
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: SB 1411
Author: Runner
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Urgency: No
Consultant: Lenin Del Castillo
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Fiscal: Yes

Subject: Pupil discipline: bullying: notifications

SUMMARY

This bill requires an anti-bullying, "Respect for All" sign, to be posted in a common area of all public schools no later than January 1, 2018.

BACKGROUND

Existing law requires school districts to adopt a policy that prohibits discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics in the Penal Code, as specified, 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. (Education Code § 234.1)

Existing law:

- 1) Requires each school district and county office of education to be responsible for the overall development of all comprehensive school safety plans for its schools. The schoolsite council is required to write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school.
- 2) Authorizes the schoolsite council to delegate responsibility for the development of the school safety plan to a school safety planning committee, composed of the principal, one teacher who is a representative of the recognized certificated employee organization, one parent whose child attends the school, one classified employee who is a representative of the recognized classified employee organization, and other members if desired.
- 3) Requires the comprehensive school safety plan to include (1) an assessment of the current status of school crime committed on school campuses and at school-related functions and (2) identification of appropriate strategies and programs that will provide or maintain a high level of school safety and detail procedures for complying with existing laws; disaster procedures; policies regarding suspension or expulsion; a discrimination and harassment policy; and, a safe and orderly environment conducive to learning.

- 4) Requires the comprehensive school safety plan to be evaluated at least once a year. (Education Code § 32281 and Education Code § 32282)

Existing law also authorizes schools to suspend or recommend for expulsion a student who engages in an act of bullying, which is defined as any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, directed toward one or more students that has or can be reasonably predicted to have the effect of one or more of the following:

- 1) Placing a reasonable student or students in fear of harm to that student's or those students' person or property.
- 2) Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health.
- 3) Causing a reasonable student to experience substantial interference with his or her academic performance.
- 4) Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code § 48900(r)(1))

Existing law defines "electronic act" as the creation or transmission, originated on or off the schoolsite, by means of an electronic device, including but not limited to a telephone, wireless telephone, or other wireless communication device, computer, or pager, of a communication, including but not limited to any of the following:

- 1) A message, text, sounds, or image.
- 2) A post on a social network website including, but not limited to:
 - a) Posting to or creating a burn page, as defined, created for the purpose of having one or more of the effects listed above.
 - b) Creating a credible impersonation of another actual student, as defined, for the purpose of having one or more of the effects listed above.
 - c) Creating a false profile, as defined, for the purpose of having one or more of the effects listed above. (Education Code § 48900(r)(2))

Existing law prohibits a student from being suspended or expelled unless the act is related to a school activity or school attendance. Schools are specifically authorized to suspend or expel a student for acts that are related to a school activity or school attendance that occur at any time, including but not limited to:

- 1) While on school grounds.
- 2) While going to or coming from school.
- 3) During the lunch period whether on or off the campus.
- 4) During, or while going to or coming from, a school-sponsored activity.
(Education Code § 48900(s))

ANALYSIS

This bill:

- 1) Requires the principal of each school, by no later than January 1, 2018, to ensure that a conspicuous notice that is accessible to all pupils is posted in a common area of the school.
- 2) Requires that the first line of the notice include only the words “Respect for All.”
- 3) Requires that under the first line of the notice, there shall be four bulleted notifications as follows:
 - a) “All students are entitled to a fear-free learning environment.”
 - b) “Any student who has been the victim of discrimination, harassment, intimidation, bullying, or cyberbullying by another student should report the incident to a teacher or other school employee.”
 - c) “A student, parent, teacher, or other concerned party may report incidents of bullying or other cases of student victimization to the district superintendent of schools or the county superintendent of schools.”
 - d) “A student found to have threatened, intimidated, or bullied another student may be subject to suspension or recommended for expulsion pursuant to Section 48900 of the Education Code, or to criminal prosecution.”

STAFF COMMENTS

- 1) ***Need for the bill.*** The author’s office indicates that “while bullying was historically dismissed as a rite of passage, modern educators recognize bullying as a systemic problem that is difficult to solve. Bullying is both an impediment to effective education and a painful experience that can scar the victim with sometimes tragic results. Bullying and discrimination based upon ethnicity, religion, or sexual identity can be particularly hurtful. In recent years, cyberbullying has proven to be both prevalent and difficult to control because it occurs outside of the school facility. Despite teacher training and anti-bullying advertising campaigns, the problem persists. Many students and parents are unaware of the anti-bullying provisions within the Education Code.”

- 2) ***Purpose of the sign.*** The author's office indicates that this bill seeks to inform every child that they are entitled to a fear free learning environment and that there is help at their school and beyond the school walls to protect their rights. Specifically, "the objective of posting an actual, tangible "Respect for All" sign in each school is to help deter prospective bullies and to provide some relief to victims by directing them to a path for remediation."
- 3) ***Existing efforts to address bullying.*** Current law 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. Additionally, the State Department of Education (SDE) is required to monitor, through its categorical monitoring process, whether school districts have adopted policies prohibiting discrimination based on the actual or perceived characteristics including disability, gender, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of those characteristics. Further, the SDE is required to monitor whether school districts have adopted a process for receiving and investigating complaints relating to discrimination, harassment, intimidation, and bullying, including a requirement that school personnel who witness such acts take immediate steps to intervene when safe to do so and a timeline for the investigation and resolution of complaints, and an appeal process. SDE is also required to develop an online training module on bullying and cyberbullying for school staff, school administrators, parents, students, and community members.

Given the efforts that are currently in place to address bullying, the committee may wish to consider whether the additional requirements imposed by this measure are necessary.

- 4) ***Prior legislation.***

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

SUPPORT

None received.

OPPOSITION

Anti-Defamation League

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