

STUDENTS

Hate-Motivated Behavior

~~In order to create~~ The Governing Board is committed to providing a safe learning environment ~~for all that protects~~ students, ~~the Governing Board desires to protect the right of every student to be free from hate-motivated behavior discrimination, harassment, intimidation, bullying, and will promote harmonious relationships among students so as to enable them to gain~~ other behavior motivated by a true understanding of the civil rights and social responsibilities of people in society. The district prohibits discriminatory behavior or statements that degrade an individual on the basis of ~~his/her actual person's hostility towards another person's real~~ or perceived ~~race,~~ ethnicity, culture, heritage, national origin, immigrant status, sex, gender, ~~sex,~~ sexual orientation, physical/mental attributes, or religious beliefs/belief, age, disability, or any other physical or cultural characteristic. The Superintendent or ~~practices~~ 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. ~~5147 - Dropout Prevention~~ 5145.7 - Sexual Harassment)

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. ~~These~~ Such collaborative efforts shall ~~be focused~~ focus on ~~providing~~ 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. 1020 - Youth Services)

(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)

~~(cf. 5148.3 - Preschool/Early Childhood Education)~~

~~(cf. 6020 - Parent Involvement)~~

The district shall provide students with age-appropriate instruction ~~to help promote an~~ that includes the development of social-emotional learning, promotes their understanding of and respect for human rights, diversity, and ~~tolerance~~ acceptance in a multicultural society, and ~~to provide~~ 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. ~~6141~~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 ~~receive~~with training on recognizing and preventing hate-motivated behavior and on strategies to help respond appropriately to such behavior effectively enforcing rules for appropriate student conduct.

(cf. 4131 - Staff Development)
(cf. 4231 - Staff Development)
(cf. 4331 - Staff Development)

Grievance Procedures Complaint Process

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~~Any~~ student or parent/guardian who believes ~~he/she~~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 Coordinator/principal or the compliance officer responsible for Nondiscrimination/Principal. Upon receiving such a complaint, the Coordinator/Principal 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. immediately investigate the complaint in accordance with school level complaint process/grievance procedures as described in AR 5145.7 - Sexual Harassment. A student who has been found to have demonstrated11 - Questioning and Apprehension by Law Enforcement)

Any complaint of hate-motivated behavior shall be subject to discipline investigated and, if determined to be discriminatory, shall be resolved in accordance with law, Board policy, and administrative regulation 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. ~~5131 - Conduct~~)
(cf. ~~5144 - Discipline~~)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. ~~5145.7 - Sexual Harassment~~)

~~Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the Coordinator/Principal, Superintendent or designee, and/or law enforcement, as appropriate.~~

(cf. ~~3515.3 - District Police/Security Department~~)
(cf. ~~4158/4258/4358 - Employee Security~~)

~~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~~)

Legal Reference:

EDUCATION CODE
200-262.4 Prohibition of discrimination
32282 School safety plans
48900.3 Suspension for hate violence
48900.4 Suspension or expulsion for threats or harassment
PENAL CODE
422.55 Definition of hate crime
422.6 Crimes, harassment
CODE OF REGULATIONS, TITLE 5
4600-~~4687~~4670 Uniform ~~Complaint Procedures~~ 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
110.25 Prohibition of discrimination based on age

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION ~~LEGAL ADVISORIES~~ PUBLICATIONS
~~California Student Safety and Violence Prevention - Laws and Regulations, April 2004~~
~~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 K-12 Schools in Responding to Immigration Issues, April 2018
~~U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS & NATIONAL ASSOCIATION OF ATTORNEYS GENERAL PUBLICATIONS~~
~~Protecting Students from~~ Dear Colleague Letter: Harassment and Hate Crime: A Guide for Schools, 1999 Bullying, October 2010
~~U.S. DEPARTMENT OF JUSTICE PUBLICATIONS~~
Preventing Youth Hate Crimes: A Guide for Schools and Communities, 1997

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>

~~National Youth Violence Prevention Resource Center: <http://www.safeyouth.org>~~

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 Justice, ~~Community Relations Service: <http://www.usdojjustice.gov/crs>~~

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