

Policy 5145.9: Hate-Motivated Behavior

Status: ADOPTED

Original Adopted Date: 02/11/2020 | **Last Reviewed Date:** 02/11/2020

The Board of Trustees 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 principal 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 References

5 CCR 4600-4670

5 CCR 4900-4965

Ed. Code 200-262.4

Ed. Code 32282

Ed. Code 48900.3

Description

Uniform complaint procedures

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

Prohibition of discrimination - <https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==>

School safety plans

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/PcUFWeMcCJnzBrKAL0EtfQ==
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes, harassment

Federal References

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

CA Office of the Attorney General Publication	Description 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

0410	Description Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/AcYrmrHJD3AWeDbZREfibQ==
0415	Equity - https://simbli.eboardsolutions.com/SU/llrF3C3YOCcF7qBOpluscN2qw==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/pgApP4MnbiUirPPDA1sAMA==

0450 Comprehensive Safety Plan - <https://simbli.eboardsolutions.com/SU/otXWxpl2g4p4VoQpYBAQCQ==>

0460 Local Control And Accountability Plan - <https://simbli.eboardsolutions.com/SU/watJ8ks1YZWiVvZSB3JQ9Q==>

0460 Local Control And Accountability Plan - <https://simbli.eboardsolutions.com/SU/FDj0luxC8L9iEjng033Yjg==>

1312.1 Complaints Concerning District Employees - <https://simbli.eboardsolutions.com/SU/T3y5jplus5ZLd5StywHyWslshg6A==>

1312.1 Complaints Concerning District Employees - <https://simbli.eboardsolutions.com/SU/ilPQZPDBVAN4xK5FGkmlusgQ==>

1312.3 Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/slshxk2Ltnb6EKoBC1k21THw==>

1312.3 Uniform Complaint Procedures - <https://simbli.eboardsolutions.com/SU/xvpBX2UxTWgdAdD7Y3bocQ==>

1313 Civility - <https://simbli.eboardsolutions.com/SU/pDGFtSslshZ8WunrVMYpluseslshDA==>

1313 Civility - <https://simbli.eboardsolutions.com/SU/TrzxkPsrxCAYMfcAXBeWAw==>

1400 Relations Between Other Governmental Agencies And The Schools - <https://simbli.eboardsolutions.com/SU/aQ7zRFhZQ4wgRN0z5VsMwQ==>

1700 Relations Between Private Industry And The Schools - <https://simbli.eboardsolutions.com/SU/a13WHcr9YxMrQslshxPSkshkA==>

3515 Campus Security - <https://simbli.eboardsolutions.com/SU/4KGxN9tgZjlxxFD8BaZ6zg==>

3515 Campus Security - <https://simbli.eboardsolutions.com/SU/SBU1Wqm6k3kFchoel5uRCg==>

4118 Dismissal/Suspension/Disciplinary Action - <https://simbli.eboardsolutions.com/SU/loNSa3hwn1L3aayslshrlrplg==>

4118 Dismissal/Suspension/Disciplinary Action - <https://simbli.eboardsolutions.com/SU/ewcqRb7z9apbplusOBL3cQkOg==>

4131 Staff Development - <https://simbli.eboardsolutions.com/SU/ofCiZ4JP5OFCbQsJHwBvUw==>

4218 Dismissal/Suspension/Disciplinary Action - <https://simbli.eboardsolutions.com/SU/ZaJQYvc3sEXlcJ6WslshzslshQ4A==>

4231 Staff Development - <https://simbli.eboardsolutions.com/SU/OgljplusUEH6duZgau5tuM32g==>

4331 Staff Development - <https://simbli.eboardsolutions.com/SU/JIDKRliZICslshkgfGSKJWpluszA==>

5131 Conduct - <https://simbli.eboardsolutions.com/SU/3aoy3fWcJ6hXacpe8fdSEw==>

5131.2 Bullying - <https://simbli.eboardsolutions.com/SU/aD34OAipLut4ZQ4emslshEh1g==>

5131.5 Vandalism And Graffiti - <https://simbli.eboardsolutions.com/SU/dlXplusPi8iJVDy3WSpfRNkXg==>

5136 Gangs - <https://simbli.eboardsolutions.com/SU/mwQfIFmwNRsNruW2Uk3ug==>

5136 Gangs - <https://simbli.eboardsolutions.com/SU/yGINjIKCYB5aJCJoewbleQ==>

5137 Positive School Climate - <https://simbli.eboardsolutions.com/SU/LuslshF1DslshHbw8xyk79JHvmw==>

5141.52 Suicide Prevention - <https://simbli.eboardsolutions.com/SU/7mTILnM6esju2tWID46LbQ==>

5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/eo28RF4eXPn7O7Y1evVslshRA==
5144	Discipline - https://simbli.eboardsolutions.com/SU/43QDSkhnRDrcO6Sly67fcg==
5144	Discipline - https://simbli.eboardsolutions.com/SU/onCVss00PSplusr2wHLHnwfya==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/rJfbXtbBA33rrDOSslshjRtjQ==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/zlYPBy0gH0xs5gR1C7suDw==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/jr0HXoY1NwCAUVuQaslshx6CA==
5145.11	Questioning And Apprehension By Law Enforcement - https://simbli.eboardsolutions.com/SU/qcs0ShPiJoqUJm77g2iz5Q==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/loKJt1lmaMLnfcRDUbatA==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/oE5JplusfyuBx97A plus5qdPTGg==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/qbhzRplusiM5PFNB1d3IH0s9Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/raW97X8t2C0gFUplusslshPAyjww==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/B14sKH0N3XrP9LplumTbkkpQ==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/7C0nH985emwTX7xf13bchA==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/PxekWpBGOOyZZLW8aobnLA==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/K4oOpluskayA32X0GLVaXaevw==
5148.2	Before/After School Programs - https://simbli.eboardsolutions.com/SU/gtsBINHNv4XMUu0MAJU1cA==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/mPRfyGatmikHSwHHVxYAWA==
6142.8	Comprehensive Health Education - https://simbli.eboardsolutions.com/SU/plusl0BhXEOyXnplusA79o0gilmw==
6142.94	History-Social Science Instruction - https://simbli.eboardsolutions.com/SU/pluschphhur4LFwV9plusNWJ91UA==
6144	Controversial Issues - https://simbli.eboardsolutions.com/SU/tydCYEACMvhOANG4Jern2A==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/ujlhJz6c1hejVit2CwyZVQ==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/dlkToplusLYiBAz6uQplusJslshCKBQ==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/fwth8mNTgmavHEhggMxSeg==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/OZO9smyEurslshjbVvsmszPNw==
6173.1	Education For Foster Youth - https://simbli.eboardsolutions.com/SU/CwWdoksdtFz9x4asW98iMg==