AB-772 Cyberbullying: off-campus acts: model policy. (2025-2026)

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Date Published: 10/13/2025 09:00 PM

Assembly Bill No. 772

CHAPTER 620

An act to add Section 234.41 to the Education Code, relating to educational equity.

[Approved by Governor October 11, 2025. Filed with Secretary of State October 11, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 772, Lowenthal. Cyberbullying: off-campus acts: model policy.

Existing law requires the Superintendent of Public Instruction to post, and annually update, on the State Department of Education's internet website and notify local educational agencies of the availability of a list of statewide resources, including community-based organizations, that provide support to youth, and their families, who have been subjected to school-based discrimination, harassment, intimidation, or bullying, as provided. Existing law requires a local educational agency to adopt, on or before December 31, 2019, procedures for preventing acts of bullying, including cyberbullying.

This bill would require the department, on or before June 30, 2026, in consultation with relevant stakeholders, to develop, post on its internet website, and distribute to each local educational agency, as defined, a model policy on how to address certain reported acts of cyberbullying occurring outside of school hours and outside of the campus, as specified. The bill would require the model policy to clarify that local educational agencies are authorized, but not required, to address those acts. The bill would require each local educational agency, on or before July 1, 2027, to adopt a policy, or modify its existing procedures for preventing acts of bullying, on how to address certain reported acts of cyberbullying occurring outside of school hours and outside of the campus, as specified. The bill would authorize the adopted policy to be the model policy developed by the department or a locally adopted policy with input from stakeholders. The bill would require each local educational agency to post a copy of the adopted policy on its internet website and the internet website of each of its schoolsites. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority   Appropriation: no   Fiscal Committee: yes   Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 234.41 is added to the Education Code, immediately following Section 234.4, to read:

234.41. (a) (1) On or before June 30, 2026, the department, in consultation with relevant stakeholders, shall develop, post on its internet website, and distribute to each local educational agency, a model policy on how to address reported acts of cyberbullying occurring outside of school hours, provided that, when engaged in outside of the campus, the act is sufficiently severe or pervasive to have the actual and reasonably expected effect of creating an intimidating or hostile educational environment. The model policy shall clarify that local educational agencies are authorized, but not required, to address those acts. This section does not impose liability on a local educational agency for failing to address those acts.

(2) In developing the model policy required pursuant to paragraph (1), the department, in consultation with relevant stakeholders, may use existing resources or frameworks, including, but not limited to, the Multi-Tiered System of Supports, which includes restorative justice practices, trauma-informed practices, social and emotional learning, and schoolwide positive behavior interventions and support, to be used to help pupils gain critical social and emotional skills, receive support to help transform trauma-related responses, understand the impact of their actions, and develop meaningful methods for repairing harm to the school community.

(3) In developing the model policy required pursuant to paragraph (1), the department, in consultation with relevant stakeholders, shall 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.

(b) The model policy developed pursuant to subdivision (a) shall be appropriate for local educational agencies that serve pupils enrolled in any of grades 4 to 12, inclusive.

(c) (1) On or before July 1, 2027, each local educational agency shall adopt a policy, or modify its existing procedures adopted pursuant to Section 234.4, on how to address reported acts of cyberbullying occurring outside of school hours, provided that, when engaged in outside of the campus, the act is sufficiently severe or pervasive to have the actual and reasonably expected effect of creating an intimidating or hostile educational environment. The adopted policy may be the model policy developed by the department pursuant to subdivision (a) or a locally adopted policy with input from stakeholders.

(2) Each local educational agency shall post a copy of the adopted policy on its internet website and the internet website of each of its schoolsites.

(d) For purposes of this section, "local educational agency" means a school district, county office of education, or charter school.
SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.