

Date of Hearing: July 2, 2024

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Mike Fong, Chair

SB 939 (Umberg) – As Amended June 17, 2024

**SENATE VOTE:** 37-0

**SUBJECT:** Educational equity: schoolsite and community resources: neurodivergent pupils.

**SUMMARY:** Requires the State Superintendent of Public Instruction (SPI) to post, and annually update, on the California Department of Education (CDE) internet website, and to notify local educational agencies (LEAs) of the availability of a list of resources that provide support for youth, and their families, who have been subjected to school-based discrimination, harassment, intimidation, or bullying on the basis of neurodiversity or perceived neurodiversity, including those developed by the University of California (UC) and California State University (CSU) Collaborative for Neurodiversity and Learning. Specifically, **this bill:**

- 1) Requires the SPI to post, and annually update on CDE’s website, and to notify LEAs of the availability of a list of statewide resources that provide support for youth and their families who have been subjected to school-based discrimination, harassment, intimidation, or bullying, including school-based discrimination, harassment, intimidation, or bullying on the basis of neurodiversity, or perceived neurodiversity.
- 2) Requires that the resources included, as enumerated in (1) above, that provide support for youth, and their families, who have been subjected to school-based discrimination, harassment, intimidation, or bullying on the basis of neurodiversity, shall include resources developed by the UC and CSU Collaborative for Neurodiversity and Learning.
- 3) Requires each LEA, commencing with the 2025–26 academic year, to ensure that the resources related to neurodiversity developed by the UC and CSU Collaborative for Neurodiversity and Learning are readily accessible in a prominent location on the LEA’s internet website in a manner that is easily accessible to parents or guardians and pupils.
- 4) Requires that the online training module that the CDE is tasked with developing on bullying and cyberbullying include information about how to support students who are bullied for being or perceived as being neurodivergent, and to include links to resources related to neurodiversity developed by the UC and CSU Collaborative for Neurodiversity and Learning.
- 5) Makes clarifying and technical changes to existing law.

**EXISTING LAW:**

- 1) Provides that no person in the State of California will be subjected to discrimination, or any other form of illegal bias, including harassment, and that no person be excluded from participation in or denied the benefits of any local agency's program or activity on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability in any program or activity conducted by an educational institution or any other local agency which is funded directly by, or that receives

or benefits from any state financial assistance (California Code of Regulations (CCR), Title 5, Section 4900).

- 2) Prohibits any person from being subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes, including immigration status, in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state student financial aid (Education Code (EC) Section 220).
- 3) Requires the SPI to be responsible for providing leadership to local agencies to ensure that the requirements of nondiscrimination laws and their related regulations are met in educational programs that receive or benefit from state or federal financial assistance and are under the jurisdiction of the State Board of Education (5 CCR Section 4902).
- 4) Vests the SPI and other state officials and agencies with the authority to enforce federal and state laws that protect pupils from unlawful discrimination and harassment and that require LEAs to create an equitable learning environment for all pupils, regardless of race, ethnicity, gender, sexual orientation, or other protected characteristics. Provides that this authority includes the power to ensure that LEAs comply with laws supporting pupils' right to receive accurate and inclusive education in California's schools (EC Section 202).
- 5) Establishes that the Safe Place to Learn Act, provides that it is the policy of this state to ensure that all LEAs continue to work to reduce discrimination, harassment, violence, intimidation, and bullying. Existing law provides that it is also the policy of the state to improve student safety at schools and the connections between students and supportive adults, schools, and communities (EC Section 234).

**FISCAL EFFECT:** According to the Senate Committee on Appropriations:

- 1) This measure could result in ongoing reimbursable state mandated costs for school districts to provide resources to staff to support students who are neurodivergent. A precise estimate is unknown but could potentially be in the low hundreds of thousands of dollars each year (Proposition 98 General Fund).
- 2) The CDE indicates that any administrative costs would be minor and absorbable within existing resources.

**COMMENTS:** *Double referral.* This measure was heard by the Assembly Committee on Education on June 12, 2024, where the measure passed with a vote of 12-0.

*What is neurodivergence and how common is it?* According to the UC, a neurodivergent person is an individual whose mind or brain is atypical in a way associated with disability. Neurodivergence includes, among others, autism and attention deficit hyperactivity disorder (ADHD). The U.S. Centers for Disease Control and Prevention (CDC) *2023 Community Report on Autism* estimated that in 2020, 1 in 36 children at the age of eight had been identified with characteristics within the autism spectrum and rates of diagnosis have dramatically increased by more than 600%, in the last decades. It has been recognized that in many cases, autism and

ADHD may be undiagnosed because of cultural or socioeconomical factors. Barriers to diagnosis may include stigma and the cost of diagnosis.

