

AMENDED IN SENATE AUGUST 16, 2016  
AMENDED IN ASSEMBLY APRIL 26, 2016  
AMENDED IN ASSEMBLY APRIL 12, 2016  
AMENDED IN ASSEMBLY MARCH 17, 2016  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2845**

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**Introduced by Assembly Member Williams**  
*(Coauthor: Assembly Member McCarty)*

February 19, 2016

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An act to amend Sections 234.1 and 234.5 of the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2845, as amended, Williams. School safety: Safe Place to Learn Act.

Existing law establishes the system of public elementary and secondary schools in this state, and provides for the establishment of local educational agencies to operate these schools and provide instruction to pupils. Existing law states the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified characteristic, equal rights and opportunities in the educational institutions of the state. Existing law, the Safe Place to Learn Act, requires the State Department of Education, as part of its regular monitoring and review of a local educational agency, to assess whether the local educational agency has, among other things, adopted a policy

that prohibits discrimination, harassment, intimidation, and bullying, as specified, and has publicized that policy to pupils, parents, employees, agents of the governing board, and the general public.

Existing law also requires the department to assess whether the local educational agency has provided to certificated schoolsite employees who serve pupils in any of grades 7 to 12, inclusive, information on existing schoolsite and community resources related to the support of lesbian, gay, bisexual, transgender, and questioning pupils, as specified.

This bill would express legislative findings and declarations relating to pupils who are subject to verbal, physical, and online harassment. The bill would add the support of pupils who face bias or bullying on the basis of religious affiliation, or perceived religious affiliation.

Existing law requires the Superintendent of Public Instruction to post, and annually update, on the department's Internet Web site 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, and their families.

This bill would instead provide that that list include statewide resources, including community-based organizations, that provide support to youth, and their families, who have been subjected to school-based discrimination, harassment, intimidation, or bullying on the basis of religious affiliation, *nationality, race, or ethnicity*, or perceived religious ~~affiliation~~. *affiliation, nationality, race, or ethnicity*.

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

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

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) All pupils deserve and need safe and supportive school
- 4 environments in which to learn.
- 5 (2) Pupils who are Muslim, Sikh, or of South Asian descent
- 6 often face verbal, physical, or online harassment, all of which have
- 7 significant effects on their academic achievement and mental
- 8 health.
- 9 (3) Recent reports indicate that more than half of Muslim and
- 10 Sikh pupils in California report that they have faced verbal threats
- 11 or insults, cyberbullying, or physical assaults.

1 (4) The federal government has recognized the harm that is  
2 caused by such bullying, and has called upon Muslim parents to  
3 contact the United States Department of Justice or the United States  
4 Department of Education if their children are bullied at school.  
5 The White House has initiated the Asian American and Pacific  
6 Islander Bullying Prevention Task Force in response to concerns  
7 about the bullying of Muslim, Sikh, and Asian American pupils.

8 (5) Multiple studies demonstrate that pupils who face bullying  
9 suffer academically. Bullying is also linked to negative outcomes,  
10 including impacts on mental health, substance use, and suicide.

11 (6) Research demonstrates that Muslim, Sikh, and other pupils  
12 who face hate-based bias and bullying in school do not report these  
13 incidents to school staff, primarily because they believe that school  
14 staff are not trained to address these issues.

15 (7) Creating supportive learning environments improves pupil  
16 performance.

17 (8) The United States Department of Education provides  
18 numerous resources for schools to support pupils who are facing  
19 bullying due to their religion, race, or national origin. These  
20 resources were highlighted in an open letter dated December 31,  
21 2015, and sent by the United States Secretary of Education to  
22 education administrators throughout the nation.

23 (b) The Legislature therefore encourages school districts, county  
24 offices of education, and charter schools to provide information  
25 on existing schoolsite and community resources to educate  
26 teachers, administrators, and other school staff on the support of  
27 Muslim, Sikh, and other pupils who may face anti-Muslim bias  
28 and bullying, as required by subdivision (d) of Section 234.1 of  
29 the Education Code.

30 SEC. 2. Section 234.1 of the Education Code is amended to  
31 read:

32 234.1. The department, pursuant to subdivision (b) of Section  
33 64001, shall monitor adherence to the requirements of Chapter 5.3  
34 (commencing with Section 4900) of Division 1 of Title 5 of the  
35 California Code of Regulations and this chapter as part of its  
36 regular monitoring and review of local educational agencies,  
37 commonly known as the Categorical Program Monitoring process.  
38 The department shall assess whether local educational agencies  
39 have done all of the following:

1 (a) Adopted a policy that prohibits discrimination, harassment,  
 2 intimidation, and bullying based on the actual or perceived  
 3 characteristics set forth in Section 422.55 of the Penal Code and  
 4 Section 220 of this code, and disability, gender, gender identity,  
 5 gender expression, nationality, race or ethnicity, religion, sexual  
 6 orientation, or association with a person or group with one or more  
 7 of these actual or perceived characteristics. The policy shall include  
 8 a statement that the policy applies to all acts related to school  
 9 activity or school attendance occurring within a school under the  
 10 jurisdiction of the superintendent of the school district.

