

Assembly Bill No. 1785

Passed the Assembly August 30, 2000

Chief Clerk of the Assembly

Passed the Senate August 29, 2000

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2000, at _____ o'clock ____M.

Private Secretary of the Governor



CHAPTER _____

An act to amend Sections 233, 32228, 32228.1, 44253.2, and 44253.3 of the Education Code, and to amend Sections 628, 628.1, 628.2, and 628.5 of the Penal Code, relating to hate violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 1785, Villaraigosa. Hate violence.

(1) Existing law requires the State Board of Education to revise as specified, the state curriculum frameworks and guidelines and the moral and civic education curricula to include human relations education, with the aim of fostering an appreciation of people of different ethnicities.

This bill instead would require the State Board of Education to revise the state curriculum frameworks and guidelines and the moral and civic education curricula to include human relations education, with the aim of fostering an appreciation of the diversity of California's population and discouraging the development of discriminatory attitudes and practices.

(2) Existing law states the Legislature's intent relating to school safety and violence prevention and that schoolsites receiving funds accomplish specified goals.

This bill would state the Legislature's additional intent that public schools have access to supplemental resources to combat bias based on membership in specified groups or classifications, and to prevent and respond to acts of hate violence and bias related incidents. The bill would also state additional goals for schoolsites receiving funds to include programs and curricula relating to bias, stereotyping, and discrimination as specified.

(3) Existing law empowers the Commission on Teacher Credentialing to issue a certificate that authorizes the holder of the certificate to provide various services to limited-English-proficient pupils. Minimum requirements are specified for issuance of that certificate.



This bill would add a course in human relations as a prerequisite to obtaining the above credential and would define culture and cultural diversity to mean an understanding of human relations as specified.

(4) Existing law requires that school districts report on crimes committed on school grounds, as specified. Existing law requires the State Department of Education, in consultation with the Department of Justice and a representative selection of school districts, to develop a standard school crime reporting form. Existing law requires the department to identify guidelines for reporting, and documentation for validating, the incidents of each crime description included on the standard school crime reporting forms, as specified.

This bill would require the department to specifically include reporting of hate motivated incidents and hate crimes, as defined, on the standard school crime reporting form. This bill would also require the department to establish reporting guidelines and documentation for validation criteria for hate crimes, as defined. By increasing the reporting duty of school districts, this bill would impose a state-mandated local program.

(5) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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.

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

SECTION 1. The Legislature finds and declares the following:



(a) Hate motivated incidents and hate crimes jeopardize the safety and well-being of all students and staff and are injurious to those victimized by such behavior. Unfortunately, there has been an increasing level of hate motivated incidents and hate crimes in our schools and communities.

(b) Current law requires school districts to report crime statistics to the State Department of Education for compilation in the annual California Safe Schools Assessment. However, the ongoing collection of information on the number of hate crimes and hate motivated incidents on school grounds is not part of the compilation.

(c) In 1999, the Legislature enacted the Carl Washington School Safety and Violence Prevention Act, and appropriated one hundred million dollars (\$100,000,000) for its purposes. Preventing and responding to acts of hate violence should be an explicit priority for expenditure.

(d) It should be the goal of the state to insure that students, teachers, administrators, and support staff appreciate and respect diversity, understand the roles and contributions of people of diverse groups, and are prepared to interact harmoniously, work productively, and thrive personally in a pluralistic society.

(e) Better data collection of hate motivated incidents and hate crimes will provide useful information, locally and at the state level, to assist in targeting limited resources with greater effectiveness.

SEC. 2. Section 233 of the Education Code is amended to read:

233. (a) At the request of the Superintendent of Public Instruction, the State Board of Education shall do all of the following as long as the board's actions do not result in a state mandate or an increase in costs to a state or local program:

(1) Adopt policies directed toward creating a school environment in kindergarten and grades 1 to 12, inclusive, that is free from discriminatory attitudes and practices and acts of hate violence.



(2) Revise, as needed, and in accordance with the State Board of Education's adopted Schedule for Curriculum Framework Development and Adoption of Instructional Materials developed pursuant to Section 60200, the state curriculum frameworks and guidelines and the moral and civic education curricula to include human relations education, with the aim of fostering an appreciation of the diversity of California's population and discouraging the development of discriminatory attitudes and practices.

(3) Establish guidelines for use in teacher and administrator in-service training programs to promote an appreciation of diversity and to discourage the development of discriminatory attitudes and practices that prevent pupils from achieving their full potential.

(4) Establish guidelines for use in teacher and administrator in-service training programs designed to enable teachers and administrators to prevent and respond to acts of hate violence occurring on their school campuses.

