

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2510

Introduced by Assembly Member Lieu

February 23, 2006

An act to amend Section ~~60044~~ of the Education Code, relating to education ~~11605~~ of the Health and Safety Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 2510, as amended, Lieu. Education: ~~instructional materials harassment.~~

Existing law requires the Attorney General to conduct a biennial survey of drug and alcohol use among pupils enrolled in grades 7, 9, and 11, and to prepare and distribute a report on the findings of the survey, as specified.

This bill would provide that the survey shall also assess pupils' experiences with harassment and bullying, as specified. This bill would require the Attorney General to prepare and distribute a separate report focusing on bias-related discrimination and harassment incidents, as specified.

~~Existing law prohibits a governing board of a school district from adopting for use in the schools any instructional materials that contain any matter that would reflect adversely upon any person because of specified attributes or any doctrine or propaganda, as specified.~~

~~This bill would make a technical, nonsubstantive change to existing law.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

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

1 *SECTION 1. Section 11605 of the Health and Safety Code is*
2 *amended to read:*

3 11605. (a) Commencing with the 1991–92 fiscal year, the
4 Attorney General, in consultation with the Governor’s Policy
5 Council on Alcohol and Drug Abuse, shall conduct a biennial
6 survey of drug and alcohol use *and experience with harassment*
7 *and bullying* among pupils enrolled in grades 7, 9, and 11. The
8 survey shall assess all of the following:

9 (1) The frequency and type of substance abuse.

10 (2) The age of first use and intoxication.

11 (3) Pertinent attitudes and experiences of pupils.

12 (4) The experience of pupils with school-based drug and
13 alcohol prevention programs.

14 (5) *The experience of pupils with harassment and bullying,*
15 *including bias-related discrimination and harassment based on*
16 *the characteristics set forth in Section 220 of the Education Code*
17 *and Section 422.55 of the Penal Code, including:*

18 (A) *The frequency and type of harassment and bullying,*
19 *including bias-related discrimination and harassment incidents,*
20 *including, but not limited to, verbal harassment and physical*
21 *assaults.*

22 (B) *The location of harassment and bullying, including,*
23 *bias-related discrimination and harassment incidents, including,*
24 *but not limited to, school property, on a school bus, at a*
25 *school-sponsored activity or event off school property, and on*
26 *the way to and from school.*

27 (C) *The pupil’s ability to report and frequency of reporting*
28 *harassment and bullying, including bias-related discrimination*
29 *and harassment incidents.*

30 (D) *The outcome of reporting harassment and bullying,*
31 *including bias-related discrimination and harassment incidents.*

32 (E) *The experience of pupils with school-based programs that*
33 *address harassment and bullying, including bias-related*
34 *discrimination and harassment.*

35 (6) As an optional component, the survey may examine the
36 risk factors associated with school dropouts.

37 (b) The biennial survey shall be based on a statewide sample
38 of pupils enrolled in grades 7, 9, and 11 and shall be consistent

1 with the surveys conducted by the office of the Attorney General
2 in the 1985–86, 1987–88, and 1989–90 fiscal years.

3 (c) The Attorney General shall release the findings of the
4 survey on or before May of each even-numbered year and shall
5 prepare and distribute a report on the ~~survey~~ *overall survey*
6 *results and a separate report focusing on bias-related*
7 *discrimination and harassment incidents disaggregated by race,*
8 *ethnicity, gender, and sexual orientation* to the Legislature, the
9 Governor, the Superintendent of Public Instruction, law
10 enforcement agencies, school districts, and interested members of
11 the general public.

12 (d) In conducting the survey, the Attorney General shall
13 ensure that the confidentiality of participating school districts and
14 pupils shall be maintained. Pupil questionnaires and answer
15 sheets shall be exempt from the public disclosure requirements
16 prescribed by Chapter 3.5 (commencing with Section 6250) of
17 Division 7 of Title 1 of the Government Code.

18 (e) Persons reporting data pursuant to the requirements of this
19 article shall not be liable for damages in any action based upon
20 the use or misuse of pupil surveys that are mailed or otherwise
21 transmitted to the Attorney General, or his or her designee.

22 (f) The requirements prescribed by this article shall continue
23 to be funded with the existing resources of the Attorney General.

24 ~~SECTION 1. Section 60044 of the Education Code is~~
25 ~~amended to read:~~

26 ~~60044. Instructional materials shall not be adopted by any~~
27 ~~governing board for use in the schools which, in its~~
28 ~~determination, contains:~~

29 ~~(a) Any matter reflecting adversely upon persons because of~~
30 ~~their race, color, creed, national origin, ancestry, sex, handicap,~~
31 ~~or occupation.~~

32 ~~(b) Any sectarian or denominational doctrine or propaganda~~
33 ~~contrary to law.~~