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Board Policy Manual

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Policy 5145.9: Hate-Motivated Behavior

Status: ADOPTED

Original Adopted Date: 06/13/2019 | Last Reviewed Date: 06/13/2019

The Board of Education is committed to providing a safe learning environment that protects students from discrimination, harassment, intimidation, bullying, and other behavior motivated by a person's hostility towards another person's real or perceived ethnicity, national origin, immigrant status, sex, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic. The Superintendent or designee shall design strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and address such incidents if they occur.

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. Such collaborative efforts shall focus on ensuring an efficient use of district and community resources, developing effective prevention strategies and response plans, providing assistance to students affected by hate-motivated behavior, and/or educating students who have perpetrated hate-motivated acts.

The district shall provide students with age-appropriate instruction that includes the development of social-emotional learning, promotes their understanding of and respect for human rights, diversity, and acceptance in a multicultural society, and provides strategies to manage conflicts constructively.

As necessary, the district shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

The Superintendent or designee shall ensure that the rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident are provided to students and parents/guardians.

The Superintendent or designee shall provide staff with training on recognizing and preventing hate-motivated behavior and on effectively enforcing rules for appropriate student conduct.

Complaint Process

A student or parent/guardian who believes the student is a victim of hate-motivated behavior is strongly encouraged to report the incident to a teacher, the principal, or other staff member.

Any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident shall immediately contact the principal or the compliance officer responsible for coordinating the district's response to complaints and complying with state and federal civil rights laws. As appropriate, he/she shall also contact law enforcement.

Any complaint of hate-motivated behavior shall be investigated and, if determined to be discriminatory, shall be resolved in accordance with law and the district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures. If, during the investigation, it is determined that a complaint is about nondiscriminatory behavior, the Superintendent or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 4600-4670	Uniform complaint procedures ()
5 CCR 4900-4965	Nondiscrimination in elementary and secondary education programs ()
Ed. Code 200-262.4	<u>Educational equity; prohibition of discrimination on the basis of sex</u> (http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=1.&chapter=2.&part=1.&lawCode=EDC&title=1.&article=1).
Ed. Code 32282	School safety plans ()
Ed. Code 48900.3	Suspension for hate violence ()
Ed. Code 48900.4	Suspension or expulsion for threats or harassment ()
Pen. Code 422.55	Definition of hate crime ()
Pen. Code 422.6	Crimes, harassment ()

Federal	Description
28 CFR 35.107	Nondiscrimination on basis of disability; complaints ()
34 CFR 100.3	Prohibition of discrimination on basis of race, color or national origin ()
34 CFR 104.7	Designation of responsible employee for Section 504 ()
34 CFR 106.8	Designation of responsible employee for Title IX ()
34 CFR 110.25	Prohibition of discrimination based on age ()

Management Resources	Description
CA Office of the Attorney General Publication	Promoting Safe & Secure Learning Environment for All: Guidance & Model Policies to Assist CA K-12 Schools in Responding to Immigration Issues, 4/2018 ()
California Department of Education Publication	Bullying at School, 2003 ()

Management Resources

U.S. DOE, Office for Civil Rights Publication
 U.S. DOE, Office for Civil Rights Publication
 Website
 Website
 Website
 Website
 Website
 Website

Description

Dear Colleague Letter: Prohibited Disability Harassment, July 2000 ()
 Dear Colleague Letter: Harassment and Bullying, October 2010 ()
[California Association of Human Relations Organizations \(http://www.cahro.org\)](http://www.cahro.org)
[California Office of the Attorney General \(http://oag.ca.gov\)](http://oag.ca.gov)
[U.S. Department of Justice \(http://www.justice.gov\)](http://www.justice.gov)
[U.S. Department of Education, Office for Civil Rights \(http://www.ed.gov/about/offices/list/ocr/index.html\)](http://www.ed.gov/about/offices/list/ocr/index.html)
[CSBA \(http://www.csba.org\)](http://www.csba.org)
[California Department of Education \(http://www.cde.ca.gov\)](http://www.cde.ca.gov)

Cross References**Code**

0410
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 3515
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Description

[Nondiscrimination In District Programs And Activities \(/Policy/ViewPolicy.aspx?S=36030895&revid=qChghjGV0WKqqplussubjSl1A==\)](#)
[Comprehensive Safety Plan \(/Policy/ViewPolicy.aspx?S=36030895&revid=LyrIDAanmqZctqj8vPQ4A==\)](#)
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[Comprehensive Health Education \(/Policy/ViewPolicy.aspx?S=36030895&revid=MjZy3WjayAha8CX8poPtlshQ==\)](#)

Code	Description
6142.8	Comprehensive Health Education (/Policy/ViewPolicy.aspx?S=36030895&revid=Kplusyr1Y7MI7FzvWMM3MLUfw==)
6144	Controversial Issues (/Policy/ViewPolicy.aspx?S=36030895&revid=r3gDe9Z6YQpluskhXmaOBslshRvw==)
6163.4	Student Use Of Technology (/Policy/ViewPolicy.aspx?S=36030895&revid=d80slshyyWJxYslshLcgay6avlwg==)
6163.4-E(1)	Student Use Of Technology (/Policy/ViewPolicy.aspx?S=36030895&revid=IFDxiWmA6Dslsh4vI0Q9i2jBA==)
6164.2	Guidance/Counseling Services (/Policy/ViewPolicy.aspx?S=36030895&revid=tIUC67dU5527sRKhHHAY7A==)
6173.1	Education For Foster Youth (/Policy/ViewPolicy.aspx?S=36030895&revid=H8EAvoZyKA76VuQwLzNdww==)
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6175	Migrant Education Program (/Policy/ViewPolicy.aspx?S=36030895&revid=Dhnunf7zWuO8wvN5cmIETg==)
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