

CONCURRENCE IN SENATE AMENDMENTS

AB 772 (Lowenthal)

As Amended August 29, 2025

Majority vote

SUMMARY

Requires the California Department of Education (CDE), on or before June 1, 2026, to adopt a model policy on how to address reported acts of cyberbullying that occur outside of school hours and requires local educational agencies (LEAs) to adopt the resulting policy or a similar policy developed with local input.

Senate Amendments

- 1) Requires the CDE, in developing the model policy in consultation with relevant stakeholders, to consider establishing guidance on the factors necessary to determine what constitutes an intimidating or hostile educational environment, as well as the factors that demonstrate severity and pervasiveness.
- 2) Authorizes LEAs to modify existing procedures and policies to meet the requirement to adopt a policy on cyberbullying occurring outside of school hours.

COMMENTS

Current law authorizes school officials to address bullying. California law authorizes administrators to suspend or recommend for expulsion a student who has engaged in bullying at school or during school activities. This includes bullying by an electronic act originating on or off the schoolsite.

Key provisions of this bill. This bill requires the CDE to develop a model policy for schools on addressing acts of cyberbullying occurring outside of school hours when they have a significant impact on the school environment. It also requires LEAs to adopt the model policy or amend an existing policy.

What is electronic bullying? Electronic bullying, or cyberbullying, is defined as "bullying that takes place over digital devices like cell phones, computers, and tablets. Cyberbullying can occur through SMS, Text, and apps, or online in social media, forums, or gaming where people can view, participate in, or share content.

According to the Author

"Bullying and harassment amongst peers in school is not a new phenomenon; however, the digital age and rise of social media has drastically changed the landscape by expanding how and when classmates communicate with one another. Bullying and harassment are no longer limited to the school day; bullies are empowered to continue their harassment through social media platforms, posts, text messages – circulating harmful or humiliating content to the pupil they are bullying or to a wider audience. After-school bullying follows the pupil back to school and into the classroom, creating a hostile environment at school.

AB 772 requires that the CDE develop a model policy aimed at addressing bullying and cyberbullying that occurs outside of school hours. The bill will help provide districts with the

necessary clarification on actions they can take to ensure all of our kids can enjoy a safe and productive learning environment, during school and after school."

Arguments in Support

The California Alliance writes, "Bullying and harassment amongst peers in school is not a new phenomenon; however, the digital age and rise of social media has drastically changed the landscape by expanding how and when classmates communicate with one another. Bullying and harassment are no longer limited to the school day; bullies are empowered to continue their harassment through social media platforms, posts, text messages – circulating harmful or humiliating content to the pupil they are bullying or to a wider audience. Children are constantly connected to their peers via mobile phones, leaving them susceptible to bullying at any time or place.

While students are currently subject to disciplinary measures for bullying on campus, there is ambiguity in existing law concerning the authority of superintendents or principals to intervene when cyberbullying or in-person bullying takes place outside of school hours and off campus.

Cyberbullying has a growing impact on student mental health, academic performance, and school safety. AB 772 provides an important tool for schools to address these harms and supports districts in responding to off-campus and after-hours cyberbullying in a consistent and effective manner. This bill will help provide districts with the necessary clarification on actions they can take to ensure all students can enjoy a safe and productive learning environment, during school and after school."

Arguments in Opposition

The California School Boards Association writes, "We appreciate the efforts of the author to address a challenging and important issue. It is imperative that LEAs work to provide students with safe and supportive environments to learn, grow, and thrive. However, as proposed, AB 772 vastly expands the scope, responsibility and reach of LEAs beyond their statutory and regulatory authority. Specifically, this bill raises legal, ethical and philosophical issues concerning the role of LEAs in society.

In terms of appropriateness, this measure expects LEAs to address youth behavior outside of school hours and school functions which are beyond the control and responsibility of schools and districts. This inappropriately expands the role of LEAs to hold youth accountable for behavior that is beyond their legal jurisdiction. It also raises significant fiscal and programmatic resource concerns by creating the presumption or expectation that school staff would be required to monitor, track and enforce online behavior during non-school hours.

Lastly, this bill creates the public expectation that a LEA can and should be responsible for behaviors that extend beyond the school day, placing near untenable and unmeetable expectations on school districts and county offices of education to become involved in matters that are unrelated to school."

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) The CDE estimates one-time General Fund costs of \$371,000 and 2.0 positions to support the development, posting, and distribution of the model policy required by this bill.

- 2) This bill could result in one-time Proposition 98 General Fund costs, potentially in the low hundreds of thousands of dollars, for LEAs to adopt and post a cyberbullying policy on their websites. These activities are likely deemed to be a mandate by the Commission on State Mandates, which could create pressure for the state to reimburse the associated costs to LEAs or provide additional funding through the K-12 Mandate Block Grant.

VOTES:

ASM EDUCATION: 9-0-0

YES: Muratsuchi, Hoover, Addis, Alvarez, Bonta, Castillo, Garcia, Lowenthal, Patel

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Sanchez

ASSEMBLY FLOOR: 79-0-0

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

UPDATED

VERSION: August 29, 2025

CONSULTANT: Debbie Look / ED. / (916) 319-2087

FN: 0001870