

Introduced by Senator Runner

February 19, 2016

An act to add Sections 32261.5 and 48901.3 to the Education Code, relating to pupil discipline.

LEGISLATIVE COUNSEL'S DIGEST

SB 1411, as introduced, Runner. Pupil discipline: suspensions and expulsions: bullying: investigations: notifications.

Existing law, the Interagency School Safety Demonstration Act of 1985, requires school districts and county offices of education to be responsible for the overall development of comprehensive school safety plans for its schools operating kindergarten or any of grades 1 to 12, inclusive. The act establishes the School/Law Enforcement Partnership, comprised of the Superintendent of Public Instruction and the Attorney General, whose duties include, among others, the development of programs and policies necessary to implement the provisions of the Education Code relating to school safety plans. Existing law prohibits the suspension, or recommendation for expulsion, of a pupil from school unless the superintendent of the school district or the principal of the school determines that the pupil has committed any of various specified acts, including, but not limited to, engaging in an act of bullying or willfully using force or violence upon the person of another unless in self-defense. For a pupil subject to such discipline, existing law authorizes a superintendent of the school district or principal to use his or her discretion to provide alternatives to suspension or expulsion that are age appropriate and designed to address and correct the pupil's specific misbehavior.

This bill would authorize the Superintendent to investigate complaints of bullying or other cases of pupil victimization at his or her discretion,

and would authorize the Superintendent to share that information with state or local law enforcement agencies. The bill also would, by no later than January 1, 2018, require the principal of each public school to ensure that a conspicuous notice, as specified and relating to pupil victimization reporting, that is accessible to all pupils is posted in a common area of the school. By imposing additional duties on school officials, the bill would impose a state-mandated local program. The bill also would specifically prohibit a pupil from being suspended, recommended for expulsion, or otherwise punished if the pupil only responded with reasonable force to an unjustified physical attack upon himself or herself, or upon another pupil.

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 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. Section 32261.5 is added to the Education Code,
- 2 to read:
- 3 32261.5. (a) The Superintendent may investigate complaints
- 4 of bullying or other cases of pupil victimization at his or her
- 5 discretion, and may share that information with state or local law
- 6 enforcement agencies.
- 7 (b) The principal of each public school shall, by no later than
- 8 January 1, 2018, ensure that a conspicuous notice that is accessible
- 9 to all pupils is posted in a common area of the school, as follows:
- 10 (1) The first line of the notice shall include only the words
- 11 “Respect for All.”
- 12 (2) Under the first line of the notice there shall be five bulleted
- 13 notifications, as follows:
- 14 (A) “All students are entitled to a fear-free learning
- 15 environment.”
- 16 (B) “Any student who has been the victim of discrimination,
- 17 harassment, intimidation, bullying, or cyberbullying by another

1 student should report the incident to a teacher or other school
2 employee.”

3 (C) “A student, parent, teacher, or other concerned party may
4 report incidents of bullying or other cases of student victimization
5 to the Superintendent of Public Instruction.”

6 (D) “The Superintendent of Public Instruction has the authority
7 to investigate complaints of bullying or other cases of student
8 victimization at his or her discretion, and may share that
9 information with state or local law enforcement agencies.

10 (E) “A student found to have threatened, intimidated, or bullied
11 another student may be subject to suspension or recommended for
12 expulsion pursuant to Section 48900 of the Education Code, or to
13 criminal prosecution.”

14 SEC. 2. Section 48901.3 is added to the Education Code, to
15 read:

16 48901.3. Notwithstanding any other provision of this article,
17 a pupil who only responds with reasonable force to an unjustified
18 physical attack upon himself or herself, or upon another pupil,
19 shall not be suspended or recommended for expulsion pursuant to
20 Section 48900 or otherwise punished pursuant to this article.

21 SEC. 3. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.