



CLIENT NEWS BRIEF

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Number 32

GOVERNOR SIGNS INTO LAW SEVERAL BILLS IMPACTING K-12 STUDENTS

In recent weeks the California State Legislature passed, and Governor Brown signed into law, several enactments relating to K-12 students. The most notable are Assembly Bills (AB) 614 and 746, and Senate Bill (SB) 48, which are summarized below.

AB 614: Composition of SARBs

AB 614 alters the composition of School Attendance Review Boards ("SARBs"). Under existing law, county SARBs are required to be composed of at least one parent and nine representatives of designated community groups. Beginning January 1, 2012, AB 614 requires that county SARBs also include at least one school, county or community mental health worker. For purposes of the school district-level/local SARBs, such SARBs will now be authorized, but not required, to include at least one mental health worker in their composition.

AB 746: Bullying and Posts on Social Networking Websites

Effective January 1, 2009, Education Code section 48900 specified that students could be subject to discipline for bullying, including bullying by way of "electronic act" as defined by Education Code section 32261. AB 746 specifies that the electronic act of a post on a social networking internet website is one of the types of electronic acts that can amount to bullying and thus subject students to discipline, assuming the conduct otherwise constitutes bullying as defined under the Education Code. Regardless of AB 746, most school districts already considered posts on social networking websites as potential grounds for student discipline, assuming other legal challenges relating to discipline for cyberbullying were met. Unfortunately, as with the 2009 legislation that added bullying by electronic act to the list of conduct for which student can be subject to discipline, AB 746 fails to address the complicated jurisdictional and free speech issues in this area. As such, even if a student posts harassing statements on a social networking website targeted at another student, schools must still determine whether they have jurisdiction to discipline under Education Code section 48900, subdivision (r), and the related issue of whether disciplining the student will violate the student's free speech rights, both of which are fact-specific inquiries.

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SB 48: The Fair, Accurate, Inclusive and Respectful Education Act

SB 48 requires schools to include the contributions of people who are lesbian, gay, bisexual and transgender ("LGBT") and disabled persons in social studies curriculum. The new law also prohibits any instruction and school-sponsored activities that promote a discriminatory bias based on sexual orientation. The State Board of Education and school district governing boards are prohibited from adopting instructional materials that contain matter reflecting adversely on people based upon sexual orientation, and adopted instructional materials must accurately portray the role and contributions of Pacific Islanders, LGBT Americans and persons with disabilities. SB 48 provides that charter and alternative schools should consider the bill's provisions in conjunction with existing discrimination provisions imposed upon them. Finally, the law allows local school boards to determine how to implement these requirements and does not specify the grade level at which instruction should begin.

If you have any questions regarding the above legislative enactments, please contact one of our [eight offices](#) located statewide or consult our [website](#).

Written by:

[Sloan Simmons](#)

Shareholder & Student Practice Group Co-Chair

Sacramento Office

ssimmons@lozanosmith.com

[Kinna Crocker](#)

Associate

Santa Rosa Office

kcrocker@lozanosmith.com

Mary Gates

Paralegal

Monterey Office

mgates@lozanosmith.com



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