
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair

2015 - 2016 Regular

Bill No: AB 2845
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Urgency: No
Consultant: Lenin DelCastillo
Hearing Date: June 15, 2016
Fiscal: Yes

Subject: School safety: Safe Place to Learn Act

SUMMARY

This bill requires the California Department of Education (CDE), as part of its existing compliance monitoring activities, to assess whether local educational agencies (LEAs) have provided information to certificated staff serving students in any of grades 7-12 and community resources for students who may face bias or bullying, including Arab, Middle Eastern Muslim, Sikh, and South Asian students. The bill also requires the Superintendent of Public Instruction (SPI) to post anti-bullying resources related to affiliation or perceived affiliation with any religious group, including Muslim, on its Web site.

BACKGROUND

Existing law:

- 1) 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. (Education Code § 200, et seq.)
- 2) Requires the CDE to monitor, through its Categorical Program Monitoring process, and assess whether school districts have:
 - a) Adopted policies prohibiting discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics including 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 those actual or perceived characteristics.
 - b) Adopted a process for receiving and investigating complaints relating to discrimination, harassment, intimidation, and bullying, including all of the following:
 - 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

- iii) Publicized to students, parents, employees, the governing board of the district, and the general public, anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies, including information about the manner in which to file a complaint.
- c) Provided information to certificated staff serving grades 7-12 on schoolsite and community resources for lesbian, gay, bisexual, transgender, and questioning (LGBTQ) students. (Education Code § 234.1)

ANALYSIS

This bill:

- 1) Requires the California Department of Education (CDE), as part of its existing compliance monitoring activities, assess whether local educational agencies (LEAs) have provided information to certificated staff serving grades 7-12 on school site and community resources to students subject to bullying, discrimination, or harassment, including for Arab, Middle Eastern, Muslim, Sikh, and South Asian students.
- 2) Requires that the Superintendent of Public Instruction (SPI) post on its Web site, annually update, and provide to each school district, a list of statewide resources, including community-based organizations, that provide support to youth who have been subjected to school-based discrimination, harassment, intimidation, or bullying based on affiliation, or perceived affiliation, with any religious group, including Muslim.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “the negative tone in our national politics has enflamed a disturbing trend of scapegoating and fear mongering of American Muslims. Recently, a rash of hate crimes aimed at Muslims and Sikhs have occurred across the nation, including physical assaults and the defacement of religious sites in California. AB 2845 aims to address potential spikes in bullying and discrimination in our public education system as a result of increased Islamophobia.

According to the Council on American-Islamic Relations (CAIR), California Chapter, 55% of American Muslim students attending California public schools surveyed experience some form of bullying based on their religious identity. This is twice as high as the national statistic for students who report being bullied at school. CAIR-CA also finds that American Muslim youth continue to identify student-teacher relations as needing improvement in addressing such bullying. Similarly, the Sikh Coalition has reported that 50% of Sikh students have encountered school bullying. This number increases significantly for turbaned Sikh students, of which 67% have encountered bullying. In Fresno, 51% of the students surveyed reported that they felt school officials did not respond adequately to bullying incidents. AB 2845 will ensure that school employees will be provided schoolsite and community resources so that our students are

provided the assistance and support they need when faced with school bullying and discrimination.”

- 2) **Utilizes existing processes.** Existing law requires the California Department of Education (CDE) to monitor local educational agencies (LEAs) for adoption of processes for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying, and also requires the CDE to annually post on its Web site and provide to each school district, a list of statewide resources that provide support to youth who have been subjected to these acts. Further, existing law requires LEAs to publicize anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies. This bill requires the CDE, as part of its compliance monitoring activities, to assess whether LEAs have provided information to teachers serving grades 7-12 on schoolsite resources for students who have been subject to these acts, including Arab, Middle Eastern, Muslim, Sikh, and South Asian students.
- 3) **CDE bullying resource Web site.** This bill also requires the CDE to include information on bullying and discrimination based on religious affiliation on its Web site. Pursuant to existing law, the CDE already maintains a page of resources on bullying on its Web site, which provides links to numerous resources for program, policy, and curriculum on this topic. There are resources listed that are specific to bullying of students with disabilities, and bullying of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) students. While some resources mention religious discrimination, there do not appear to be any resources listed which specifically address school-based bullying based on actual or perceived religious affiliation.
- 4) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill would result in General Fund (GF) administrative costs to the CDE of approximately \$20,000 in the first year to add additional resources to the department Web site on school-based discrimination, harassment, intimidation, or bullying on the basis of religious affiliation, or perceived religious affiliation. There would also be ongoing costs of approximately \$10,000 GF to incorporate local educational agency compliance review into the existing Compliance Program Monitoring process.
- 5) **Related legislation.** AB 827 (O'Donnell, Chapter 562, Statutes of 2015) of this Session 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 LGBTQ students.

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, requires the policies to include complaint procedures and alternative discipline policies for pupils who engage in this behavior, and requires the CDE to post anti-bullying resources on its Web site.

SUPPORT

Afghan Coalition
Arc and United Cerebral Palsy California Collaboration
Asian Americans Advancing Justice – California
Asian Law Alliance
American Civil Liberties Union of California
California Immigrant Policy Center
Council on American-Islamic Relations, California Chapter
Islamic Center of San Diego
Islamic Networks Group
Islamic Society of North (San Diego) County
Muslim American Society Public Affairs and Civic Engagement
Muslim Community Center of Greater San Diego
National Association of Social Workers – California Chapter
San Jose Japanese American Citizens League
Santa Barbara Women’s Political Committee
South Bay Islamic Association
Services, Immigrant Rights, and Education Network
Somali Family Service of San Diego, Inc.
South Asian Bar Association of Northern California

OPPOSITION

None received.

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