

AMENDED IN ASSEMBLY MAY 23, 2008

AMENDED IN ASSEMBLY APRIL 23, 2008

AMENDED IN ASSEMBLY APRIL 3, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2762

**Introduced by Assembly Member Eng
(Coauthors: Assembly Members Brownley, Coto, Huffman,
Karnette, and Ma)**

February 22, 2008

An act to add Section 44014.5 to, and to add and repeal Article 12 (commencing with Section 285) of Chapter 2 of Part 1 of Division 1 of Title 1 of the Education Code, relating to curriculum. An act to add Section 44014.5 to the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2762, as amended, Eng. ~~Curriculum: diversity education. School districts.~~

(1) ~~Existing law authorizes the Superintendent of Public Instruction to develop a human relations pilot project with the goal of fostering cooperation and promoting positive interaction among pupils of different racial and ethnic groups.~~

~~This bill would establish the Diversity Education Pilot Program, which would authorize the State Department of Education to award \$25,000 to 5 schools, for necessary resources and tools to deal with incidents of hate crime or intergroup conflict on school campuses. The bill would repeal these provisions on January 1, 2013.~~

(2)

(1) Existing law requires any employee of a school district and any person under whose direction or supervision the employee is employed in the public school system who has knowledge of an incident in which an employee of a school district or of the office of a county superintendent of schools is attacked, assaulted, or physically threatened by any pupil, to promptly report the incident to the appropriate law enforcement authorities of the county or city in which the incident occurred. Failure to make the report is an infraction punishable by a fine of not more than \$1,000.

This bill would require an employee of a school who becomes aware that an act of harassment or discrimination has occurred, or that a terrorist threat was made, that would make a pupil subject to suspension or expulsion, to report the incident to the school principal immediately. This bill would require the school principal or the superintendent of the school district to investigate the report and to take prompt and appropriate action to end the harassment, discrimination, or threats.

Because this bill would require local officials to perform additional duties, this bill would create a state-mandated local program.

(3)

(2) 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.

The 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 these statutory provisions.

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

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

- 1 ~~SECTION 1. This act shall be known and may be cited as~~
- 2 ~~Larry's Law.~~
- 3 ~~SEC. 2. Article 12 (commencing with Section 285) is added~~
- 4 ~~to Chapter 2 of Part 1 of Division 1 of Title 1 of the Education~~
- 5 ~~Code, to read:~~

1 Article 12. The Diversity Education Pilot Program

2
3 285. This article shall be known, and may be cited, as the
4 Diversity Education Pilot Program. The Diversity Education Pilot
5 Program is hereby established and shall be administered by the
6 department.

7 285.1. The purpose of the Diversity Education Pilot Program
8 is as follows:

9 (a) To provide schools, pupils, teachers, parents, and
10 administrators with the necessary resources and tools to deal with
11 incidents of hate crime or intergroup conflict on school campuses.

12 (b) To integrate culturally relevant elements and strategies in
13 the core curricula that foster respect for differences, including the
14 development or acquisition of curricula and instructional materials
15 for the purpose of improving conflict or dispute resolution skills
16 of pupils, teachers, and administrators.

17 (c) To provide professional training and development for
18 teachers and administrators to understand the causes, effects, and
19 resolution of hate crimes or hate-based conflicts, and to support
20 subdivision (b).

21 (d) To improve and implement safe school crisis intervention
22 plans to minimize the impact or extent of intergroup violence or
23 conflict on campuses and their disruption of the educational
24 process, and to use these crises as valuable opportunities for
25 integrating human relations lessons for pupils, teachers, parents,
26 and communities into school programs and culture.

27 (e) To establish community partnership programs to combat
28 harassment and prejudice in the school and community, and to
29 establish workshops and other activities to increase parent and
30 family involvement.

31 (f) To adopt and implement a written antiharassment and
32 antihate policy that is in full compliance with applicable laws and
33 is clearly communicated, at least annually, to all members of the
34 school community so that school personnel and pupils are held
35 accountable for their actions.

36 (g) Develop guidelines and procedures for collaboration with
37 law enforcement officials, make appropriate referrals to outside
38 agencies, and designate liaison personnel.

39 285.2. (a) A school may apply to the department to participate
40 in the Diversity Education Pilot Program.

1 (b) ~~The department shall select five schools to participate in the~~
2 ~~program.~~

3 (e) ~~Each school that is selected shall receive a one-time grant~~
4 ~~of twenty-five thousand dollars (\$25,000) to be used for the~~
5 ~~purposes listed in Section 285.1.~~

6 ~~285.3.— A school may apply to the department for a grant~~
7 ~~pursuant to this article by submitting an application that includes~~
8 ~~all of the following:~~

9 (a) ~~A description of the school district, including demographic~~
10 ~~information and the number of enrolled pupils.~~

11 (b) ~~A description of the hate crime or conflict problems within~~
12 ~~the school.~~

13 (c) ~~A description of the impact the incident has had on the~~
14 ~~learning environment.~~

15 (d) ~~A description of proposed activities and programs designed~~
16 ~~to restore learning environment.~~

17 (e) ~~A description of procedures to ensure proper and efficient~~
18 ~~administration of the program.~~

19 (f) ~~A cost analysis.~~

20 ~~285.4.— Each school that receives funding pursuant to this article~~
21 ~~shall submit a report to the department on the effectiveness of the~~
22 ~~program and its use of the funds within three years of their receipt.~~

23 ~~285.8.— Implementation of this article is contingent upon funding~~
24 ~~made available for its purposes in the annual Budget Act or other~~
25 ~~statute.~~

26 ~~285.9.— This article shall remain in effect only until January 1,~~
27 ~~2013, and as of that date is repealed, unless a later enacted statute,~~
28 ~~that is enacted before January 1, 2013, deletes or extends that date.~~

29 ~~SEC. 3.~~

30 *SECTION 1.* Section 44014.5 is added to the Education Code,
31 to read:

32 44014.5. (a) If an employee of a school becomes aware that
33 an act of harassment or discrimination has occurred, or that a
34 terrorist threat was made, that would make a pupil subject to
35 suspension or expulsion under Section 48900.3, 48900.4, or
36 48900.7, it shall be the duty of the employee to report the incident
37 to the school principal immediately.

38 (b) Upon receiving a report that an act of harassment or
39 discrimination has occurred, or that a terrorist threat was made, a

1 school principal shall initiate an investigation of the report
2 immediately and notify the superintendent of the school district.

3 (c) If a report that an act of harassment or discrimination has
4 occurred, or that a terrorist threat was made, that involves a school
5 principal, the superintendent of the school district shall investigate
6 the report immediately.

7 (d) If, after an investigation, the school principal or the
8 superintendent of the school district concludes that harassment,
9 discrimination, or a terrorist threat has occurred, he or she shall
10 take prompt and appropriate action to end the harassment,
11 discrimination, or threats. The principal of the school or the
12 superintendent of the school district also shall advise the victim
13 and his or her parents or guardian of any other remedies that may
14 be available. Prompt and appropriate action shall include, but is
15 not necessarily limited to, the following:

16 (1) Disciplinary action.

17 (2) Counseling and education for the pupils involved and their
18 parents or guardian.

19 (e) The principal of the school or the superintendent of the
20 school district also may notify law enforcement authorities of the
21 county or city in which the incident occurred.

22 ~~SEC. 4.~~

23 *SEC. 2.* If the Commission on State Mandates determines that
24 this act contains costs mandated by the state, reimbursement to
25 local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.