(5) Establish guidelines designed to raise the awareness and sensitivity of teachers, administrators, and school employees to potentially prejudicial and discriminatory behavior and to encourage the participation of these groups in these programs.

(6) Develop guidelines relating to the development of nondiscriminatory instructional and counseling methods.

(7) Revise any appropriate guidelines previously adopted by the board to include procedures for preventing and responding to acts of hate violence.

(b) The State Department of Education, in accordance with policies established by the State Board of Education for purposes of this subdivision, shall do all of the following:

(1) Prepare guidelines for the design and implementation of local programs and instructional curricula that promote understanding, awareness, and appreciation of the contributions of people with diverse backgrounds and of harmonious relations in a diverse society. The guidelines shall include methods of



evaluating the programs and curricula and suggested procedures to ensure coordination of the programs and curricula with appropriate local public and private agencies.

(2) Provide grants, from funds appropriated for that purpose, to school districts and county offices of education to develop programs and curricula consistent with the guidelines developed in paragraph (1).

(3) To the extent possible, provide advice and direct services, consistent with the guidelines developed in paragraph (1), to school districts and county offices of education that implement the programs and curricula developed in paragraph (2).

(c) The State Board of Education shall carry out this section only if private funds, in an amount sufficient to pay for related State Department of Education staff activities on behalf of the board, are made available.

(d) Nothing in this section shall be construed to require the governing board of a school district to offer any ethnic studies or human relations courses in the district.

(e) As used in this section, “hate violence” means any act punishable under Section 422.6, 422.7, or 422.75 of the Penal Code.

SEC. 3. Section 32228 of the Education Code is amended to read:

32228. (a) It is the intent of the Legislature that public schools serving pupils in kindergarten or any of grades 1 to 12, inclusive, have access to supplemental resources to establish programs and strategies that promote school safety and emphasize violence prevention among children and youth in the public schools.

(b) It is also the intent of the Legislature that public schools have access to supplemental resources to combat bias on the basis of race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, as defined in subdivision (q) of Section 12926 of the Government Code, and to prevent and respond to acts of hate violence



and bias related incidents. Sexual orientation shall not include pedophilia.

(c) It is further the intent of the Legislature that schoolsites receiving funds pursuant to this article accomplish all of the following goals:

(1) Teach pupils techniques for resolving conflicts without violence.

(2) Train school staff and administrators to support and promote conflict resolution and mediation techniques for resolving conflicts between and among pupils.

(3) Reduce incidents of violence at the schoolsite with an emphasis on prevention and early detection.

SEC. 4. Section 32228.1 of the Education Code is amended to read:

32228.1. (a) The School Safety and Violence Prevention Act is hereby established. This statewide program shall be administered by the Superintendent of Public Instruction, who shall provide funds to school districts serving pupils in kindergarten or any of grades 1 to 12, inclusive, for the purpose of promoting school safety and reducing schoolsite violence. As a condition of receiving funds pursuant to this article, an eligible school district shall certify, on forms and in a manner required by the Superintendent of Public Instruction, that the funds will be used as described

(b) From funds appropriated in the annual Budget Act or any other measure, funds shall be allocated to school districts on the basis of prior year enrollment, as reported by the California Basic Educational Data System, of pupils in kindergarten or any of grades 1 to 12, inclusive, for any one or more of the following purposes:

(1) Providing schools with personnel, including, but not limited to, licensed or certificated school counselors, school social workers, school nurses, and school psychologists, who are trained in conflict resolution. Any law enforcement personnel hired pursuant to this article shall be trained and sworn peace officers.



(2) Providing effective and accessible on-campus communication devices and other school safety infrastructure needs.

(3) Establishing an in-service training program for school staff to learn to identify at-risk pupils, to communicate effectively with those pupils, and to refer those pupils to appropriate counseling.

(4) Establishing cooperative arrangements with local law enforcement agencies for appropriate school-community relationships.

(5) Preventing and responding to acts of hate violence and bias related incidents, including implementation of programs and instructional curricula consistent with the goals set forth in this section and guidelines developed pursuant to paragraph (1) of subdivision (b) of Section 233.

(6) For any other purpose that the school or school district determines that would materially contribute to meeting the goals and objectives of current law in providing for safe schools and preventing violence among pupils.

SEC. 5. Section 44253.2 of the Education Code is amended to read:

44253.2. For the purposes of this chapter, the following terms shall have the following meanings, unless the context otherwise requires:

(a) “Instruction for English language development” means instruction designed specifically for limited-English-proficient pupils to develop their listening, speaking, reading, and writing skills in English.

