

STUDENTS

SUBJECT: Hate-Motivated Behavior

The County Board of Education and County Superintendent of Schools affirm the right of every student to be protected from hate-motivated behavior. It is the intent of the Board and Superintendent to promote harmonious relationships that enable students to gain a true understanding of the civil rights and social responsibilities of people in our society, and to provide a respectful, inclusive, and safe learning environment that protects students from discrimination, harassment, intimidation, bullying, or any other type of behavior that is motivated by hate.

(cf. 0410 - Nondiscrimination in Programs and Activities)
 (cf. 0415 - Equity)
 (cf. 0450 - Comprehensive Safety Plan)
 (cf. 0460 - Local Control and Accountability Plan)
 (cf. 5131.2 - Bullying)
 (cf. 5141.52 - Suicide Prevention)
 (cf. 3515.4 - Recovery for Property Loss or Damage)
 (cf. 5131.5 - Vandalism, Theft and Graffiti)
 (cf. 5136 - Gangs)
 (cf. 5145.3 - Nondiscrimination/Harassment)
 (cf. 5145.7 - Sexual Harassment)

Hate-motivated behavior is any behavior intended to cause emotional suffering, physical injury, or property damage through intimidation, harassment, bigoted slurs or epithets, force or threat of force, or vandalism motivated in part or in whole by bias or hostility toward the victim's real or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55.

Hate-motivated behavior may be addressed with strategies to promote harmonious relationships among students, prevent incidents of hate-motivated behavior to the extent possible, and timely respond to such incidents when they occur.

The County Board of Education and the County Superintendent of Schools support collaboration with regional programs and community organizations to promote an environment where diversity is celebrated and hate-motivated behavior is not tolerated. Such collaborative efforts shall focus on the development of effective prevention strategies and response plans, provision of assistance to students affected by hate-motivated behavior, and/or education of students who have perpetrated hate-motivated acts.

Students shall be provided with age-appropriate instruction that:

1. Includes the development of social-emotional learning
2. Promotes an understanding, awareness, appreciation, and respect for human rights, human

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- relations, diversity, and acceptance in a multicultural society
- 3. Explains the harm and dangers of explicit and implicit biases
- 4. Discourages discriminatory attitudes and practices
- 5. Provides strategies to manage conflicts constructively

As necessary, counseling, guidance, and support shall be provided to students who are victims of hate-motivated behavior and to students who exhibit such behavior. Restorative practices will be utilized for students who exhibit hate motivated behavior or are victims of such acts to improve and repair relationships between the individuals. The purpose is to build healthy communities, increase social capital, decrease antisocial behavior, repair harm, and restore relationships.

When appropriate, students who engage in hate-motivated behavior shall be disciplined.

The Superintendent or designee shall ensure that staff receive appropriate training to recognize hate-motivated behavior and methods for handling such behavior in appropriate ways. Any training provided by the County Superintendent of Schools for staff who serve students in grades 7-12 should:

- 1. Promote an understanding of diversity, equity, and inclusion
- 2. Discourage the development of discriminatory attitudes and practices
- 3. Include social-emotional learning and nondiscriminatory instructional and counseling methods
- 4. Support the prevention, recognition, and response to hate-motivated behavior
- 5. Raise the awareness and sensitivity of staff to potentially prejudicial and discriminatory behavior
- 6. Include effective enforcement of rules for appropriate student conduct

(cf. 4131 - Staff Development)

(cf. 4231 - Staff Development)

(cf. 4331 - Staff Development)

Any rules prepared by the County Superintendent prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident shall be provided to students, staff, and parents/guardians.

This policy shall be posted in a prominent location on the county office of education's (COE) web site in a manner that is readily and easily accessible to parents/guardians and students. (Education Code 234.6)

Complaints

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

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Any complaint of hate-motivated behavior shall be investigated and, if determined to be discriminatory, shall be resolved in accordance with law and the COE's uniform complaint procedures specified in BP 1312.3 - Uniform Complaint Procedures or other applicable procedures.

(cf. 1312.1 - Complaints Concerning District Employees)
 (cf. 1312.3 - Uniform Complaint Procedures)
 (cf. 5145.7 -Sexual Harassment)

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the site administrator, Superintendent or designee, and law enforcement, as appropriate. Students demonstrating hate-motivated behavior shall be subject to discipline in accordance with County Office of Education policy and administrative regulation.

(cf. 4158/4258/4358 - Employee Security)
 (cf. 5144 - Discipline)
 (cf. 5144.1 - Suspension and Expulsion/Due Process)
 (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

In addition, the County Office of Education shall provide counseling and appropriate sensitivity training and diversity education for students exhibiting hate-motivated behavior. The County Office of Education shall also provide counseling, guidance and support, as necessary, to those students who are the victims of hate-motivated behavior.

Legal Reference:

EDUCATION CODE

200-262 Prohibition of discrimination on the basis of sex-

32282 School safety plans

48900.3 Suspension for hate violence

48900.4 Suspension or expulsion for harassment, threats, or intimidation

GOVERNMENT CODE

11135 Prohibition of discrimination in programs or activities **PENAL CODE**

422.55 Definition of hate crime

422.6 Crimes, harassment

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

CODE OF FEDERAL REGULATIONS, TITLE 28

35.107 Nondiscrimination on basis of disability; complaints **CODE OF FEDERAL REGULATIONS, TITLE 34**

100.3 Prohibition of discrimination on basis of race, color or national origin

104.7 Designation of responsible employee for Section 504

106.8 Designation of responsible employee for Title IX

106.30 Discrimination on the basis of sex in education programs and activities; definitions

106.44 Recipient's response to sexual harassment

106.45 Grievance process for formal complaints of sexual harassment

110.25 Prohibition of discrimination based on age

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Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Bullying at School, 2003

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues, April 2018

HUMAN RIGHTS CAMPAIGN FOUNDATION PUBLICATIONS

California LGBTQ Youth Report, 2019

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS Dear Colleague Letter: Harassment and Bullying, October 2010

Dear Colleague Letter: Prohibited Disability Harassment, July 2000 WEB SITES

CSBA: <http://www.csba.org>

California Association of Human Relations Organizations: <http://www.cahro.org> California

Department of Education: <http://www.cde.ca.gov>

California Office of the Attorney General: <http://oag.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Department of Health and Human Services: <http://www.stopbullying.gov>

U.S. Department of Justice: <http://www.justice.gov>