

Assembly Bill No. 34

CHAPTER 282

An act to add Article 5.6 (commencing with Section 234.6) to Chapter 2 of Part 1 of Division 1 of Title 1 of the Education Code, relating to pupils.

[Approved by Governor September 12, 2019. Filed with Secretary of State September 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 34, Ramos. Pupils: bullying and harassment prevention information.

The Safe Place to Learn Act requires the State Department of Education to assess whether local educational agencies have taken certain actions related to educational equity, including adopting a policy that prohibits discrimination, harassment, intimidation, and bullying based on specified characteristics, such as 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 the specified characteristics. At the beginning of the first semester or quarter of the regular school term, existing law requires the governing board of a school district to notify the parent or guardian of a minor pupil regarding the right or responsibility of the parent or guardian under specified provisions. Existing law requires that notice to include, among other things, a copy of the school district's written sexual harassment policy, as it relates to pupils.

This bill would, commencing with the 2020–21 academic year, require each local educational agency, as defined, to ensure that specified information on bullying and harassment prevention is readily accessible in a prominent location on the local educational agency's existing internet website in a manner that is easily accessible to parents or guardians and pupils. The bill would require local educational agencies to include specified State Department of Education policies and the policies adopted by a local educational agency relating to hate violence, bullying, harassment, discrimination, and suicide prevention and resources relating to these topics. The bill would, contingent upon the enactment of AB 1767 of the 2019–20 Regular Session, also require each local educational agency to ensure that the local educational agency's policy on pupil suicide prevention in kindergarten and grades 1 to 6, inclusive, is readily accessible on the local educational agency's existing internet website, as specified above. By requiring school districts, county offices of education, and charter schools to ensure specified information on bullying and harassment prevention is readily accessible in a prominent location on the local educational agency's existing internet website, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The state has made a commitment to California pupils through expansive bullying prevention guidelines for school districts and school faculty.

(b) While the state has made strides in preventing bullying and harassment, pupils in California and across the country continue to face these challenges. Pupils from diverse backgrounds, especially lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) pupils, disproportionately face bullying and cyberbullying. Approximately 28 percent of pupils in grades 6 through 12, inclusive, have experienced bullying, and 70 percent of young people have witnessed bullying. While nearly 14 percent of pupils have experienced cyberbullying, 55 percent of LGBTQ pupils have reported being cyberbullied.

(c) The prevalence of social media has expanded the spaces where pupils can face bullying away from the schoolsite and onto the internet.

(d) Due to the prevalence of social media among youth, relative invisibility to parents and guardians, and difficulty intervening in cases of cyberbullying, preventing and mitigating the impact of social media bullying has proven a challenge for educators, parents, and guardians.

(e) Bullying can also have a significant impact on a pupil's academic performance, with those most severely victimized often seeing the worst declines. These academic declines can further the negative cycle created by bullying.

(f) Bullying can lead to depression, and, in some cases, self-harm or suicide. Suicide is the second leading cause of death among young people 15 to 24 years of age, inclusive, in the United States, and a nationwide survey in 2015 found that 1 in 6 high school pupils reported seriously considering suicide in the previous year, and more than 1 in 12 reported attempting it.

(g) Ending bullying and harassment will require ongoing social change. Bringing an end to bullying in California will be a continuing challenge to, and needs to be addressed by, the state, local educational agencies, individual teachers, school staff, and administrators, parents, and other members of the community.

(h) Parents and guardians should receive support in identifying and preventing bullying alongside teachers, school staff, administrators, and

others in order to expand the reach of bullying prevention measures beyond the schools.

SEC. 2. Article 5.6 (commencing with Section 234.6) is added to Chapter 2 of Part 1 of Division 1 of Title 1 of the Education Code, to read:

Article 5.6. Bullying and Harassment Prevention Information

234.6. (a) For purposes of this article, “local educational agency” means a county office of education, school district, state special school, or charter school.