(b) “Specially designed content instruction delivered in English” means instruction in a subject area, delivered in English, that is specially designed to meet the needs of limited-English-proficient pupils.

(c) “Content instruction delivered in the primary language” means instruction in a subject area delivered in the primary language of the pupil.

(d) “Instruction for primary language development” means instruction designed to develop a pupil’s listening,



speaking, reading, and writing skills in the primary language of the pupil.

(e) “Culture and cultural diversity” means an understanding of human relations, including the following:

- (1) The nature and content of culture.
- (2) Cross cultural contact and interactions.
- (3) Cultural diversity in the United States and California.
- (4) Approaches to providing instruction responsive to the diversity of the student population.
- (5) Recognizing and responding to behavior related to bias based on race, color, religion, nationality, country of origin, ancestry, gender, disability, or sexual orientation.
- (6) Techniques for the peaceful resolution of conflict.

SEC. 6. Section 44253.3 of the Education Code is amended to read:

44253.3. (a) The commission shall issue a certificate that authorizes the holder to provide all of the following services to limited-English-proficient pupils:

(1) Instruction for English language development in preschool, kindergarten, grades 1 to 12, inclusive, and classes organized primarily for adults, except when the requirement specified in paragraph (1) of subdivision (b) of Section 44253.3 is satisfied by the possession of a children’s center instructional permit pursuant to Sections 8363 and 44252.7, a children’s center supervision permit pursuant to Section 8363, or a designated subjects teaching credential in adult education pursuant to Section 44260.2. If the requirement specified in paragraph (1) of subdivision (b) of Section 44253.3 is satisfied by the possession of a children’s center instructional permit, or a children’s center supervision permit, then instruction for English language development shall be limited to the programs authorized by that permit. If the requirement specified in paragraph (1) of subdivision (b) of Section 44253.3 is satisfied by the possession of a designated subjects teaching credential in adult education, then instruction for English language



development shall be limited to classes organized primarily for adults.

(2) Specially designed content instruction delivered in English in the subjects and at the levels authorized by the teacher's prerequisite credential or permit used to satisfy the requirement specified in paragraph (1) of subdivision (b) of Section 44253.3.

(b) The minimum requirements for the certificate shall include all of the following:

(1) Possession of a valid California teaching credential, services credential, children's center instructional permit, or children's center supervision permit which credential or permit authorizes the holder to provide instruction to pupils in preschool, kindergarten, any of grades 1 to 12, inclusive, or classes primarily organized for adults, except for the following:

(A) Emergency credentials or permits.

(B) Exchange credentials as specified in Section 44333.

(C) District intern certificates as specified in Section 44325.

(D) Sojourn certificated employee credentials as specified in Section 44856.

(E) Teacher education internship credentials as specified in Article 3 (commencing with Section 44450) of Chapter 3.

(2) Passage of one or more examinations that the commission determines are necessary for demonstrating the knowledge and skills required for effective delivery of the services authorized by the certificate.

(3) Completion of at least six semester units, or nine quarter units, of coursework in a second language at a regionally accredited institution of postsecondary education. The commission shall establish minimum standards for scholarship in the required coursework. The commission shall also establish alternative ways in which the requirement can be satisfied by language-learning experience that creates an awareness of the challenges of second-language acquisition and development.

(c) Completion of coursework in human relations in accordance with the commission's standards of program



quality and effectiveness that includes, at minimum instruction in the following:

- (1) The nature and content of culture.
- (2) Cross cultural contact and interactions.
- (3) Cultural diversity in the United States and California.
- (4) Providing instruction responsive to the diversity of the student population.
- (5) Recognizing and responding to behavior related to bias based on race, color, religion, nationality, country of origin, ancestry, gender, disability, or sexual orientation.

(6) Techniques for the peaceful resolution of conflict.

(d) The commission shall establish alternative requirements for a teacher to earn the certificate, which shall be awarded as a supplementary authorization pursuant to subdivision (e) of Section 44225.

(e) The certificate shall remain valid as long as the prerequisite credential or permit specified in paragraph (1) of subdivision (b) of Section 44253.3 remains valid.

SEC. 7. Section 628 of the Penal Code is amended to read:

628. It is the intent of the Legislature in enacting this section to ensure that schools, school districts, local government, and the Legislature have sufficient data and information about the type and frequency of crime, including hate motivated incidents and hate crimes, occurring on school campuses to permit development of effective programs and techniques to combat crime on school campuses.

SEC. 8. Section 628.1 of the Penal Code is amended to read:

628.1. (a) By June 30, 1995, the State Department of Education, in consultation with the Department of Justice and a representative selection of school districts and county offices of education which currently compile school crime statistics, shall develop a standard school crime reporting form for use by all school districts and county offices of education throughout the state. No individual shall be identified by name or in any other manner on this reporting form. The form shall define



what constitutes the criminal activity required to be reported and shall include, but not be limited to, all of the following:

(1) Description of the crime or incident, including hate motivated incidents or hate crimes.

