TOM TORLAKSON
State Superintendent of Public Instruction

ONLINE BULLYING TRAINING MODULE
ASSEMBLY BILL 1993
SENATE BILL 939

California Department of Education

Purpose

- To assist entire school communities including school staff, administrators, parents, students, and communities in increasing knowledge and strategies for recognizing, preventing, and intervening in the trend and harmful effects of bullying and cyberbullying on our youth.

California *Education Code* Section 32283.5

The California Department of Education (CDE) shall develop an online training module to assist all school staff, school administrators, parents, pupils, and community members in increasing their knowledge of the dynamics of bullying and cyberbullying.

California *Education Code* Section 48900 (1)

- (1) “Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or by means of an electronic act, and including one or more acts committed by a pupil or group of pupils as defined in sections 48900.2, 48900.3, or 48900.4, directed toward one or more pupils that has or can be reasonably predicted to have the effect of one or more of the following:

California *Education Code* Section 48900 (2)

- (A) Placing a reasonable pupil or pupils in fear of harm to that pupil's or those pupils' person or property.
- (B) Causing a reasonable pupil to experience a substantially detrimental effect on his or her physical or mental health.
- (C) Causing a reasonable pupil to experience substantial interference with his or her academic performance.

California *Education Code* Section 48900 (3)

- (D) Causing a reasonable pupil to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school.

Bullying and Cyberbullying Facts (1)

- One in three California students reported being bullied. (2015 California Healthy Kids Survey [CHKS])
- Nationwide, one in five students reported being bullied. (2016 National Center for Educational Statistics)
- Thirty-three percent of students who reported being bullied at school indicated that they were bullied at least once or twice a month during the school year. (2016 National Center for Educational Statistics)

Bullying and Cyberbullying Facts (2)

- Nationwide, 52 percent of young people report being cyberbullied and 25 percent of teenagers report that they have experienced repeated bullying on their cell phones or on the internet. (https://www.nobully.org/)
- Victims of cyberbullying are more likely to suffer from low self-esteem and to engage in suicide ideation. (https://www.nobully.org/)
- Students with disabilities are much more likely to be bullied than their nondisabled peers. (http://www.pacer.org/bullying/resources/students-with-disabilities/)

How Common is Bullying/Cyberbullying? (1)

- Nationally, more than 25 percent of children ages twelve to eighteen report having been bullied during the last school year. (2013 Indicators of School Crime and Safety; 2012 National Center for Education Statistics, U.S. Department of Education and Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice)

How Common is Bullying/Cyberbullying? (2)

- Sixteen percent of high school students report having been “cyberbullied,” or bullied over digital media, in the last year. (Centers for Disease Control and Prevention, 2012. Youth Risk Behavior Surveillance—United States 2011.)
- Nearly 20 percent of students report being bullied two times a month or more. (Olweus, D. & Limber, S.P., 2010 What we are learning about bullying)

What is the purpose of SB 939?

"SB 939 helps and acknowledges pupils with neurodivergence, which is spectrum of differences in brain function and behavioral traits encompassing conditions such as Autism Spectrum Disorder, ADHD, Dyslexia, and more.

As SB 939 our understanding of diversity and inclusion evolves, the legal framework that protects and uplifts every student must evolve as well. Historically, students with neurodivergent conditions have faced unique challenges in educational settings, ranging from misunderstanding and stereotypes to bullying and discrimination. This not only hinders students' academic growth but also affects their emotional and social development." (Umberg)

Important Points

Neurodiversity is not referenced in the Education Code or defined in the protected classes within the Penal Code. Neurological and developmental conditions such as autism, learning disabilities, or ADHD are protected against harassment, intimidation, or bullying on the basis of disabilities.

Neurodivergent youth are often the prevalent victims of bullying, and the number of neurodivergent youth is higher in California compared to other areas. For example, according to the Journal of Attention Disorders, nearly half of children with Attention Deficit Hyperactivity SB 939 Page 6 Disorder are victims of bullying — more than double the amount of bullying experienced by neurotypical peers. Additionally, the autism diagnosis rate in California is 1:26, much higher than the national average of 1:36. Although the numbers have risen over the years, there has not been sufficient priority placed on building awareness and education.

How to support neurodivergent students

Be Mindful!

Children and young people with Autism Spectrum Disorder, Attention Deficit Hyperactivity Disorder, and Tourette's Syndrome may have difficulties with social interactions, sensitivities, impulsivity, and self-regulating their behavior or effectively communicating.

How to support neurodivergent students

- Engaging students in developing high-interest activities in which everyone has a role to play in designing, executing or participating in the activity.
- Providing general up-front information to peers about the kinds of support children with special needs require, and have adults facilitate peer support.
- Creating a buddy system for children with special needs.
- Involving students in adaptive strategies in the classroom so that they participate in assisting and understanding the needs of others.
- Conducting team-based learning activities and rotate student groupings.
- Implementing social-emotional learning activities.
- Rewarding positive, helpful, inclusive behavior.