College represents a challenging experience to many neurodivergent students. According to the Higher Education Research Institute at UCLA, more than half of autistic young adults do not pursue a college degree and many of those that do, fail to obtain their degree. It is currently estimated that between 0.7 and 1.9% of college students are autistic and about 5% of students report having ADHD. It is important to acknowledge that the challenges neurodivergent students face are not necessarily academic, and go beyond student accommodations in test taking or note taking in the classroom. These include discrimination by other students, misunderstanding by instructors, difficulty transitioning from high school into college and from college into the workforce, overstimulation at social events, such as orientation or commencement and in overpopulated student areas, and lack of guidance on how to navigate the college system.

*Purpose of the measure.* According to information provided by the author, neurodivergent youth are often the prevalent victims of bullying. The author states that, “the number of neurodivergent youth is higher in California compared to other areas. According to the Journal of Attention Disorders, nearly half of children with ADHD [attention deficit hyperactivity disorder] are victims of bullying — more than double the amount of bullying experienced by neurotypical peers. Although the numbers have risen over the years, there has not been sufficient priority placed on this area of education. The most significant problem identified is the lack of awareness within the general student population.”

According to the author, “SB 939 helps and acknowledges pupils with neurodivergence, which has a spectrum of differences in brain function and behavioral traits encompassing conditions such as Autism Spectrum Disorder, ADHD [attention deficit hyperactivity disorder], Dyslexia, and more. As our understanding of diversity and inclusion evolves, the legal framework that protects and uplifts every student must evolve as well.”

Further, the author states that, “historically, students with neurodivergent conditions have faced unique challenges in educational settings, ranging from misunderstanding and stereotypes to bullying and discrimination. This not only hinders students’ academic growth but also affects their emotional and social development.”

According to the author, “the population of students in California diagnosed with autism is higher than in other areas as well. According to Stephanie Seneff, a Research Scientist from MIT [Massachusetts Institute of Technology], an average of 1 in 26 children are diagnosed with autism in California. Compared to the average ratio of 1:36, it is clear that California has a higher number of children with autism, emphasizing the imperativeness of this issue.”

Lastly, the author contends that, “SB 939 seeks to amend Section 234.1 of the Education Code to explicitly include protections for neurodivergent students, ensuring they receive the same rights to a safe and positive learning environment as their peers.”

*UC and CSU Collaborative for Neurodiversity and Learning.* A higher education budget trailer bill, SB 77 (Committee on Budget and Fiscal Review), Chapter 53, Statutes of 2019, established the UC and CSU Collaborative for Neurodiversity and Learning. The goal of this initiative is to bring together the state’s resources and leading experts in brain research and K-12 education to strengthen educational support and new teaching methods for children who have diverse learning

needs, including children with dyslexia and literacy issues. The Collaborative is to do all of the following:

- 1) Develop a network of brain researchers and educators to share new knowledge on neurodiversity.
- 2) Identify and develop links between brain research and classroom practice.
- 3) Create a framework for embedding neurodiversity knowledge into the teacher education programs at UC and CSU.
- 4) Provide an opportunity for innovative experts in neuroscience and education to collaborate and develop new approaches for teaching and learning based on knowledge gained from brain research around learning differences, such as dyslexia.

Additionally, the Collaborative is tasked with providing leadership on the development and testing of new classroom interventions and teaching practices for literacy learning issues based on brain research at K-12 public schools. The Collaborative is to establish an evaluation team, comprised of participants from UCLA, CSU Dominguez Hills, and other CSU campuses along the Los Angeles basin. The Collaborative, in part, is required to measure the impact of the new classroom interventions and teaching practices at participating schools and identify which interventions and practices are most effective for neurodiverse learners.

The Collaborative is further tasked with supporting the development of a progressive teacher training curriculum to be integrated into professional preparation programs leading to a preliminary teaching credential that will have a long-term impact on supporting neurodiverse learners. More information about the Collaborative can be found here: <https://ca-literacy-dyslexia-collab.ucla.edu/>.

Committee Staff understands that the Collaborative appears to be well-positioned to serve as a resource for LEAs in providing information and resources to support students who are neurodivergent.

*Arguments in support.* According to the California State Association of Psychiatrists (CSAP), “the population of neurodivergent youth is rapidly increasing, largely impacting educational institutions.”

The CSAP states that, “neurodivergent youth are often the prevalent victims of bullying, and the number of neurodivergent youth is higher in California compared to other areas. Although the numbers have risen over the years, there has not been sufficient priority placed on building awareness and education.”

Lastly, the CSAP contends that, “SB 939 directly addresses the need for higher levels of awareness regarding neurodivergence within the general student body by requiring local educational agencies to incorporate comprehensive policies, establish clear complaint procedures, and provide adequate resources for neurodivergent students.”

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Autism Speaks  
California Charter Schools Association  
California State Association of Psychiatrists  
California State PTA  
Church State Council

**Opposition**

None on file.

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