

**Policy 5145.9: Hate-Motivated Behavior**

Status: ADOPTED

Original Adopted Date: 05/01/2018 | Last Revised Date: 10/12/2021 | Last Reviewed Date: 10/12/2021

The Governing Board 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.

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 in a timely manner when they occur.

The Superintendent or designee shall collaborate 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.

The district shall provide students 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, the district shall provide counseling, guidance, and support 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.

The Superintendent or designee shall provide staff with training that:

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

Employees who engage in hate-motivated behavior shall be subject to disciplinary action, up to and including dismissal.  
 Rules 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 district's website in a manner that is readily and easily accessible to parents/guardians and students. (Education Code 234.6)

## Complaints

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 compliance officer responsible for coordinating the district's response to complaints and complying with state and federal civil rights laws. As appropriate, the staff member shall also contact law enforcement.

### State

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

### Federal

28 CFR 35.107

34 CFR 100.3

34 CFR 104.7

34 CFR 106.8

34 CFR 110.25

### Management Resources

CA Office of the Attorney General  
 Publication

California Department of Education  
 Publication

U.S. DOE, Office for Civil Rights  
 Publication

U.S. DOE, Office for Civil Rights  
 Publication

Website

Website

Website

Website

Website

Website

### Description

Uniform complaint procedures

Nondiscrimination in elementary and secondary education programs

[Educational equity; prohibition of discrimination on the basis of sex](#)

School safety plans

Suspension for hate violence

Suspension or expulsion for threats or harassment

Definition of hate crime

Civil rights; crimes

### Description

Nondiscrimination on basis of disability; complaints

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

Designation of responsible employee for Section 504

Designation of responsible employee for Title IX

Prohibition of discrimination based on age

### Description

Promoting Safe & Secure Learning Environment for All:  
 Guidance & Model Policies to Assist CA K-12 Schools in  
 Responding to Immigration Issues, 4/2018

Bullying at School, 2003

Dear Colleague Letter: Prohibited Disability Harassment, July 2000

Dear Colleague Letter: Harassment and Bullying, October 2010

[California Association of Human Relations Organizations](#)

[U.S. Department of Justice](#)

[California Office of the Attorney General](#)

[CSBA](#)

[U.S. Department of Education, Office for Civil Rights](#)

[California Department of Education](#)

## Cross References

### Code

0410

### Description

[Nondiscrimination In District Programs And Activities](#)

0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
3515	<a href="#">Campus Security</a>
3515	<a href="#">Campus Security</a>
3515.4	<a href="#">Recovery For Property Loss Or Damage</a>
4131	<a href="#">Staff Development</a>
4131	<a href="#">Staff Development</a>
4231	<a href="#">Staff Development</a>
5131	<a href="#">Conduct</a>
5131	<a href="#">Conduct</a>
5131.2	<a href="#">Bullying</a>
5131.2	<a href="#">Bullying</a>
5136	<a href="#">Gangs</a>
5136	<a href="#">Gangs</a>
5137	<a href="#">Positive School Climate</a>
5138	<a href="#">Conflict Resolution/Peer Mediation</a>
5141.52	<a href="#">Suicide Prevention</a>
5141.52	<a href="#">Suicide Prevention</a>
5144	<a href="#">Discipline</a>
5144	<a href="#">Discipline</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5145.11	<a href="#">Questioning And Apprehension By Law Enforcement</a>
5145.12	<a href="#">Search And Seizure</a>
5145.12	<a href="#">Search And Seizure</a>
5145.2	<a href="#">Freedom Of Speech/Expression</a>
5145.2	<a href="#">Freedom Of Speech/Expression</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5148.2	<a href="#">Before/After School Programs</a>
5148.2	<a href="#">Before/After School Programs</a>
6142.8	<a href="#">Comprehensive Health Education</a>
6142.8	<a href="#">Comprehensive Health Education</a>
6144	<a href="#">Controversial Issues</a>
6144	<a href="#">Controversial Issues</a>
6163.4	<a href="#">Student Use Of Technology</a>
6163.4	<a href="#">Student Use Of Technology</a>
6163.4-E(1)	<a href="#">Student Use Of Technology - Student Responsible Use Of Technology</a>
6164.2	<a href="#">Guidance/Counseling Services</a>
6164.2	<a href="#">Guidance/Counseling Services</a>
6173.1	<a href="#">Education For Foster Youth</a>
6173.1	<a href="#">Education For Foster Youth</a>

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 district'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 district's uniform complaint procedures specified in AR 1312.3 - Uniform Complaint Procedures or other applicable procedure. 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.

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