11 (b) Adopted a process for receiving and investigating complaints  
 12 of discrimination, harassment, intimidation, and bullying based  
 13 on any of the actual or perceived characteristics set forth in Section  
 14 422.55 of the Penal Code and Section 220 of this code, and  
 15 disability, gender, gender identity, gender expression, nationality,  
 16 race or ethnicity, religion, sexual orientation, or association with  
 17 a person or group with one or more of these actual or perceived  
 18 characteristics. The complaint process shall include, but not be  
 19 limited to, all of the following:

20 (1) A requirement that, if school personnel witness an act of  
 21 discrimination, harassment, intimidation, or bullying, they shall  
 22 take immediate steps to intervene when safe to do so.

23 (2) A timeline to investigate and resolve complaints of  
 24 discrimination, harassment, intimidation, or bullying that shall be  
 25 followed by all schools under the jurisdiction of the school district.

26 (3) An appeal process afforded to the complainant should he or  
 27 she disagree with the resolution of a complaint filed pursuant to  
 28 this section.

29 (4) All forms developed pursuant to this process shall be  
 30 translated pursuant to Section 48985.

31 (c) Publicized antidiscrimination, anti-harassment,  
 32 anti-intimidation, and antibullying policies adopted pursuant to  
 33 subdivision (a), including information about the manner in which  
 34 to file a complaint, to pupils, parents, employees, agents of the  
 35 governing board, and the general public. The information shall be  
 36 translated pursuant to Section 48985.

37 (d) (1) Provided, incident to the publicizing described in  
 38 subdivision (c), to certificated schoolsite employees who serve  
 39 pupils in any of grades 7 to 12, inclusive, who are employed by  
 40 the local educational agency, information on existing schoolsite

1 and community resources related to the support of lesbian, gay,  
2 bisexual, transgender, and questioning (LGBTQ) pupils, or related  
3 to the support of pupils who may face bias or bullying on the basis  
4 of religious affiliation, or perceived religious affiliation.

5 (2) As used in this subdivision, both of the following apply:

6 (A) Schoolsite resources may include, but are not limited to,  
7 peer support or affinity clubs and organizations, safe spaces for  
8 LGBTQ or other at-risk pupils, counseling services, staff who have  
9 received antibias or other training aimed at supporting these pupils  
10 or who serve as designated support to these pupils, health and other  
11 curriculum materials that are inclusive of, and relevant to, these  
12 pupils, online training developed pursuant to Section 32283.5, and  
13 other policies adopted pursuant to this article, including related  
14 complaint procedures.

15 (B) Community resources may include, but are not limited to,  
16 community-based organizations that provide support to LGBTQ  
17 or other at-risk pupils and their families, and physical and mental  
18 health providers with experience or training in treating or  
19 supporting these pupils.

20 (e) Posted the policy established pursuant to subdivision (a) in  
21 all schools and offices, including staff lounges and pupil  
22 government meeting rooms.

23 (f) Maintained documentation of complaints and their resolution  
24 for a minimum of one review cycle.

25 (g) Ensured that complainants are protected from retaliation  
26 and that the identity of a complainant alleging discrimination,  
27 harassment, intimidation, or bullying remains confidential, as  
28 appropriate.

29 (h) Identified a responsible local educational agency officer for  
30 ensuring school district or county office of education compliance  
31 with the requirements of Chapter 5.3 (commencing with Section  
32 4900) of Division 1 of Title 5 of the California Code of Regulations  
33 and this chapter.

34 (i) Nothing in this section shall be construed to require school  
35 employees to engage with religious institutions in the course of  
36 identifying community support resources pursuant to this section.

37 SEC. 3. Section 234.5 of the Education Code is amended to  
38 read:

39 234.5. (a) The Superintendent shall post, and annually update,  
40 on the department's Internet Web site and provide to each school

1 district a list of statewide resources, including community-based  
2 organizations, that provide support to youth, and their families,  
3 who have been subjected to school-based discrimination,  
4 harassment, intimidation, or bullying, including school-based  
5 discrimination, harassment, intimidation, or bullying on the basis  
6 of religious affiliation, *nationality, race, or ethnicity*, or perceived  
7 ~~religious affiliation~~ *affiliation, nationality, race, or ethnicity*.

8 (b) The department's Internet Web site shall also include a list  
9 of statewide resources for youth who have been affected by gangs,  
10 gun violence, and psychological trauma caused by violence at  
11 home, at school, and in the community.

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