
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: SB 592
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Consultant: Lynn Lorber
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Fiscal: Yes

Subject: Pupil safety: adolescent relationship abuse prevention

SUMMARY

This bill requires school districts to provide educational programs that promote healthy relationships and prevent adolescent relationship abuse to students in grades 6-12, requires the Superintendent of Public Instruction to provide information for use by schools, and requires school safety plans to include procedures and policies to prevent and respond to adolescent relationship abuse.

BACKGROUND

Current law:

Instruction

1. Requires school districts to ensure that all students in grades 7-12 receive HIV/AIDS prevention education, as specified, from instructors trained in the appropriate courses. Each student must receive this instruction at least once in junior high or middle school and at least once in high school. (Education Code § 51934)
2. Authorizes school districts to provide comprehensive sexual health education, as specified, consisting of age-appropriate instruction, in any grade, using instructors trained in the appropriate courses. (EC § 51933)
3. Authorizes school districts to provide sexual abuse and sex trafficking prevention education, including instruction on the prevalence and nature of sexual abuse and sex trafficking, strategies to reduce their risk, techniques to set healthy boundaries, and how to safely report an incident. (EC § 51950)
4. Provides that parents have the right to excuse their child from all or part of comprehensive sexual health education, HIV/AIDS prevention education, sexual abuse and sex trafficking prevention education, and assessment related to that education. Current law requires school districts to notify the parent of each student about instruction in sexual health and HIV/AIDS prevention and research on student health behaviors and risks planned for the coming year. (EC § 51938)

Curriculum

5. Requires the Instructional Quality Commission, during the next revision of the Health curricular framework, to consider including content that includes healthy boundaries for relationships, how to recognize potentially harmful and abusive relationships, and refusal skills to overcome peer pressure and to avoid high-risk activities. (EC § 33545)

School safety plans

6. 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. Schoolsite councils are required to write and develop a comprehensive school safety plan relevant to the needs and resources of that particular school. Schoolsite councils are authorized to delegate this responsibility to a school safety planning committee. (EC § 32281)
7. Requires school safety plans to include identification of appropriate strategies and programs that will provide a high level of school safety and address the school's procedures for complying with existing laws related to school safety, including the development of numerous plans and procedures. (EC § 32282)

ANALYSIS

This bill requires school districts to provide educational programs that promote healthy relationships and prevent adolescent relationship abuse to students in grades 6-12, requires the Superintendent of Public Instruction (SPI) to provide information for use by schools, and requires school safety plans to include procedures and policies to prevent and respond to adolescent relationship abuse. Specifically, this bill:

Instruction on healthy relationships

1. Requires school districts, beginning July 1, 2016, to provide educational programs to promote healthy relationships and prevent adolescent relationship abuse to students in grades 6-12, through specific curriculum, extracurricular activities, or school climate-improvement activities. This bill authorizes school districts to work in partnership with parents, caregivers, youth, and domestic violence, sexual assault, or other appropriate community-based organizations to provide educational programs. This bill requires school districts to use research-based materials that are appropriate for students of all races, genders, sexual orientations, gender identities, and ethnic and cultural backgrounds, and for students with disabilities.

Information posted online

2. Requires the SPI to provide information on the website of the California Department of Education which may be used by school districts about policies, procedures, and curriculum that are designed to promote healthy relationships

and prevent adolescent relationship abuse among students. This bill requires the information to include, but not be limited to, all of the following:

- A. The legal obligations of, and guidelines for, schools to respond to and prevent adolescent relationship abuse under existing federal and state law.
 - B. Model school adolescent relationship abuse prevention policies.
 - C. Model school healthy relationships promotion and adolescent relationship abuse prevention curriculum and educational programs.
3. Requires the Superintendent of Public Instruction (SPI), in compiling the information, to set forth guidelines for using curriculum that promotes healthy relationships and prevent adolescent relationship abuse. This bill authorizes the SPI to include materials developed by agencies or organizations that the SPI deems appropriate.

School Safety Plans

4. Requires school safety plans to include procedures and policies to prevent and respond to adolescent relationship abuse in middle and high schools serving any of grades 6-12, in collaboration with organizations with expertise in adolescent relationship abuse prevention and response.
5. Encourages the schoolsite council of a middle or high school serving any of grades 6-12, or the school safety planning committee, to consult with local, state, or national organizations with expertise in adolescent relationship abuse prevention and response in developing the adolescent relationship abuse procedures and policies of their school safety plan.

Miscellaneous

6. Provides that this bill is to become operative on July 1, 2016.
7. Defines “adolescent relationship abuse,” which may also be referred to as teen dating violence or teen dating abuse, as physical sexual, verbal, emotional, or technological conduct by a person to harm, threaten, intimidate, or control a dating partner, regardless of whether that relationship is continuing or has concluded, or the number of interactions between the individuals involved.
8. Defines “dating partner” as a person, regardless of sexual orientation, gender identity, or gender expression, who is involved in a relationship with another person, where the relationship is primarily characterized by social contact of a romantic or intimate nature, whether casual, serious, short term, long term, or as otherwise defined by either person.
9. Makes technical and conforming changes, such as changing terminology from “dating violence prevention” to “adolescent relationship abuse prevention” in the School Safety and Violence Prevention Act, and from “teen relationship violence”

to “adolescent relationship abuse” in the School/Law Enforcement Partnership provisions, adds “adolescent relationship abuse” to School/Law Enforcement Partnership provisions.

