

Date of Hearing: April 30, 2025

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 935 (Ransom) – As Amended March 24, 2025

[Note: This bill was double referred to the Assembly Judiciary Committee and was heard by that Committee as it relates to issues under its jurisdiction.]

SUBJECT: State agencies: demographics

SUMMARY: Requires California's Civil Rights Department, the California Department of Education (CDE), and the Superintendent of Public Instruction (SPI), upon receiving a complaint, to gather data relevant to the complainant's race, gender, age, and other critical demographic information; to post this information, in an anonymized form, on their websites; and to transmit the data to the Bureau for Descendants of American Slavery, an entity that will be created if pending SB 518 (Weber Pierson) of the 2025-26 Session becomes law. Specifically, **this bill:**

- 1) Requires the California Civil Rights Department, the CDE, and the SPI (state entities) to collect, for every complaint received, the following information:
 - a) Demographic data relative to ethnicity, race, gender, age, and other critical demographic information from the complainant;
 - b) A description of the complaint received;
 - c) Any action taken by the state entities in response to the complaint and the timeline for that action; and
 - d) The disposition of the complaint.
- 2) Requires the state entities to publish the data described in 1) on their website, except for personal identifying information, which is to be deemed confidential.
- 3) Requires the state entities to transmit the data described in 1) to the Bureau for Descendants of American Slavery who will create and publish dashboards that allow the public to view the collected data, except for personal identifying information deemed confidential.
- 4) Specifies that any publication or transmission of data described above be done in a manner that complies with state and federal law.
- 5) Makes constitutionally required legislative findings for a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies.

EXISTING LAW:

- 1) Establishes the Civil Rights Department within the California Fair Employment and Housing Act (FEHA) and authorizes it to receive complaints alleging violations of the FEHA and other civil rights statutes, including the Unruh Civil Rights Act and the Ralph Civil Rights Act. (Government Code (GOV) 12901)

- 2) Prohibits discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in the Penal Code in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid. (Education Code (EC) 220)
- 3) Establishes the Safe Place to Learn Act, which requires the CDE to assess whether local educational agencies (LEAs) have adopted a policy prohibiting discrimination, harassment, intimidation, and bullying based on specified characteristics, and established a process for receiving and investigating complaints of discrimination, harassment, intimidation and bullying based on those characteristics. (EC 234.1)
- 4) Requires the SPI to establish a system for processing complaints, known as the Uniform Complaint Procedures (UCPs), for specified educational programs, and requires the CDE to review those procedures for specified types of complaints, including allegations of unlawful discrimination, harassment, intimidation, or bullying against any protected group. (EC 33315.)
- 5) Requires the Department of Human Resources when collecting demographic data as to the ancestry or ethnic origin of persons hired into state employment, to include the following additional collection categories and tabulations for Black or African American groups, including, but not limited to, all of the following:
 - a) African Americans who are descendants of persons who were enslaved in the United States;
 - b) Blacks who are not descendants of persons who were enslaved in the United States, including, but not limited to, African Blacks, Caribbean Blacks, and other Blacks; and
 - c) Unknown or choose not to identify. (GOV 8310.6.)
- 6) Requires the Civil Rights Department, pursuant to the Lesbian, Gay, Bisexual, Transgender, and Intersex Disparities Reduction Act, when in the course of collecting demographic data, as specified, to collect voluntary self-identification information pertaining to sexual orientation, gender identity, and variations in sex characteristics, as specified. (GOV 8310.8.)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “AB 935 represents an important step toward fostering greater transparency within California’s state agencies. By requiring the collection and publication of anonymized demographic data, this bill ensures that the voices of historically marginalized communities, including descendants of American slavery, are heard and represented. This data-driven approach allows California’s Civil Rights Department and the CDE to identify trends in civil rights violations, and allows policymakers to craft more targeted, effective data-based solutions to support historically marginalized communities. Based on the findings of the California Reparations Report, AB 935 presents an opportunity for California’s

state agencies to identify racial biases and demographic trends when individuals report violations of their civil rights. In uncertain times, it is more important now than ever to ensure that we document these issues and make well-informed decisions to protect Californians.

