



# CLIENT NEWS BRIEF

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Number 62

## GOVERNOR SIGNS TWO BILLS ADDRESSING STUDENT BULLYING

On October 9, 2011, Governor Brown signed into law Assembly Bill (AB) 9 and AB 1156, two bills aimed at preventing student bullying in schools.

### AB 9

The Safe Place to Learn Act, codified in Education Code section 234 et seq., requires school districts to adopt a policy that prohibits discrimination and harassment based upon disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. School districts must also adopt a process for receiving and investigating such complaints of discrimination and harassment. The policies must be publicized to students, parents, district employees and members of the public, and must be posted in all schools and offices.

AB 9 amends the Safe Place to Learn Act, requiring school district policies prohibiting discrimination and harassment to also prohibit intimidation and bullying based upon the same actual or perceived characteristics. The process for receiving and investigating such complaints now requires school personnel who witness discrimination, harassment, intimidation or bullying based upon the characteristics listed above to take immediate steps to intervene when safe to do so. The process must also include a timeline to investigate and resolve complaints, and an appeal process. The California Department of Education will develop a model handout. The amendments are operative on July 1, 2012.

### AB 1156

AB 1156 addresses bullying in three different contexts. First, the bill amends Education Code sections 32261, 32282 and 32283 to add bullying to school safety and crisis response plan training.

Second, AB 1156 amends Education Code section 48900 and the definition of bullying for the purpose of student discipline. Under AB 1156, bullying means any severe or pervasive act, including written or electronic communications, including but not limited to sexual harassment, hate violence or harassment, threats or intimidation, that causes: a student to fear harm to his or her person or property; substantial harm to a student's physical or mental health; substantial interference with a student's academic performance; or substantial interference with a student's ability to participate or benefit from school services, activities, or privileges.

Finally, AB 1156 amends Education Code section 46600 regarding agreements for interdistrict attendance. If a student has been a victim of an act of bullying by a student of the school district of residence, as determined by personnel of either the school district of residence or the school district of proposed enrollment, the student victim must be given priority for interdistrict attendance under any existing interdistrict attendance agreement, or in the absence of an agreement, must "be given additional consideration for the creation of an interdistrict attendance agreement." AB 1156 is effective July 1, 2012.

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If you have any questions regarding these new bills, or any other questions regarding bullying or interdistrict transfers in general, please contact one of our [eight offices](#) located statewide or visit our [website](#).

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