10. States legislative intent that the Superintendent of Public Instruction (SPI) encourage the provision of educational programs that promote healthy relationships and prevent adolescent relationship abuse to students in grades 6-12, and that schools have access to model policies, procedures, and curriculum.
11. States legislative findings and declarations relative to the effects of adolescent relationship abuse.

STAFF COMMENTS

1. ***Need for the bill.*** According to the author, “Adolescent dating abuse is a pervasive problem with far-reaching, negative impacts on California youth, families, schools, and communities. A major study by the Centers for Disease Control and Prevention found that nearly 1.5 million high school students nationwide experience physical abuse from a dating partner in a single year. Schools have a duty to provide a safe learning environment for all students to be able to learn and grow, and can help play a key role in changing attitudes and behaviors, supporting adolescents in forming healthy relationships, and providing effective interventions when abuse occurs.”
2. ***Existing curriculum and resources.*** This bill requires school districts to provide educational programs through specific curriculum, extracurricular activities, or school climate-improvement activities. This bill does not require school districts to ensure that instruction uniformly meets specific criteria, other than using research-based materials that are appropriate, thereby allowing each school district to determine how to best meet the instructional needs of the district.

The Health standards and framework currently include limited references to healthy dating relationships. Specifically, instruction in grades 9-12 is to include discussion of the characteristics of healthy relationships, dating, committed relationships, and marriage; instruction in grades 7-8 is to use a decision-making process to examine risky social and dating situations, and apply a decision-making process to avoid potentially dangerous situations, such as violence in dating. SB 1165 (Mitchell, Ch. 713, 2014) requires the Instructional Quality Commission to consider, during the next revision of the Health framework, including sexual abuse and sex trafficking prevention education. This bill does not affect the standards or framework.

This bill requires the Superintendent of Public Instruction to post on the website of the California Department of Education (CDE) model school adolescent relationship abuse prevention policies, and model school healthy relationships promotion and adolescent relationship abuse prevention curriculum and educational programs.

The California Department of Education's (CDE) website currently has a link to "resources concerning the prevention of teen dating abuse and technical assistance to help students make decisions about safe relationships," but these resources simply provide definitions of key terms, a link to the Health framework, links to outside entities and school safety programs that do not appear to be directly related to adolescent dating relationships.

<http://www.cde.ca.gov/ls/ss/vp/teendatingvioprev.asp>

3. ***Parental opt-out.*** Current law authorizes school districts to provide comprehensive sexual health education, and requires school districts to ensure that all students receive HIV/AIDS prevention education at least once in junior high or middle school and at least once in high school. Current law provides for parental opt-out of all of parts of HIV/AIDS prevention, sexual health, sexual abuse and sex trafficking prevention education. Existing parental opt-out provisions are specific to instruction that references reproductive organs. Current law does not require options for parental opt-out for violence prevention instruction. This bill does not provide for a parental opt-out, nor does it address instruction regarding reproductive organs.
4. ***Related and prior legislation***

RELATED LEGISLATION

SB 695 (De Leon, 2015) requires school districts that require a course in health education for high school graduation to include instruction in sexual assault and violence in that course. SB 695 requires the Instructional Quality Commission, during the next revision of the Health framework, to consider including a distinct category for grades 9-12 on sexual harassment and violence. SB 695 is scheduled to be heard by this Committee on April 15.

SB 665 (Block, 2015) requires colleges and universities, as a condition of receiving financial aid funding, to contract with a local rape crisis center that is independent from the college or university, requires the Attorney General to establish a statewide Title IX Oversight Office, and requires each student to complete annual training on rape and sexual assault awareness and prevention. SB 665 is scheduled to be heard by this Committee on April 15.

AB 329 (Weber, 2015) requires school districts to provide comprehensive sexual health education to students in grades 7-12. AB 329 is pending in the Assembly Education Committee.

AB 517 (Gallagher, 2015) places the condition of active parental consent on the current authority for school districts to provide comprehensive sexual health or HIV/AIDS prevention education. AB 517 is scheduled to be heard by the Assembly Education Committee on April 8.

PRIOR LEGISLATION

AB 1857 (Fong, 2012) authorized school districts to provide education programs to promote healthy relationships and prevent teen dating abuse to pupils in

grades 7-12, and required the Superintendent of Public Instruction (SPI) to provide model curriculum. AB 1857 was held in the Assembly Appropriations Committee.

AB 1880 (Lara, 2012) required middle and high school safety plans to include policies and procedures to prevent and respond to teen dating abuse in grades 6-12. AB 1880 was held in the Assembly Appropriations Committee.

AB 1373 (Fong, 2011) authorized school districts or the county office of education to provide education programs to promote healthy relationships and prevent teen dating violence to pupils in grades 7-12, and required the SPI to provide information to schools about model programs. SB 1373 was held in the Assembly Appropriations Committee.

SB 13 (Correa, 2011) and SB 1300 (Correa, 2010) would have required schools that elect to provide teen dating violence prevention education to ensure that the instruction meets certain criteria, and requires the State Board of Education to incorporate teen dating violence and sexual violence curriculum into the health curriculum framework. This instruction would have included components about, inappropriate sexual behavior, sexual harassment, sexual violence, and sexual assault. Both bills included parental notification and opt-out provisions. Concerns were raised about blending violence prevention education with sexual health education, and the ability of parents to opt-out of violence prevention education. SB 13 failed passage in this Committee, and SB 1300 failed passage in the Assembly Education Committee.

SUPPORT

California Adolescent Health Collaborative

OPPOSITION

California Right to Life Committee

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