(b) Commencing with the 2020–21 academic year, each local educational agency shall ensure that all of the following information is readily accessible in a prominent location on the local educational agency’s existing internet website in a manner that is easily accessible to parents or guardians and pupils:

(1) The local educational agency’s policy on pupil suicide prevention in grades 7 to 12, inclusive, adopted pursuant to Section 215.

(2) The definition of discrimination and harassment based on sex as described in Section 230. This shall include the rights set forth in Section 221.8.

(3) The Title IX information included on a local educational agency’s internet website pursuant to Section 221.61.

(4) A link to the Title IX information included on the department’s internet website pursuant to Section 221.6.

(5) The local educational agency’s written policy on sexual harassment, as it pertains to pupils, prepared pursuant to Section 231.5.

(6) The local educational agency’s policy, if it exists, on preventing and responding to hate violence as described in Section 233.

(7) The local educational agency’s anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies as described in Section 234.1.

(8) The local educational agency’s anti-cyberbullying procedures adopted pursuant to Section 234.4.

(9) A section on social media bullying that includes all of the following references to possible forums for social media bullying:

(A) Internet websites with free registration and ease of registration.

(B) Internet websites offering peer-to-peer instant messaging.

(C) Internet websites offering comment forums or sections.

(D) Internet websites offering image or video posting platforms.

(10) A link to statewide resources, including community-based organizations, compiled by the department pursuant to Section 234.5.

(11) Any additional information a local educational agency deems important for preventing bullying and harassment.

SEC. 2.5. Article 5.6 (commencing with Section 234.6) is added to Chapter 2 of Part 1 of Division 1 of Title 1 of the Education Code, to read:

Article 5.6. Bullying and Harassment Prevention Information

234.6. (a) For purposes of this article, “local educational agency” means a county office of education, school district, state special school, or charter school.

(b) Commencing with the 2020–21 academic year, each local educational agency shall ensure that all of the following information is readily accessible in a prominent location on the local educational agency’s existing internet website in a manner that is easily accessible to parents or guardians and pupils:

(1) The local educational agency’s policy on pupil suicide prevention in grades 7 to 12, inclusive, adopted pursuant to Section 215.

(2) The local educational agency’s policy on pupil suicide prevention in kindergarten and grades 1 to 6, inclusive, adopted pursuant to Section 215, including reference to the age appropriateness of that policy.

(3) The definition of discrimination and harassment based on sex as described in Section 230. This shall include the rights set forth in Section 221.8.

(4) The Title IX information included on a local educational agency’s internet website pursuant to Section 221.61.

(5) A link to the Title IX information included on the department’s internet website pursuant to Section 221.6.

(6) The local educational agency’s written policy on sexual harassment, as it pertains to pupils, prepared pursuant to Section 231.5.

(7) The local educational agency’s policy, if it exists, on preventing and responding to hate violence as described in Section 233.

(8) The local educational agency’s anti-discrimination, anti-harassment, anti-intimidation, and anti-bullying policies as described in Section 234.1.

(9) The local educational agency’s anti-cyberbullying procedures adopted pursuant to Section 234.4.

(10) A section on social media bullying that includes all of the following references to possible forums for social media bullying:

(A) Internet websites with free registration and ease of registration.

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(C) Internet websites offering comment forums or sections.

(D) Internet websites offering image or video posting platforms.

(11) A link to statewide resources, including community-based organizations, compiled by the department pursuant to Section 234.5.

(12) Any additional information a local educational agency deems important for preventing bullying and harassment.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

SEC. 4. Section 2.5 of this bill shall become operative only if Assembly Bill 1767 of the 2019–20 Regular Session is enacted and becomes effective on or before January 1, 2020, in which case Section 2 of this bill shall not

become operative. Section 2 of this bill shall become operative if Assembly Bill 1767 of the 2019–20 Regular Session is not enacted or does not become effective on or before January 1, 2020, in which case Section 2.5 of this bill shall not become operative.