(2) Victim characteristics.

(3) Suspect characteristics, if known.

(b) For purposes of this section the following definitions shall apply:

(1) “Hate motivated incident” means an act or attempted act which constitutes an expression of hostility against a person or property or institution because of the victim’s real or perceived race, religion, disability, gender, nationality, or sexual orientation. This may include using bigoted insults, taunts, or slurs, distributing or posting hate group literature or posters, defacing, removing, or destroying posted materials or announcements, posting or circulating demeaning jokes or leaflets.

(2) “Hate crime” means an act or attempted act against the person or property of another individual or institution which in any way manifest evidence of hostility toward the victim because of his or her actual or perceived race, religion, disability, gender, nationality, or sexual orientation. This includes, but is not limited to, threatening telephone calls, hate mail, physical assault, vandalism, cross burning, destruction of religious symbols, or fire bombings.

SEC. 9. Section 628.2 of the Penal Code is amended to read:

628.2. (a) On forms prepared and supplied by the State Department of Education, each principal of a school in a school district and each principal or director of a school, program, or camp under the jurisdiction of the county superintendent of schools shall forward a completed report of crimes committed, including hate motivated incidents and hate crimes as defined in paragraphs (1) and (2) of subdivision (b) of Section 628.1, on school or camp grounds at the end of each reporting



period to the district superintendent or county superintendent of schools, as the case may be.

(b) The district superintendent, or, as appropriate, the county superintendent of schools, shall compile the school data and submit the aggregated data to the State Department of Education not later than February 1 for the reporting period of July 1 through December 31, and not later than August 1 for the reporting period of January 1 through June 30.

(c) The superintendent of any school district that maintains a police department pursuant to Section 39670 of the Education Code may direct the chief of police or other administrator of that department to prepare the completed report of crimes for one or more schools in the district, to compile the school data for the district, and to submit the aggregated data to the State Department of Education in accordance with this section. If the chief of police or other designated administrator completes the report of crimes, the chief of police or other designated administrator shall provide information to each school principal about the school crime reporting program, the crime descriptions, including hate motivated incidents and hate crimes as defined in paragraphs (1) and (2) of subdivision (b) of Section 628.1, included in the reporting program, the reporting guidelines, and the required documentation identified by the State Department of Education for each crime description.

(d) The State Department of Education shall distribute, upon request, to each school district governing board, each office of the county superintendent of schools, each county probation department, the Attorney General, the Fair Employment and Housing Commission, county human relations commissions, civil rights organizations, and private organizations, a summary of the statewide aggregated data. The department also shall distribute, upon request, to each office of the county superintendent of schools, each county sheriff, and each county probation department, a summary of that county's school district reports and county reports. This information shall be supplied not



later than March 1 of each year for the previous school year. The department shall also submit to the Legislature a summary of the statewide aggregated data not later than March 1 of each year for the previous school year. In addition, commencing with the second annual report, the department shall identify and analyze trends in school crime by comparing the numbers and rates of crimes and the resulting economic losses for each year against those of previous years.

(e) All school district, county, and statewide reports prepared under this chapter shall be deemed public documents and shall be made available to the public at a price not to exceed the actual cost of duplication and distribution.

SEC. 10. Section 628.5 of the Penal Code is amended to read:

628.5. The Legislature hereby recognizes that all pupils enrolled in California public schools have the inalienable right to attend classes on campuses that are safe, secure, and peaceful. The Legislature also recognizes the importance of accurate school crime data, including data on hate motivated incidents and hate crimes as defined in paragraphs (1) and (2) of subdivision (b) of Section 628.1, in developing and implementing school safety strategies and programs.

The State Department of Education, in consultation with school districts and county offices of education, shall identify guidelines for reporting and documentation for validating the incidents of each crime description contained on the standard school crime reporting forms prepared pursuant to Sections 628.1 and 628.2. Reporting guidelines and documentation for validation criteria shall be established for each crime description, including, but not limited to, all of the following: battery, assault with a deadly weapon, graffiti, homicide, sex offenses, robbery, extortion, drug and alcohol offenses, possession of weapons, destructive devices, arson, burglary, theft, vandalism, and hate motivated incidents and hate crimes as defined in paragraphs (1) and (2) of subdivision (b) of Section 628.1.



SEC. 11. Notwithstanding Section 17610 of the Government Code, 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. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.



Approved _____, 2000

Governor

