

On The Alert!

Date: March 15, 2017
Attention: ASCIP Members
Affected Department: Risk Management/District Administration
Applicability: K-12 Districts, Charter Schools

Safe Place to Learn Act

Effective January 1, 2017, in response to hate crimes against South Asian, Muslim, and Sikh-American children, Assembly Bill No. 2845 expands the California Department of Education's compliance monitoring to include whether Local Educational Agencies, including charter schools, have adopted adequate anti-bullying policies and procedures to support victimized students and families whose real or perceived religious affiliation has subjected them to school-based discrimination, harassment, intimidation or bullying. Specifically, the Department of Education will assess if Districts have done the following:

1. Adopted a policy that prohibits discrimination, harassment, intimidation, and bullying based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The policy shall include a statement that the policy applies to all acts related to school activity or school attendance occurring within a school under the jurisdiction of the superintendent of the school district.
2. Adopted a process for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The complaint process shall include, but not be limited to, all of the following:
 - a) A requirement that, if school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so.
 - b) A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools under the jurisdiction of the school district.
 - c) An appeal process afforded to the complainant should he or she disagree with the resolution of a complaint filed pursuant to this section.
3. Publicized antidiscrimination, anti-harassment, anti-intimidation, and anti-bullying policies adopted pursuant to subdivision (a), including information about the manner in which to file a complaint, to pupils, parents, employees, agents of the governing board, and the general public.

What's Next

Districts should review their policies, processes, documentation, and communications with respect to acts of discrimination, harassment, intimidation, or bullying, modify these as appropriate to comply with these changes in the Safe Place to Learn Act, and have their Board members adopt, as necessary, modified board policies with respect to acts of discrimination, harassment, intimidation, or bullying to reflect these changes.

[Education Code Section 234-234.1](#)

Please contact your ASCIP risk services consultant at (562) 404-8029 to discuss further.