

Date of Hearing: April 10, 2019

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
AB 34 (Ramos) – As Amended March 26, 2019

**SUBJECT:** Pupils: bullying and harassment prevention handbook

**SUMMARY:** Requires local education agencies to prepare a Bullying and Harassment Prevention Handbook, including specified content, and to distribute copies and post the content on their websites. Specifically, **this bill:**

- 1) Requires local educational agencies (LEAs) to prepare a “Bullying and Harassment Prevention Handbook,” to deliver to parents and guardians within the first month of the school year, beginning with the 2020-21 school year.
- 2) Requires that the handbook include the following:
  - a) The LEA policy on pupil suicide prevention in grades 7 to 12, inclusive.
  - b) The definition of discrimination and harassment based on sex, as described in Section 230, and the rights afforded under Title IX.
  - c) The information on Title IX included on the California Department of Education (CDE) website.
  - d) The LEA’s policy on sexual harassment, as it pertains to pupils.
  - e) The LEA’s policy on preventing and responding to hate violence, if one exists.
  - f) The LEA’s antidiscrimination, anti-harassment, anti-intimidation, and anti-bullying policies.
  - g) The LEA’s anti-cyberbullying procedures.
  - h) A section on social media bullying including all of the following references to possible forums for social media bullying:
    - i. Websites with free registration and ease of registration.
    - ii. Websites offering peer-to-peer instant messaging.
    - iii. Websites offering comment forums or sections.
    - iv. Websites offering image or video posting platforms.
  - i) A section on cyberbullying prevention, including both of the following:
    - i. Techniques for pupils to prevent and intervene in cyberbullying in real time.
    - ii. Techniques for parents to identify and intervene in cases of cyberbullying.

- j) Statewide support resources, compiled by the department, for youth subjected to school-based discrimination, harassment, intimidation, or bullying; as well as youth affected by gangs, gun violence, and psychological trauma caused by violence.
  - k) Any further information an LEA deems important to prevent bullying and harassment.
- 3) Requires that this handbook be distributed following the same manner as other materials distributed annually by LEAs.
  - 4) Requires an LEA to post, and annually update, a digital version of the handbook on the LEA's website.
  - 5) Defines "local education agency", for the purposes of this article, as a county office of education (COE), school district, state special school, or charter school.
  - 6) Expresses findings and declarations relating to the prevalence and negative impacts of bullying.

**EXISTING LAW:**

- 1) Defines "bullying" to mean any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils, directed toward one or more pupils that has, or can be reasonably predicted to have, the effect of one or more of the following:
  - a) Placing a reasonable pupil in fear of harm to that pupil's person or property.
  - b) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
  - c) Causing a reasonable pupil to experience substantial interference with his or her academic performance.
  - d) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school. (EC Section 48900)
- 2) Prohibits discrimination on the basis of disability, gender, gender expression, gender identity, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes, including immigration status, in any program or activity conducted by an educational institution that receives state financial assistance or enrolls pupils who receive state financial aid. (EC 220, Penal Code 422.55)
- 3) 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)

- 4) Requires an LEA which serves pupils in grades 7 to 12 inclusive, to adopt at a regularly scheduled board meeting, a policy on pupil suicide prevention, developed in consultation with school and community stakeholders, school-employed mental health professionals, and suicide prevention experts. Requires that the policy, at a minimum, address procedures relating to suicide prevention, intervention, and postvention. (EC 215).
- 5) Requires the CDE to post on its website, in both English and Spanish, and at a reading level that may be comprehended by pupils in high school, the information set forth in the federal regulations implementing Title IX. (EC 221.6)
- 6) Requires public schools, specified private schools, school districts, COEs, and charter schools, to post in a prominent and conspicuous location on their website, or the website of its school district, or county office of education, if it does not have a website, all of the following:
  - a) The name and contact information of the Title IX coordinator.
  - b) The rights of a pupil and the responsibilities of the school under Title IX.
  - c) A description of how to file a complaint under Title IX, including specified information regarding timelines, the process of how complaints will be investigated, a link to the U.S. Department of Education Office for Civil Rights complaints form.

Also requires the Superintendent of Public Instruction (SPI) to annually send a letter through electronic means to all public schools, specified private schools, school districts, COEs, and charter schools, informing them of their responsibilities under Title IX. (EC 221.61)