Resources to Support Neurodivergent Students in the classroom

The University of California and California State University Collaborative for Neurodiversity and Learning has created training and resources to support neurodiverse students.

Please reference the link here: https://ca-literacy-dyslexia-collab.ucla.edu/e-learning-modules/

Who Is at Risk of Being Bullied?

- Twenty-seven percent of females and 18 percent of males say they were bullied at school in the past year. (2012 MetroWest Adolescent Health Survey)
- More than 80 percent of lesbian, gay, bisexual, transgender, or questioning (LGBTQ) youth report being verbally harassed at school due to their sexual identity. (The 2011 National School Climate Survey)
- Youth with physical or learning disabilities are more likely to be bullied at school (34 percent) than youth without disabilities (21 percent). (2012 MetroWest Adolescent Health Survey)

What Are the Consequences for the Target Being Bullied?

- Forty-seven percent of children who are bullied either at school or online show depressive symptoms, compared to 13.6 percent of non-victims. (Centers for Disease Control and Prevention, 2012. Youth Risk Behavior Surveillance—United States 2011)
- Many students who are bullied show responses such as poor appetite, headaches, sleep disturbances, abdominal pain, and fatigue. (Bully Victims: Psychological and Somatic Aftermaths. Psychiatry. 2008)

What Are the Consequences for the Perpetrator of the Bullying?

- Children who bully have lower academic achievement and a poorer perception of school climate than their non-bullying peers. (JAMA Journal of the American Medical Association, 2001)
- Children who bully are almost twice as likely as non-bullies to be convicted of crimes later in life. (Criminal Behavior & Mental Health, 2011)

Legal Definitions and Mandates

- Student discipline: *EC* Section 48900(r)
  - Bullying and cyberbullying definitions
  - Discipline, suspension, and other alternative
- Discrimination, harassment: *EC* Section 234
  - Assembly Bill 9: Seth's Law and the Uniform Complaint Procedure (https://www.cde.ca.gov/re/cp/uc/ab9letter09042012.asp)
- School Safety Plans: EC Section 32282(e)
  - "…Legislature encourages all plans, to the extent that resources are available, to include policies and procedures aimed at the prevention of bullying."

Local Educational Agency Responsibilities (1)

- Adopt a policy that prohibits discrimination, harassment, intimidation, and/or **bullying** based on actual or perceived characteristics contained in Section 422.55 of the Penal Code and pursuant to the *EC* Section 220 and include a statement that the policy applies to all acts related to school activity or school attendance that occurs within a school under the jurisdiction of the superintendent of the local educational agency (LEA)

- School personnel are to take immediate action to intervene, when safe to do so, if he or she witnesses an act of discrimination, harassment, intimidation, or bullying

Local Educational Agency Responsibilities (2)

- Adopt and implement a complaint process to receive, investigate, and resolve complaints of discrimination, harassment, intimidation, or bullying based on actual or perceived characteristics contained in Section 422.55 of the Penal Code and *EC* Section 220

- The complaint process shall include, but not be limited, to the following:
  - A timeline to investigate and resolve complaints;
  - An appeal process; and
  - All forms developed relative to this process shall be translated pursuant to *EC* Section 48985

School Climate and Local Control and Accountability Plan

State Priorities

- School Climate
  - Suspensions and expulsion rates, other local measures
- Pupil Engagement
  - Attendance, chronic absenteeism, dropout and grad rates

School Climate and Local Control and Accountability Plan

State Priorities

- Basic Services
- Other Pupil Outcomes
- Implementation of Common Core Standards
- Parental Involvement
- Course Access
- Pupil Achievement

California Healthy Kids Survey

- The CHKS, developed and sponsored by the CDE, is the largest statewide survey of resiliency, protective factors, risk behaviors, and school climate in the nation.

- The CHKS allows LEAs to measure two domains of school climate: Supports and Engagement, and Violence and Substance Use.

California Healthy Kids Survey Core Module

Supports and Engagement

- High Expectations and Caring Relationships
- Meaningful Participation in School
- Perceived School Safety
- School Connectedness

Violence and Substance Use

- Physical Violence Perpetration
- Physical/Emotional Violence Victimization
- Bullying and Harassment
- Substance Use At School

Uniform Complaint Procedures

- The *California Code of Regulations*, Title 5 (5 *CCR)*, Chapter 5.1, Section 4600, et seq. establishes Uniform Complaint Procedures to be followed for complaints of:
    - Discrimination; Harassment; Intimidation; or **Bullying** based on one or more of the following protected classes, or association with a person or group with one or more of these actual or perceived characteristics:
        - Disability; Gender; Gender Identity/Expression; Nationality; Race or Ethnicity; Religion; or Sexual Orientation

Conclusion

Without A Doubt, It Takes an Entire Community!

Thank you for helping ensure the safety and well-being that every student deserves and needs to thrive.