

State aims for uniformity in bias oversight

- Bill signed by governor requires school districts to have policies in place to deal with discrimination

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SAN FRANCISCO -- The state Department of Education will check to make sure school districts have policies and procedures in place to address reports of bias-related discrimination and harassment -- something many California districts do not have.

Several advocacy groups -- the Asian Law Caucus, American Civil Liberties Union of Northern California and the Council on American-Islamic Relations among them -- held a news conference Tuesday to announce Gov. Arnold Schwarzenegger's Oct. 12 signing of AB394.

Sponsored by Lloyd Levine, D-Van Nuys, AB394 notes that the 2004-06 California Healthy Kids Survey shows that 27 percent to 30 percent of middle and high school students have reported being harassed because of their race, ethnicity, gender, religion, sexual orientation or disability.

Angela Chan, a staff attorney at the Asian Law Caucus, said a 1999 bill signed into law, AB537, made it policy that students should not face discrimination. It is interpreted, she said, to require school districts to have policies and procedures in place.

Chan said the Department of Education's check is for more than just a policy condemning such actions, but also for an effective procedure for how to deal with them.

A random sample of 75 school districts last spring by the Asian Law Caucus found that 31 percent had no anti-harassment policy, she said. The group first looked on district Web sites for policies and procedures; if they weren't found, district officials were called. If a district did not respond, it was counted as having no harassment policy or remedial procedure.

The survey also found it often took districts several days to find their own policies when asked. "Imagine how hard it would be for students and parents to access these policies," Chan said. The schools, she added, have a responsibility to protect students from harassment; districts failing to address such actions could be held liable in civil suits, she said.

The survey included seven Contra Costa County school districts: San Ramon Valley, Mt. Diablo,

West Contra Costa, Antioch, Byron, Martinez and John Swett. All had policies and procedures, except for Antioch, which did not have a procedure, and Martinez, which had neither. There were no Alameda County districts in the survey.

Vivian Huang of Asian Americans for Civil Rights and Equality, a partnership that includes some of the groups involved in Wednesday's news conference, said the state's check would be tied to money, included in a review for categorical funding performed on about a quarter of California school districts each year.

Mahrukh Hasan, civil rights coordinator for the Bay Area Chapter of the Council on American-Islamic Relations, said there has been a growing number of incidents against Muslims in general, now at their highest level since the surge right after the Sept. 11, 2001, attacks.

Tamara Lange, a staff attorney for the ACLU, said such incidents can escalate into major violence. The victims can also suffer academically; for example, she said, there is a 27 percent dropout rate among transgender students.

The new law, Lange said, is welcome. "What's changing now is there's an actual governmental organization monitoring it."

Chan of the Asian Law Caucus said harassment comes not only from students, but also from teachers and other staff, too. Her group, which receives many calls regarding discrimination and harassment, recently filed a complaint with the San Ramon Valley school district. It involves two students of Middle Eastern descent and two teachers last summer. One student was called a "terrorist" by a teacher, said Chan, who would not provide other details.

San Ramon Valley school district spokesman Terry Koehne said Wednesday that district officials had not heard of the complaint.

The anti-harassment bill had wide support locally, though there was opposition. State Sens. Tom Torlakson, D-Antioch, and Don Perata, D-Oakland, voted for the bill during a state Senate floor vote in September. Assembly members Mark DeSaulnier, D-Concord, Loni Hancock, D-Berkeley, and Mary Hayashi, D-Hayward, voted for it when it went to the Assembly floor the following day.

Assemblyman Guy Houston, R-San Ramon, voted against AB394 in that same Assembly floor vote. His chief of staff, Aaron Bone, said Houston is against such harassment but could not reach Houston on Wednesday afternoon on why he voted against the bill.

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