

Policy 5145.9: Hate-Motivated Behavior

Status: ADOPTED

Original Adopted Date: 10/14/2009 | **Last Revised Date:** 11/14/2018

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.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3515.4 - Recovery for Property Loss or Damage)

(cf. 5131- Conduct)

(cf. 5131.2 - Bullying)

(cf. 5131.5 - Vandalism and Graffiti)

(cf. 5136 - Gangs)

(cf. 5137 - Positive School Climate)

(cf. 5141.52 - Suicide Prevention)

(cf. 5145.3 - Nondiscrimination/Harassment)

(cf. 5145.7 - Sexual Harassment)

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.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

(cf. 1700 - Relations Between Private Industry and the Schools)

(cf. 5148.2 - Before/After School Programs)

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.

(cf. 5138 - Conflict Resolution/Peer Mediation)

(cf. 6142.3 - Civic Education)

(cf. 6142.4 - Service Learning/Community Service Classes)

(cf. 6142.94 - History-Social Science Instruction)

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.

(cf. 6164.2 - Guidance/Counseling Services)

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.

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

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.

(cf. 3515.3 - District Police/Security Department)

(cf. 5145.11 - Questioning and Apprehension by 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 principal or designee shall inform the complainant and shall take all necessary actions to resolve the complaint.

(cf. 1312.1 - Complaints Concerning District Employees)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

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 References

5 CCR 4600-4670

Description

Uniform complaint procedures

5 CCR 4900-4965

Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Ed. Code 200-262.4

Prohibition of discrimination - <https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==>

Ed. Code 32282

School safety plans

Ed. Code 48900.3

Suspension for hate violence

Ed. Code 48900.4

Suspension or expulsion for harassment, threats, or intimidation

Gov. Code 11135

Nondiscrimination; accessibility to state web sites - <https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKALOEtfQ==>

Pen. Code 422.55

Definition of hate crime

Pen. Code 422.6

Crimes, harassment

Federal References

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 106.30	Discrimination on the basis of sex in education programs and activities; definitions
34 CFR 106.44	Recipient's response to sexual harassment
34 CFR 106.45	Grievance process for formal complaints of sexual harassment
34 CFR 106.8	Designation of responsible employee for Title IX
34 CFR 110.25	Prohibition of discrimination based on age

Management Resources References

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
Human Rights Campaign Foundation Publication	California LGBTQ Youth Report, January 2019
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Prohibited Disability Harassment, July 2000
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Harassment and Bullying, October 2010
Website	California Association of Human Relations Organizations - https://simbli.eboardsolutions.com/SU/m8A1E26slshimDwiOyFebCjiA==
Website	U.S. Department of Justice - https://simbli.eboardsolutions.com/SU/BPwrkTmFhG0SXt3hKCVuBw==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	U.S. Department of Health and Human Services - https://simbli.eboardsolutions.com/SU/V6plus87b5B4plusKwjiQr7uENA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/xAUocbqAdpluskfrGvwO6tSPQ==
0415	Equity - https://simbli.eboardsolutions.com/SU/3Oc3oEKVUjVgi96Y6nGwdA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/jTPx5bWZGGrtK5VTxf8E6w==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/hkUARwDIISUR80gl9WXRbQ==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/GyZm0LNjldgEVOjhBzIVmg==
0460	Local Control And Accountability Plan - https://simbli.eboardsolutions.com/SU/slshpmdZjwDKjCiro0Y4fLJGQ==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/c0zrk9mC3818yBxPBEvcg==

1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/wzQdKEmpluscIH0JPV4QytMSA==
1312.1-E PDF(1)	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/hZST6YAxGTzxOVP9KtEXmQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/SADjVeaolFQ6G6NpHgpluvPA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/8ejL2s0yxcUvDGo2OfslshdmA==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/bFaMYzLWS0g4CQ0gkff5BA==
1700	Relations Between Private Industry And The Schools - https://simbli.eboardsolutions.com/SU/f3Ztpv7XW1PurmTDK6QKWg==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/IQzM3UCqJ8plusJlJhATSvCZg==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/DKzTFMHTFXIAO7AKTvfIIQ==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/Dha0TctJmJpaGR4jux3nIQ==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/plusCOISUcp7xvczp0Mz0qPLQ==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/9I5Z1M4ugzIqEplusyxpcslshQdQ==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/wRWH2EpIDQMRXKawJswTaA==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/Be7IjA2dRiAkdAQ1IXzhtQ==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/Oddza2eYnmB0DCgrIY7jcQ==
5131	Conduct - https://simbli.eboardsolutions.com/SU/Fg3vplusgP5IZDplusJaFWMSspluseQ==
5131	Conduct - https://simbli.eboardsolutions.com/SU/yHdlkGuy3qxjSa3H6UnoJw==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/rGao3UWwzKtZwslshNCFGjUlG==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/RslshDola464A4OKeE8Qplus1Lkw==
5131.4	Student Disturbances - https://simbli.eboardsolutions.com/SU/plusipxRczE0sgL3bDMNVIXcg==
5136	Gangs - https://simbli.eboardsolutions.com/SU/slshPnKUIqNqplusablnBM2HJUKQ==
5136	Gangs - https://simbli.eboardsolutions.com/SU/OTtsJ7Rplus8ub8dDB426m31A==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/sbcTslsh91K3dw7cl62njwhzg==
5138	Conflict Resolution/Peer Mediation - https://simbli.eboardsolutions.com/SU/oRplus9yZs0L2b3sSSfdbRGyg==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/6Eaxx5tysBsDPxywXV0eQ==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/2zMYIyP9GRDSjQVflhGCCQ==

5144	Discipline - https://simbli.eboardsolutions.com/SU/2HCXlh0OnW9b8auhWvwutQ==
5144	Discipline - https://simbli.eboardsolutions.com/SU/8FgECXLZH2pfplusukrIhtSeA==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/RalyAArnH7xtqXnKlK9wQA==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/Pfu8JkX8rGeSuM7s5oJ5xg==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/HBKZF5a1zamH7nVg5hG4oA==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/yF3XP40GscUR2qdhjM2wyQ==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/djg5XyPHYGoplusOggtuNsiCg==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/86rD2ctt2oxh0lW6wxwt6A==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/WhDOEnTS2iFNfTJCq3F17g==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/GxXfqUgOzx5Fg9MaQXEztw==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/4CBk6cMYHQvsZkOxjplYEQ==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/6Uy4VzDEDvkFHrvi7B2z6Q==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/zV39mrVhLo1EwtNfFuznoQ==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/gVFBm4VC1GYuqplusdNLR7JplusA==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/kslshQGplusdQTFamGqRdCJcRplusA==
6142.3	Civic Education - https://simbli.eboardsolutions.com/SU/yWbslshs33f7q8NgIPneY7zaA==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/F6hNPAGQH2tjXJalsfI0aA==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/68fy2GpTH20IBRQMFf38gA==
6144	Controversial Issues - https://simbli.eboardsolutions.com/SU/lslshZLxWlpnuB9nrIXGtAh3Q==
6144	Controversial Issues - https://simbli.eboardsolutions.com/SU/7UtMkkGcRLrHPre9NP5DBw==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/tFWTplusSeJPmD7oR2IstrNJw==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/xLcee79tEAgti4u92hYF9w==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/a6QJUYo6RJU8gVZAUePbWQ==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/2zl3wKAtF8JXrw8UgiX4ZQ==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/6uFU49WXzYJ8mZ8h18cAaw==

6173.1

Education For Foster Youth -
<https://simbli.eboardsolutions.com/SU/f8IMC8uM70t1jmUxLXChaA==>