By improving existing complaint procedures and creating accountability and transparency in the process of complaint management and resolution, students in the aforementioned groups will benefit from a higher degree of visibility in this process, and vital information about demographic trends, which serve the end-goal of promoting equity and social justice in school settings, will be recorded and assessed for further Dashboard improvement.”

Key provisions of this bill. AB 935 as it relates to education, requires the SPI to collect specified demographic information, including race and ethnicity, when reviewing UCPs and to post de-identified information on its website, as well as transmitting it to the Bureau for Descendants of American Slavery. Presumably, this could shed light on incidences of disproportionate discipline practices in schools.

Disproportionality in exclusionary discipline. The disproportionate incidence of suspensions and expulsions among certain populations of students, including African American students, has gained nationwide attention in recent years. A 2018 report by the U.S. Government Accountability Office (GAO), *K-12 Education: Discipline Disparities for Black Students, Boys, and Students with Disabilities*, found that black students, boys, and students with disabilities were disproportionately disciplined in K-12 schools, based upon an analysis of the Civil Rights Data Collection (CRDC).

A 2024 GAO report found that Black girls faced more and harsher forms of discipline than other girls and had the highest rates of exclusionary discipline, such as suspensions and expulsions. According to GAO’s analysis of the most recent U. S. Department of Education (USDOE) data before the pandemic, in school year 2017–18, Black girls comprised 15% of all girls in public schools but received almost half of suspensions and expulsions. Further, GAO’s analysis of the school year 2017–18 infractions or behavior data showed that Black girls received harsher punishments than White girls even when the infractions that prompted disciplinary action were similar.

Research suggests that harsh discipline practices and the over-policing of students of color that occurs in many schools have undermined the creation of safe and inclusive learning environments. Disproportionalities in suspension and expulsion rates between students of color and their white peers appear as early as preschool and continue through the K-12th grades. Black youth often receive harsher punishments for minor offenses and are more than twice as likely as white students to receive a referral to law enforcement or be subject to a school-related arrest. (Learning Policy Institute (LPI), March 2021).

One study, *Educational and Criminal Justice Outcomes 12 Years After School Suspension* (Rosenbaum, 2018), notes that “school suspensions aim to obtain better behavior from the punished student and maintain school norms by removing students. Suspension removes disruptive students from schools temporarily and may improve school climate by reducing peer influences to engage in deviant behavior.” The study goes on to note that a body of research has found that suspended students are more likely to:

- Engage in antisocial behavior;

- Have involvement with the criminal justice system;
- Be arrested both during the month of suspension and within a year of suspension; and
- Use marijuana and tobacco.

The study also cites various longitudinal research findings, including:

- Youth suspended in ninth grade were less likely to graduate high school, graduate on time, and enroll in postsecondary education; and
- Twelve years after suspension, suspended youth were less likely to have earned degrees or high school diplomas and were more likely to have been arrested or be on probation.

The GAO report review of research on the topic of disproportionate disciplinary actions suggests that “implicit bias on the part of teachers and staff may cause them to judge students’ behaviors differently based on the students’ race and sex. Teachers and staff sometimes have discretion to make case-by-case decisions about whether to discipline, and the form of discipline to impose in response to student behaviors, such as disobedience, defiance, and classroom disruption.” (GAO, 2018)

Research on student behavior, race, and discipline has found no evidence that African American overrepresentation in school suspension is due to higher rates of misbehavior. African American students were referred more often for behaviors that seemed to require more subjective judgment on the part of the person making the referral (e.g., disrespect, excessive noise, threatening behavior, and loitering). (Losen, 2011)

Some researchers conclude that “suspensions may act more as a reinforcer than a punisher for inappropriate behavior. Other research raises doubts as to whether harsh school discipline has a deterrent value. Frequent use of suspension alone has no measureable positive deterrent or academic benefit to either the students who are suspended or to non-suspended students.” (Losen, 2011). The American Academy of Pediatrics states, “Without the services of trained professionals, such as pediatricians, mental health professionals, and school counselors, and without a parent at home during the day, students with out-of-school suspensions and expulsions are far more likely to commit crimes.” One researcher notes that the school-to-prison pipeline literature suggests inequalities in school disciplinary practices may go on to produce inequalities in arrest prevalence and that it may be possible to close the racial gap in arrest if it were possible to close the racial gap in school discipline. (Barnes, 2018)

