems.

This bill expands the requirement for CDE to assess whether LEAs are providing information on local resources to support pupils who face discrimination, harassment, intimidation, or bullying, on the basis of actual or perceived characteristics, including disability, gender, gender identity, gender expression, sexual orientation, race, ethnicity, or national origin by adding additional protected classes. The bill also requires a LEA's antidiscrimination, antiharassment, anti-intimidation, and antibullying policy to include a diversity and inclusion statement. Although the author references all schools, including charter schools, in the findings and declarations, these provisions do not currently apply to charter schools.

Staff recommends that the bill be amended to require all public schools, including charter schools, to adopt such policies and to provide the specified resources to school staff to support pupils.

The bill requires LEAs to report to the SPI, all incidents of bullying, including the responses to those incidents, and the perceived motivation for each bullying incident. The report is to be made public, subject to confidentiality provisions. The bill does not specify when, or how often, this report is to be submitted.

Existing law requires LEAs to have a process in place to receive, investigate, and resolve allegations of discrimination, harassment, intimidation, and bullying based on actual or perceived characteristics. This must include an appeal process and a requirement to maintain documentation of such complaints and their resolution for a specified period. These provisions are subject to monitoring by the CDE through their Federal Program Monitoring process.

Staff recommends the reporting requirements related to bullying incidents be deleted from the bill as this provision would create a substantial mandate at both the local and state level and it is not clear how this information would be collected, reported and utilized.

The bill requires CDE to post, on the department's website, lists of statewide resources, that provide support to pupils who have been subject to school-based discrimination, harassment, intimidation, or bullying on the basis of additional protected characteristics beyond what is required in current law.

The bill requires the CDE to post model trainings and curricula on tools and methods to address intergroup conflict and the promotion of positive intergroup relations on its website. It is not clear if the CDE is required to develop such trainings and curricula, or to review existing trainings and curricula. *The committee may wish to consider* whether this should be clarified within the bill.

AB 1318 requires training of all certificated schoolsite employees at schools, operated by a school district, county office of education, or charter school, serving pupils in grades 7-12 on the

tools and methods for addressing intergroup conflict and promoting positive intergroup relations prior to the seventh week of every school year, as part of a regularly scheduled staff meeting or professional development event.

Staff recommends that the bill be amended to reduce the frequency of the required staff training on intergroup conflict and the promotion of positive intergroup relations and to remove the requirement that it be conducted within the first seven weeks of the school year.

Prior legislation. AB 699 (O'Donnell) of this Session prohibits discrimination based on immigrant status and provides education and support to immigrant students and their families. The bill passed out of this Committee and is now pending in the Assembly Judiciary Committee.

AB 2845 (Williams), Chapter 621, Statutes of 2016 requires the CDE, as part of its existing compliance monitoring activities, to assess whether LEAs have provided information to staff serving students in grades 7 through 12 on resources related to bullying due to religious affiliation, and requires the CDE to post on its website a list of the resources that support students who have been subject to school-based discrimination on the basis of actual or perceived religious affiliation, nationality, race or ethnicity.

AB 827 (O'Donnell), Chapter 562, Statutes of 2015 requires the CDE, as part of its compliance monitoring, to assess whether LEAs have provided information to certificated staff serving grades 7-12 on schoolsite and community resources for lesbian, gay, bisexual, transgender, and questioning (LGBTQ) students.

AB 514 (Bonta), Chapter 514, Statutes of 2013 expands the existing list of resources the SPI is required to post on the CDE website to include resources for youth who have been affected by gangs, gun violence, and psychological trauma caused by violence at home and at school.

AB 9 (Ammiano), Chapter 723, Statutes of 2011 requires a school district to include specific information in its policies and procedures regarding discrimination, harassment, intimidation, and bullying, and requires the policies to include complaint procedures and alternative discipline policies for pupils who engage in this behavior.

AB 394 (Levine), Chapter 394, Statutes of 2007, requires the CDE to assess local educational agencies, as part of CDE's existing monitoring process, for compliance with specific anti-discrimination and harassment policies and procedures, and display on their website specific bias-related and discrimination and harassment information.

REGISTERED SUPPORT / OPPOSITION:

Support

Advancement Project (Sponsor)

Asian Americans Advancing Justice-California (Sponsor)

Council on American-Islamic Relations, California Chapter (Sponsor)

Equality California (Sponsor)

Alliance for Boys and Men of Color

American Civil Liberties Union of California

Asian Law Alliance

Asian Pacific Policy & Planning Council

California Academy of Child & Adolescent Psychiatry
California Black Health Network
California School-Based Health Alliance
California Teachers Association
Fathers & Families of San Joaquin
InnerCity Struggle
Korean Resource Center
Latino and Latina Roundtable of the San Gabriel & Pomona Valley
Latino Coalition for a Healthy California
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
National Association of Social Workers – California Chapter
OCA-Greater Los Angeles
Riverside County Alliance for Boys and Men of Color
Services, Immigrant Rights & Education Network
Social Justice Learning Institute

Opposition

None on file

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