

# EC 48900(r)

## Assembly Bill 86 Public Safety

### California Assembly Bill 86

- Introduced by Assembly Member Lieu 12/13/06; amended 2/22/07 - 8/04/08
- Passed by the State Senate (8/11/08) and State Assembly (8/13/08)
- Approved by Governor (9/30/2008); takes effect January 1, 2009.

### NEW LAW: AB 86 (as of 1/1/2009)

- Defines bullying as **one or more acts by a pupil or a group of pupils directed against another pupil that constitutes sexual harassment, hate violence, or severe or pervasive intentional harassment, threats, or intimidation that is disruptive, causes disorder, and invades the rights of others by creating an intimidating or hostile educational environment, and includes acts that are committed personally or by means of an electronic act.**
- Gives "school officials grounds to suspend a pupil or recommend a pupil for expulsion for bullying, including, but not limited to, bullying by electronic act."
- Amends Section 48900 of the Education Code to read: **(r) Engaged in an act of bullying, including, but not limited to, bullying committed by means of an electronic act, as defined in subdivisions (f) and (g) of Section 32261, directed specifically toward a pupil or school personnel.**
- Defines an "electronic act" as **"the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager."**
- Adds to the School/Law Enforcement Partnership program provisions related to bullying committed by means of an electronic communication device.
- Authorizes conferences on the prevention of bullying acts committed personally or by means of an electronic communication device.
- Provides that the statewide school safety cadre shall work to reduce bullying, including acts committed personally or by means of an electronic communication device.
- Adds bullying committed by means of an electronic communication device to the list of activities that school districts, law enforcement agencies and agencies that serve youth are encouraged to prevent.

### COMMENTS

- Assemblyman Ted Lieu states: "As web-based social networking sites, such as Myspace and Facebook become more and more popular, cyber-bullying has become a problem for school districts and youth-based organizations. Such intimidation tactics are difficult for school districts to deal with because they happen outside of school property and usually after school hours."

### JURISDICTION UNDER EC 48900

- *Students may be suspended or expelled for acts enumerated in EC 48900 which occur at any time, if the act is related to school activity or school attendance **including but not limited to**, any of the following: (1) while on school grounds; (2) while going to or coming from school; (3) during the lunch period whether on or off the campus; (4) during, or while going to or coming from, a school sponsored activity.*