



Written by [Michael Tennant](#) on August 13, 2023

California Bill Could Criminalize Criticism of Public Schools

California lawmakers are considering legislation that critics warn could criminalize parents' speaking out at school-board meetings or otherwise criticizing school officials.

Passed by the California Senate in May and now under consideration in the Assembly, [SB 596](#) would amend state law to classify causing "substantial disorder" at a school-board meeting or engaging in "harassment" of a school employee as a misdemeanor punishable by fines and imprisonment. It would also broaden the definition of "school employee" to include "any employee or official of a school district, a charter school, a county office of education, a county board of education, the state board, or the State Department of Education."



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Existing law considers it a crime when a parent or guardian "materially disrupts classwork or extracurricular activities or [causes] substantial disorder." In other words, it's illegal to interfere with the normal operation of a school.

Under SB 596, however, the following is added after "substantial disorder": "including substantial disorder at any meeting of the governing board of a school district, the governing body of a charter school, a county board of education, or the state board." In short, a parent who appeared at a school-board meeting and made an impassioned speech against, say, gender policies, could well be charged with a crime. Such a speech, after all, is likely to cause some kind of "disorder."

"It's clear they're trying to chill parents from speaking out," Heritage Foundation senior legal fellow Sarah Parshall Perry told the [Daily Signal](#).

"I find it curious that there's no definition of 'substantial' or 'disruption' within the proposed text," she said. "Considering that these are essential terms for the bill, it's likely that if passed, the law would fall under a vagueness challenge."

"Harassment," too, becomes less specific under SB 596. Whereas it previously included "unlawful violence" or "a credible threat of violence," it would now be defined as "a knowing and willful course of conduct directed at a specific person that seriously alarms, torments, or terrorizes the person, and that serves no legitimate purpose."

"Course of conduct," meanwhile, is no longer defined by specific actions such as stalking, but is simply "a pattern of conduct composed of two or more acts occurring over a period of time, however short, evidencing a continuity of purpose."



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The [California Globe](#) wrote:

In California-speak, that means school boards get to decide what is substantial and what is not; what is harassment and what is not. In Totalitarian-speak that means don't dare even think about going to a school board meeting and question[ing] their narrative or policies. Totalitarians prefer community partners that are subdued, compliant, and simply to [sic] terrified to question their betters. Totalitarians criminalize passionate parents and community partners that upset the status quo.

All of this suggests that the bill is aimed at silencing parents and other critics of the woke ideology being peddled in California's public schools, which should hardly come as a shock in a state that is trying to [prevent](#) local schools from notifying parents if their child is going by a new "gender identity" at school.

"The idea that the government is trying to regulate conduct at school board meetings is pretty normal," Jim Manley, state legal policy deputy director at the Pacific Legal Foundation, told the Daily Signal. "What sends up potential red flags is some of the language in this bill."

A parent or other critic "saying two things that the school official finds harassing could be enough to qualify" under the law's vague definition, he averred. "An email that simply torments would count as harassment under this standard." And since "to torment" means "to cause mental suffering," "two emails that cause a school board official to mentally suffer" could land someone in hot water.

SB 596 "could be interpreted in a way that chills people's ability to communicate with elected officials," he argued.

It's also worth noting that while parents are forbidden from disrupting school-board meetings or tormenting school employees, employees who are also union members may not be. The bill says its provisions "shall not apply to any otherwise lawful employee concerted activity, including, but not limited to, picketing and the distribution of handbills." Manley noted that "parents showing up to hand out literature would not be exempt" from the law.

Given the recent conflicts at school-board meetings over such matters as gender policy and inappropriate literature, it seems likely that SB 596 is the Golden State's version of the Justice Department's [targeting](#) of concerned parents as "domestic terrorists," as the National School Boards Association termed them in a letter to President Joe Biden.

"I would certainly agree that SB 596 targets conservative parents who have been energized and re-engaging at the school board level," Matt McReynolds, deputy chief counsel at the Pacific Justice Institute, told the Daily Signal.

McReynolds also pointed out the bill's "double standards, beginning with the exception ... for labor union activity such as picketing."

Many observers expect the bill, if it becomes law, to be found unconstitutional because of its vagueness. In the meantime, however, it will serve its purpose of silencing concerned parents as the Left gains an even firmer hold on their children.

"In nearly all other areas, our state leaders are stressing decriminalization and have released thousands of dangerous offenders back into our communities," said McReynolds. "The rhetoric about mass incarceration and overcriminalization goes out the window when they're going after their political



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enemies.”





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