

Date of Hearing: April 26, 2023

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 10 (Lowenthal) – As Amended March 16, 2023

SUBJECT: Students: body-shaming policies and resources

SUMMARY: Requires local educational agencies (LEAs) to develop and adopt policies and resources about body shaming, and to provide information about the policies and resources to teachers, staff, parents, and students. Specifically, **this bill:**

- 1) Requires LEAs to develop and adopt policies and resources about body shaming to educate teachers and staff, and to assist school employees in addressing this issue with students and their parents.
- 2) Requires LEAs to inform teachers, staff, parents, and students about the policies and resources developed by providing information in student and employee handbooks and make the information available on each schoolsite's website.
- 3) Defines "body shaming" as the action or practice of mocking or stigmatizing a person by making critical comments or observations about the shape, size, or appearance of the person's body.
- 4) Defines "local educational agency" as a school district, county office of education (COE), or charter school.

EXISTING LAW:

- 1) Defines "bullying" to mean 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 student or group of students, directed toward one or more students that has, or can be reasonably predicted to have, the effect of one or more of the following:
 - a) Placing a reasonable student in fear of harm to that student's person or property;
 - b) Causing a reasonable student to experience a substantially detrimental effect on his or her physical or mental health;
 - c) Causing a reasonable student to experience substantial interference with his or her academic performance; and
 - d) Causing a reasonable student to experience substantial interference with his or her ability to participate in or benefit from the services, activities, or privileges provided by a school. (Education Code (EC) Section 48900)
- 2) Requires the California Department of Education (CDE) to monitor, through its federal program monitoring process, whether LEAs have:

- a) Adopted a policy that prohibits discrimination, harassment, intimidation, and bullying based on the actual or perceived characteristics defined as hate crimes, and immigration status, 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 must 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;
 - b) Adopted a process for receiving and investigating complaints relating to discrimination, harassment, intimidation, and bullying;
 - c) Publicized antidiscrimination, anti-harassment, anti-intimidation, and anti-bullying policies, including information about the manner in which to file a complaint, to students, parents, employees, agents of the governing board, and the general public;
 - d) Provided certificated school employees in schools serving students in grades 7 to 12, information on existing schoolsite and community resources related to the support of lesbian, gay, bisexual, transgender, and questioning (LGBTQ) students, or related to the support of students who may face bias or bullying on the basis of religious affiliation, or perceived religious affiliation;
 - e) Posted the policy in all schools and offices, including staff lounges and student government meeting rooms;
 - f) Maintained documentation of complaints and their resolution for a minimum of one review cycle;
 - g) Ensured that complainants are protected from retaliation and that their identity remains confidential, as appropriate; and
 - h) Identified a responsible LEA officer for ensuring compliance. (EC 234.1)
- 3) Requires each educational institution to have a written policy on sexual harassment, which is to include information on where to obtain the specific rules and procedures for reporting charges of sexual harassment, and requires that the written policy be displayed in a prominent location in the main administrative building or other areas of the schoolsite where notices regarding the institution's rules, regulations, procedures, and standards of conduct are posted. Also requires that the written policy on sexual harassment, as it pertains to students, be provided as a part of any orientation program conducted for new students at the beginning of each quarter, semester, or school year. (EC 231.5)
 - 4) Requires the CDE to display current information, and periodically update information, on curricula and other resources that specifically address bias-related discrimination, harassment, intimidation, cyber sexual bullying, and bullying on its website. (EC 234.2)
 - 5) Requires the CDE to develop, and post on its website, a model handout describing the policies addressing bias-related discrimination, harassment, intimidation, and bullying in schools. (EC 234.3)

- 6) Requires an LEA to adopt, by December 31, 2019, procedures for preventing acts of bullying, including cyberbullying. (EC 234.4)
- 7) Requires the CDE to develop an online training module to assist all school staff, school administrators, parents, students, and community members in increasing their knowledge of the dynamics of bullying and cyberbullying. Requires the online training module to include, but not be limited to, identifying an act of bullying or cyberbullying, and implementing strategies to address bullying and cyberbullying (EC 32283.5).
- 8) Requires a charter school to include in its petition to establish the charter school the procedures that the charter school will follow to ensure the safety of students and staff (EC 47605).
- 9) Requires each school district, at the beginning of the first semester or quarter of the regular school term, to notify the parent or guardian of a student of specified rights and responsibilities, and specifies that the notice may be provided by regular mail, in an electronic format if the parent requests to receive it in that format, or by any other method normally used to communicate with parents or guardians in writing. (EC 48980, 48981)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “AB 10 will ensure that LEAs develop policies and resources to educate teachers and faculty about the issue of body shaming, so that they are adequately equipped to address this issue with students and their parents. While LEAs are required to have policies about how to handle and address bullying, they are not currently required to have resources to address body shaming, which is not always characterized by bullying. Body shaming frequently leads to negative impacts on student mental health, which can cause students to withdraw from their friends, activities, classroom participation, and result in increased absenteeism, sadness, depression, and can even lead to suicidal thoughts and actions. By requiring LEAs to develop policies and resources to address this issue, they should be able to reduce instances of body shaming amongst student populations and ensure that teachers, faculty, and parents are prepared to address the topic with students when it does arise.”

