

Date of Hearing: April 11, 2018

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 2291 (Chiu) – As Introduced February 13, 2018

SUBJECT: School safety: bullying

SUMMARY: Requires schools to include policies and procedures related to the prevention of bullying in comprehensive school safety plans, requires the California Department of Education (CDE) to post an online training module on bullying, and requires schools to annually provide the training module to certificated employees. Specifically, **this bill:**

- 1) Requires schools in school districts and county offices of education to include policies and procedures related to bullying and the prevention of bullying in their comprehensive school safety plan.
- 2) Deletes language encouraging schools to include policies and procedures aimed at the prevention of bullying in comprehensive school safety plans as these plans are reviewed and updated and to the extent that resources are available.
- 3) Requires the CDE to post on its website, the online training module currently required by law to assist school staff, administrators, parents, pupils, and community members in increasing their knowledge of the dynamics of bullying and cyberbullying.
- 4) Requires the CDE to annually update a list of available online training modules relating to bullying or bullying prevention and post it on their website.
- 5) Requires a school operated by a school district or county office of education and a charter school to annually provide the online training module developed by the CDE to certificated schoolsite employees.

EXISTING LAW:

- 1) Requires the CDE to monitor, through its federal program monitoring process, whether local education agencies (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, anti-harassment, anti-intimidation, and anti-bullying 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.
- 2) Requires a charter school to include in its petition to establish the charter school must include the procedures that the charter school will follow to ensure the safety of pupils and staff (EC 47605).
- 3) 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).
- 4) 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).
- 5) Requires the CDE to develop an online training module to assist all school staff, school administrators, parents, pupils, and community members in increasing their knowledge of the dynamics of bullying and cyberbullying. The online training module shall include, but is not limited to, identifying an act of bullying or cyberbullying, and implementing strategies to address bullying and cyberbullying (EC 32283.5).
- 6) Prohibits the suspension of a pupil or an expulsion, unless it has been determined that the pupil has committed certain acts, including engaging in an act of bullying or cyberbullying (EC 48900).
- 7) Authorizes a school or district administrator to refer a victim of, witness to, other pupil affected by, an act of bullying, or a pupil who has engaged in an act of bullying to the school counselor, school psychologist, social worker, child welfare attendance personnel, school

nurse, or other school support service personnel for case management, counseling, and participation in a restorative justice program, as appropriate (EC 48900.9).

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

COMMENTS: *Need for the bill.* According to the author,

“Divisive national political attitudes have inflamed a disturbing trend of scapegoating and fear mongering towards vulnerable populations based on their ethnic heritage, sexual orientation, gender, and religion. Distressingly, this attitude filters down into our schools. Studies have shown that when a student is bullied or harassed, the most common motivation for that behavior is tied to the victim’s race, national origin, religion, gender, and sexual orientation.

Existing law requires each school and county office of education to develop comprehensive school safety plans. These plans require input from administrators, teachers, parents, and community members. While some schools voluntarily include bullying procedures and processes to prevent bullying, they are not required to include these elements. The impacts of bullying on campus climate make it necessary to include information on bullying in school safety plans and AB 2291 requires as much.

AB 2291 also requires public schools to annually provide their online module on the dynamics of bullying and cyberbullying to certificated employees. Additionally, AB 1993 (Fox) of 2014 required the Department of Education to develop an online training module to increase knowledge of the dynamics of bullying and cyberbullying. AB 2291 expands on that legislation by requiring CDE to release that training module through their website and have schools share the training module with school staff. This will ensure educators are given the training and tools they need to address and prevent bullying.

A safe school is an environment where students and educators can focus on learning and teaching. Bullying, harassment, discrimination, and fear disrupt that process. Schools have a responsibility to ensure that educators and staff are adequately equipped to stop bullying and harassment in classrooms.”

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.

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.

School district bullying policies required by current law. This bill requires schools in school districts or county offices of education to include policies and procedures intended to prevent bullying in their comprehensive school safety plan. These schools are required, under current law, to have adopted policies to prohibit discrimination and bullying, and this requirement is monitored by CDE's regular compliance monitoring process. It is not clear why there is a need for this information to be duplicated in school safety plans.

Committee staff recommend that the bill be amended to remove the requirement to include policies and procedures relating to bullying and the prevention of bullying in the comprehensive school safety plan, and to revert to current law encouraging schools to do so.

Providing schools with online training. This bill requires that the online training module, currently under development at CDE, to assist all school staff, school administrators, parents, pupils, and community members in increasing their knowledge of the dynamics of bullying and cyberbullying be posted on the CDE's website. The bill also requires CDE to post and annually update a list of available online training modules relating to bullying or bullying prevention.

The bill requires that all schools, including charter schools, provide the online training module developed by the CDE to certificated schoolsite employees annually. This would include teachers, administrators, as well as other pupil services personnel, such as school nurses, school psychologists, and counselors, among others. However, it would exclude classified staff such as paraprofessionals working with students, playground supervisors, and other staff who have regular interactions with students.

Committee staff recommends that the bill be amended to require that this training be made available to all schoolsite employees who have regular interactions with pupils, including both certificated and classified employees.

Similar and prior legislation. AB 1318 (Chiu) of this Session 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 CDE to provide specific information on its website related to bias and discrimination and intergroup conflict. This bill was held in Assembly Appropriations in 2017.

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 1993 (Fox), Chapter 418, Statutes of 2014 requires the CDE to develop an online training module on bullying and cyberbullying.

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 (Co-Sponsor)
American Academy of Pediatrics
American Civil Liberties Union of California
Asian American Drug Abuse Program
Asian Americans Advancing Justice - California (Co-Sponsor)
California Medical Association
California State PTA
Common Sense Kids Action
Council on American-Islamic Relations-California Chapter (Co-Sponsor)

Disability Rights California
Education Trust-West
Equality California (Co-Sponsor)
Fresno Interdenominational Refugee Ministries
Hmong Innovating Politics
InnerCity Struggle
Junior Leagues of California State Public Affairs Committee
Khmer Girls in Action
Korean American Coalition
Koreatown Immigrant Workers Alliance
Lawyers' Committee for Civil Rights of the San Francisco Bay Area
National Asian Pacific Families Against Substance Abuse
South Asian Network
Southeast Asia Resource Action Center
State Council on Developmental Disabilities

Opposition

None on file

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