A meta-analysis of 40 primary studies examined the relationship between exclusionary discipline and delinquent outcomes, including school misconduct/infractions, antisocial behavior, involvement with the justice system, and risky behaviors. Authors found that exclusionary discipline is an important and meaningful predictor of increased delinquency across subgroups. (Gerlinger, 2021)

UCPs provide a means to pursue complaints at schools. State law and regulation establish the UCP process for the filing, investigation, and resolution of complaints regarding alleged violations by a local agency of federal or state law or regulations governing educational programs. Each LEA is required to investigate complaints alleging failure to comply with applicable state and federal laws and regulations and/or alleging discrimination, harassment,

intimidation or bullying and seek to resolve those complaints in accordance with the policies and procedures of the governing board.

Federal and state laws and regulations specify which programs and activities lie within the scope of UCPs. For the 2024-25 school year, the following programs and activities are subject to the UCP:

- Accommodations for Pregnant and Parenting Pupils;
- Adult Education;
- After School Education and Safety;
- Agricultural Career Technical Education;
- Career Technical and Technical Education and Career Technical and Technical Training Programs;
- Child Care and Development Programs;
- Compensatory Education;
- Consolidated Categorical Aid Programs;
- Course Periods without Educational Content;
- Discrimination, harassment, intimidation, or bullying against any protected group as identified including any actual or perceived characteristic in any program or activity conducted by an educational institution that is funded directly by, or that receives or benefits from, any state financial assistance;
- Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families, pupils formerly in Juvenile Court now enrolled in a school district, pupils who are migratory, and pupils participating in a newcomer program;
- Every Student Succeeds Act;
- Instructional Materials and Curriculum: Diversity;
- Local Control and Accountability Plans;
- Migrant Education;
- Physical Education Instructional Minutes;
- Pupil Fees;
- Reasonable Accommodations to a Lactating Pupil;
- Regional Occupational Centers and Programs;
- School Plans for Student Achievement;
- Schoolsite Councils;
- State Preschool;

- Instructional materials;
- Emergency or urgent facility conditions that pose a threat to the health and safety of pupils or staff;
- Teacher vacancy or misassignments;
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing; and
- And any other state or federal educational program the State Superintendent of Public Instruction (SPI) or designee deems appropriate.

UCP complaints may be appealed to the CDE. An individual has the right to appeal to the CDE seeking review of an LEA Investigation Report issued in response to a UCP that was filed with the LEA if they believe the report is incorrect as a matter of law. The appeal must be filed within 30 days and must specify the basis for the appeal, including at least one of the following:

- The LEA failed to follow its complaint procedures;
- Relative to the allegations of the complaint, the LEA Investigation Report lacks material findings of fact necessary to reach a conclusion of law;
- The material findings of fact in the LEA Investigation Report are not supported by substantial evidence;
- The legal conclusion in the LEA Investigation Report is inconsistent with the law; and/or
- In a case where the LEA found noncompliance, the corrective actions failed to provide a proper remedy.

The most recent report to the Legislature on the UCPs received by the CDE identifies 92 complaints and appeals in five UCP programs, 63 of these were categorized as Education Equity complaints alleging discrimination, harassment, intimidation, and bullying on the basis of a protected class.

The Committee may wish to consider whether it is appropriate to require the collection of demographic data, as required by this bill, for all types of UCP complaints received by the CDE, given the broad scope of programs and services included within the UCP purview. ***The Committee may also wish to consider*** the value of the data to be reported as the complaints received by the CDE represent only those issues that could not be resolved at the local level, so they are not representative of all UCPs filed with LEAs.

Recommendations of the Reparations Task Force. AB 3121 (Chap. 319, Stats. 2020) created the Task Force to Study and Develop Reparations Proposals for African Americans. The legislation required the Task Force to gather and synthesize the documentary evidence of slavery and its ongoing legacy in California, develop ways to educate Californians about its findings and recommend appropriate remedies in a report to the Legislature. The more than 1000-page Task Force report meticulously details both the past and continuing legacy of California laws and policies designed to prevent African Americans in California from enjoying the full benefits of their personhood and citizenship.