- 7) Defines the particular practices related to harassment and discrimination on the basis of sex, that are prohibited. (EC 230)
- 8) Requires each educational institution to have a written policy on sexual harassment, which is to include information on where to obtain the specific rules and procedures for reporting charges of sexual harassment, and requires that the written policy be displayed in a prominent location in the main administrative building or other areas of the schoolsite where notices regarding the institution's rules, regulations, procedures, and standards of conduct are posted. Also requires that the written policy on sexual harassment, as it pertains to students, be provided as a part of any orientation program conducted for new students at the beginning of each quarter, semester, or school year. (EC 231.5)
- 9) Requires the CDE to monitor, through its federal program monitoring process, whether LEAs have:
  - 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. (EC 234.1)
- 10) 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)
- 11) 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)
- 12) Requires an LEA to adopt, by December 31, 2019, procedures for preventing acts of bullying, including cyberbullying. (EC 234.4)
- 13) Requires each school district, at the beginning of the first semester or quarter of the regular school term, to notify the parent or guardian of a pupil of specified rights and responsibilities, and specifies that the notice may be provided by regular mail, in an electronic format if the parent requests to receive it in that format, or by any other method normally used to communicate with parents or guardians in writing. (EC 48980 & 48981)

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

**COMMENTS:**

***Need for the bill.*** According to the author, “Bullying is a significant problem in our communities, and its effects can be life changing. The Legislature has made significant progress in recent years, developing a breadth of resources to provide to school districts and parents to help address the challenges of bullying and harassment. However, we know that the fight against bullying will not take one law, one school district program, or one school to solve. We know that the fight against bullying is fundamentally about social change, which will require continued focus from all parties.

In this spirit, AB 34 seeks to build on the hard work of the state, the Legislature, and local educational agencies to expand bullying and harassment prevention guidelines. AB 34 seeks to unify state and local resources into a single “Bullying and Harassment Prevention Handbook.” This resource will compile the bullying and harassment prevention policies created by local educational agencies, schools, and the Department of Education to inform parents of policies and resources relevant to bullying and harassment prevention.

To ensure all parents and students have access to this resource it will be both distributed by mail and posted on the local educational agency websites. Doing so will ensure that not only are the resources effectively compiled, but also are accessible and usable for parents and students.”

***Background.*** According to the Lucille Packard Foundation for Children’s Health, “bullying is considered a significant public health problem. National estimates indicate that between 20 and 30 percent of children and youth are bullied at school each year, with certain vulnerable groups at even higher risk, including students with disabilities and LGBTQ youth. This aggressive behavior, which may be physical, verbal, or social—and may occur in person or online—can have long-term harmful effects. In addition to the risk of physical injury, victims of bullying are at risk for depression, anxiety, suicidal behavior, physical health problems, substance abuse into adulthood, low academic achievement, and poor social and school adjustment.”

The Packard Foundation’s KidsData.org notes that:

“According to 2013-2015 estimates, more than one in four California youth in grades 7, 9, 11, and non-traditional programs had been bullied or harassed at school in the previous year, and around one in five had been cyberbullied by other students. In each grade level, estimates of bullying and cyberbullying tended to be higher among girls than among boys in 2013-2015. Across all types of bullying and harassment, LGBTQ students and those with low levels of school connectedness were more likely to be victimized than their straight and more connected peers.

When students are bullied or harassed at school, it is most often for reasons of bias (related to disabilities, gender, race/ethnicity or national origin, religion, or sexual orientation). In 2013-2015, an estimated 29% of 7th graders, 28% of 9th graders, 24% of 11th graders, and 22% of non-traditional students statewide were bullied or harassed in the previous year for one or more bias-related reasons. The prevalence of bias-related bullying/harassment varied widely depending on the reason for bias and the group affected. For example, bullying and harassment for reasons related to race/ethnicity or national origin were twice as common among African American/black (27%), Asian (25%), and Native Hawaiian/Pacific Islander (29%) students when compared with their white counterparts (12%). Among students

identifying as LGBTQ, about half were bullied or harassed because they were, or were thought to be, gay or lesbian.”

***Recommended amendment. Committee staff recommend that the bill be amended as follows:***

Delete the requirements for LEAs to compile, print and mail a Bullying and Harassment Handbook annually to parents and guardians, and instead require that LEAs ensure that all of the information specified for inclusion in the handbook be made readily accessible in a prominent location on the website of the LEA, in a manner that is easily accessible to parents or guardians and students.

***Prior and similar legislation.***

AB 543 (Smith) of this Session, requires each educational institution to create a poster that notifies pupils of the institution’s written policy on sexual harassment and to prominently and conspicuously display the poster in specified public and private areas on campus. This bill is pending before the Higher Education Committee.

AB 493 (Gloria) of this Session, requires schools to provide in-service training to teachers on school site and community resources available for the support of LGBTQ students. This bill is pending before the Assembly Appropriations Committee.

ACR 256 (Reyes) Chapter 166, Statutes of 2018, declares July 27, 2018, as California Bullying Prevention Day, also to be known as Rosie’s Day.

AB 1318 (Chiu) of the 2017-18 Session would have required 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; required annual trainings of school staff on addressing intergroup conflict; required reporting of bullying incidents to the SPI; and requires the CDE to provide specific information on its website related to bias and discrimination and intergroup conflict. This bill was held in the Assembly Appropriations 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.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file

**Opposition**

None on file

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