What is body shaming? The Merriam-Webster dictionary defines “body shaming” as “the act or practice of subjecting someone to criticism or mockery for supposed bodily faults or imperfections.”

Body shaming involves humiliating someone by making inappropriate or negative comments about their body size or shape. As well as “fat shaming,” it may also include negative comments if a person is underweight or in reference to a specific body part. It may be carried out in person or remotely via the internet and social media. Body shaming on digital platforms is related to cyberbullying. Body shaming can lead to mental health issues including eating disorders, depression, anxiety, low self-esteem, and body dysmorphia, as well as the general feeling of hating one's body.

The rate of childhood obesity. According to the Population Research Bureau, in 2019, 41% of 5th graders, 40% of 7th graders, and 38% of 9th graders in California had a body mass index (BMI) or body fat percentage higher than state standards for body composition, figures that have remained relatively stable since 2014. In each grade level, the percentage of boys statewide who are overweight or obese is consistently higher than the percentage of girls.

The share of students who are overweight or obese varies widely by region and race/ethnicity. For example, the percentage of 5th graders who were overweight or obese in 2019 ranged from 24% to 55% across counties with data, and from less than 5% to more than 75% across school districts. In the same period, 50% of Hispanic/Latino 5th graders statewide were overweight or obese, compared with fewer than 30% of their Asian and white peers.

Compared with children at a healthy weight, children with obesity are at higher risk for a range of health problems, including asthma, high blood pressure, high cholesterol, and type 2 diabetes; they also are more likely to become obese as adults. In addition, childhood obesity is linked to social and emotional difficulties, such as anxiety, depression, stigmatization, bullying, and low self-esteem.

Many factors contribute to childhood obesity and overweight. The rise has been attributed to changes in food environments that make non-nutritious "junk" food and beverages more available, affordable, and appealing, as well as social and environmental changes that have reduced physical activity among children, for example, increased sedentary screen time, less physical education, neighborhoods that do not promote walking or riding bikes, and decreased safe places for children to play.

Negative impacts of fat shaming. Research suggests that anti-fat social environments, such as those in the U.S. and other industrialized nations, tend to promote widespread body shame. Shame is an especially painful, powerful, distressing, and when internalized, also a potentially depressing emotion. Adolescents clinically defined as obese have a 40% higher relative risk of depression. Children and adolescent's high body weights are socially stigmatized, and lead to multiple forms of weight-related discrimination and mistreatment, such as teasing and rejection. Experiencing these forms of social rejection and physical exclusion tend to promote feelings of worthlessness and psychological distress, leading to worsening depression or social anxiety (Brewis, 2018).

Low self-esteem and body dissatisfaction early in life have been found to predict a range of adverse health outcomes later in life, including the use of unhealthy weight-control behaviors, other eating-disordered behaviors, and general psychological distress. At least four factors have been found to affect levels of body dissatisfaction or low self-esteem during adolescence: age, gender, body weight, and race/ethnicity. (Van Den Berg, 2010)

Addressing school climate. According to the U.S. Department of Education, "Teachers and students deserve school environments that are safe, supportive, and conducive to teaching and learning. Creating a supportive school climate—and decreasing suspensions and expulsions—requires close attention to the social, emotional, and behavioral needs of all students."

In recent years, the Legislature has allocated resources specifically designed to improve school climate. These include the following:

- 1) *Multi-Tiered System of Support (MTSS)*. Since 2015, the Legislature has appropriated over \$95 million to encourage LEAs to establish and align schoolwide, data-driven systems of academic and behavioral supports to more effectively meet the needs of California’s diverse learners in the most inclusive environments.

In 2015, the CDE conducted a competitive grant process and awarded \$10 million of the initial round of funding to the Orange County Department of Education (OCDE) and the Butte COE for their Scaling Up MTSS Statewide (SUMS) Initiative. The focus of the SUMS Initiative is to develop resources for MTSS within an LEA that align the academic, behavioral, and social-emotional supports in an LEA in order to serve the whole child. Their work expands restorative justice, bullying prevention and positive behavior interventions and minimizes the use of emergency interventions.