The first 13 chapters of the Report identify a range of laws and policies that have harmed African Americans over the course of our history: enslavement, racial terror, political disfranchisement, housing segregation, separate and unequal education, employment discrimination, and an unjust legal system that has led to unconscionable rates of incarceration for Black Californians. The concluding parts of the Report recommend specific policies for California, starting with a formal apology and acknowledgment of wrongs done by the state. Because “apologies alone are inadequate reparations for victims,” the Report made concrete policy recommendations designed to provide true reparations for the documented harms. As the Report stresses on more than one occasion, the harms inflicted “have not been incidental or accidental,” but were often the intentional result of “an all-encompassing web of discriminatory laws, regulations, and policies enacted by government.” Therefore, addressing these wrongs will require changes in existing laws and the disruption of institutionalized patterns of racism. Before institutionalized patterns of racism can be disrupted, however, they must first be identified and documented.

The role of the Bureau for Descendants of American Slavery. As noted above, in addition to requiring the state entities to post anonymized demographic data on its website, this bill also requires the entities to transmit the data to the Bureau for Descendants of American Slavery, an agency that would be created if SB 518 (Weber Pierson) of the 2025-26 Session becomes law. The bill would require the Bureau to create and publish “dashboards” that allow the public to view the data. The primary duty of the Bureau, according to the text of SB 518, is to “determine how an individual’s status as a descendant of American slavery shall be confirmed,” since proof of that status will be a qualifying criteria for any reparation benefits the state may eventually offer.

Recommended Committee Amendments. *Staff recommends that the bill be amended as follows:*

- 1) Remove the education provisions from the Government Code and place in the Education Code.
- 2) Limit the requirement for the CDE to collect, post, and transmit specified demographic data only to Education Equity UCP complaints related to discrimination and harassment.
- 3) Require the SPI to submit a report to the Bureau for Descendants of Slavery annually.
- 4) Require the collection of demographic data to be that of the characteristics identified in Section 220 and for this data to be included only when voluntarily self-identified.
- 5) Require the data to be collected beginning July 1, 2026 and for the report to be provided and posted beginning July 1, 2027.

Related legislation. SB 518 (Weber Pierson) of the 2025-26 Session would establish the Bureau for Descendants of American Slavery within state government; would require the bureau to determine how an individual’s status as a descendant would be confirmed; would require proof of an individual’s descendant status to be a qualifying criterion for benefits authorized by the state for descendants; and would require the bureau to establish a Genealogy Division, a Property Reclamation Division, and Education and Outreach Division, and a Legal Affairs Division.

SB 957 (Wiener) Chapter 868, Statutes of 2024 requires, rather than permits, the California Department of Public Health (CDPH) to collect demographic data, including sexual orientation,

gender identity, and variations in sex characteristics/intersex status (SOGISC), and intersexuality data, from third parties on any forms or electronic data systems, unless prohibited by federal or state law. Adds SOGISC to the information reported for the purpose of statewide or local immunization information systems. Requires CDPH to prepare an annual report concerning SOGISC data.

AB 1984 (Weber) Chapter 368, Statutes of 2024, requires, commencing with the 2026-27 school year, LEAs to provide to the CDE data on student transfers due to disciplinary reasons, and the CDE to publish the information on their website. Requires the CDE, when providing guidance on its website about reducing disproportionate discipline of pupil subgroups in schools, to advise LEAs against the use of transfers to avoid reporting suspensions and expulsions.

SB 189 (Committee on Budget and Fiscal Review) Chapter 48, Statutes of 2022, requires the Department of Human Services, when collecting data on the race or ethnicity of state employees, to categorize African Americans as African-Americans who are descendants of persons who were enslaved in the United States, Blacks who are not descendants of persons who were enslaved in the United States, or persons who “choose not to identity.”

AB 3121 (Weber) Chapter 319, Statutes of 2020, establishes an eight-member task force to study the issue of reparations for African Americans; propose ways to educate the California public about its findings; make recommendations on the forms that reparations might take; and submit a report of its findings to the Legislature.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

Analysis Prepared by: Debbie Look / ED. / (916) 319-2087