

Superintendent Policy 5145.9: Hate-Motivated Behavior

Status: ADOPTED

Original Adopted Date: 10/27/2021 | **Last Reviewed Date:** 10/27/2021

The County Superintendent is committed to providing 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.

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 Superintendent supports 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 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.

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

Any training provided by the County Superintendent 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

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) website in a manner

that is readily and easily accessible to parents/guardians and students. (Education Code 234.6)

Complaints

The County Superintendent is responsible for ensuring that any staff member who is notified that hate-motivated behavior has occurred, observes such behavior, or otherwise becomes aware of an incident immediately contacts the compliance officer responsible for coordinating the COE's response to complaints and complying with state and federal civil rights laws.

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.

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 procedure.

Federal References

	Description
100.3	Prohibition of discrimination on basis of race, color or national origin
104.7	Designation of responsible employee for Section 504
106.30	Discrimination on the basis of sex in education programs and activities
106.44	Recipient's response to sexual harassment
106.45	Grievance process for formal complaints of sexual harassment
106.8	Designation of responsible employee for Title IX
110.25	Prohibition of discrimination based on age
11135	Nondiscrimination in programs or activities funded by state
200-262.4	Prohibition of discrimination
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
32282	School safety plans
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
35.107	Designation of responsible employee and adoption of grievance procedures
422.55	Definition of hate crime
422.6	Interference with constitutional right or privilege
4600-4670	Uniform complaint procedures
48900.3	Suspension for hate violence
48900.4	Suspension or expulsion for harassment, threats, or intimidation
4900-4965	Nondiscrimination in elementary and secondary education programs

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
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	U.S. Department of Justice - https://simbli.eboardsolutions.com/SU/BPwrkTmFhG0SXt3hKCVuBw==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/HrN4mDOsAx53TBZ2HPwBvQ==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==
Website	California Association of Human Relations Organizations - https://simbli.eboardsolutions.com/SU/m8A1E26slshimDwiOyFebCjIA==

State References

5 CCR 4600-4670
 5 CCR 4900-4965
 Ed. Code 200-262.4
 Ed. Code 32282
 Ed. Code 48900.3
 Ed. Code 48900.4
 Pen. Code 422.55
 Pen. Code 422.6

Description

Uniform complaint procedures
 Nondiscrimination in elementary and secondary education programs
 Educational equity; prohibition of discrimination on the basis of sex -
<https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==>
 School safety plans
 Suspension for hate violence
 Suspension or expulsion for threats or harassment
 Definition of hate crime
 Crimes, harassment