- 2) The 2021-22 and 2022-23 Budget Acts included significant investments to address student mental health and improve school climate, including the following:
 - \$100 million in competitive grants to LEAs for pre-K and Kindergarten teacher training, including trauma-informed practices;
 - Over \$4 billion for community school grants with an emphasis on integrated support services including coordination of trauma-informed health, mental health and social services;
 - \$1.5 billion for educator effectiveness block grants to train teachers on a variety of topics, on practices to create a positive school climate, including restorative justice, training around implicit bias, providing positive behavioral supports, MTSS, transforming a schoolsite’s culture to one that values diverse cultural and ethnic backgrounds, and preventing discrimination, harassment, bullying, and intimidation based on actual or perceived characteristics, including disability, gender, gender identity, gender expression, language, nationality, race or ethnicity, religion, or sexual orientation;
 - \$50 million for MTSS grants to LEAs to implement trauma-informed practices;
 - Youth & Behavioral Health Initiative – over \$4 billion invested in a wide range of youth behavioral health initiatives, including many efforts to foster partnerships between schools and county/community-based providers to improve access to mental health services in schools; and
 - \$2.4 million to the CDE to support the creation of an online training on schoolsite and community resources focused on strategies to support LGBTQ+ students.

Comprehensive approaches to school climate. As noted above, the Legislature has addressed issues of student mental health, bullying, and school climate with numerous investments. Schools have had the opportunity to apply for funding to support their school climate and school safety improvement efforts.

All LEAs are required to address school climate as one of the key priorities within their Local Control and Accountability Plan (LCAP), as informed by measures such as suspension and expulsion rates, as well as surveys of students, parents and teachers on the sense of safety and

school connectedness. The behavioral health module of the California Healthy Kids Survey includes questions on body image and disordered eating, as well as social isolation, responses to trauma, and self-harm behavior.

Although body shaming and other factors influencing body image among children and youth are clearly important, many other forms of behavior among peers contribute to negative outcomes and mental health issues. ***The Committee may wish to consider whether the State can*** expect schools to respond to each of these with a specific policy. As noted above, schools are currently required to address school climate, school connectedness, and school safety within their LCAP.

Arguments in support. The California Teachers Association writes, “CTA believes self-esteem is a major factor in the educational success of all students and staff. The increasing mental, emotional, and environmental pressures upon the students and staff in California often result in increased drug and alcohol abuse, violence, dropout rate, pregnancy and suicide among students. Body shaming adversely impacts student's self-esteem. Research shows that students with low self-esteem are less likely to take academic risks, which adversely impacts their educational growth.”

Recommended Committee Amendments. Staff recommends that the bill be amended as follows:

- 1) Delete the requirement that LEAs develop and adopt body shaming policies and resources.
- 2) Require the CDE to develop, and post on their website, by July 1, 2024, a model policy and resources about body shaming, and encourage LEAs to share these resources with students, staff, and families.

Related legislation. AB 34 (Ramos) Chapter 282, Statutes of 2019, requires LEAs, commencing with the 2020-21 school year, to provide specified bullying and harassment prevention information in a prominent location on their existing website.

AB 543 (Smith) Chapter 428, Statutes of 2019, requires public schools serving students in grades 9-12 to create and display a poster that notifies its students of the school's sexual harassment policy, and requires all educational institutions to provide a written copy of its sexual harassment policy, to continuing students.

AB 493 (Gloria) Chapter 493, Statutes of 2019, requires that, no later than July 1, 2021, the CDE develop resources or update existing resources for in-service training on schoolsite and community resources for the support of Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning (LGBTQ) students, for use in LEAs and charter schools, serving students in grades 7-12. Requires the CDE to periodically provide online trainings on this topic that can be accessed on a statewide basis.

AB 2291 (Chiu) Chapter 491, Statutes of 2018, requires LEAs to adopt procedures for preventing acts of bullying and cyberbullying; requires the CDE to post on its website an online training module relating to bullying and cyberbullying; and requires schools to make this online training available to school employees.

AB 1318 (Chiu) of the 2017-18 Session would have required schools to provide staff members information about local resources available to support students subject to bias and discrimination

based on certain actual or perceived characteristics; required annual trainings of school staff on addressing intergroup conflict; required reporting of bullying incidents to the SPI; and requires the CDE to provide specific information on its website related to bias and discrimination and intergroup conflict. This bill was held in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Teachers Association
Highlands Community Charter and Technical Schools

Opposition

None on file

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