

# CSBA Sample

## Board Policy

Students

BP 5145.9(a)

### HATE-MOTIVATED BEHAVIOR

Note: The following **optional** policy addresses prevention strategies for hate-motivated incidents and should be modified to reflect district practice. Elements of this policy should be integrated into existing district and school site plans, such as the local control and accountability plan, comprehensive school safety plan, and staff development plans.

The Governing Board 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.

(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. 5145.7 - Sexual Harassment)

Note: Hate-motivated behavior, such as an assault, physical threat, bomb threat, destruction of property, graffiti, and certain types of vandalism, may constitute a crime under state or federal law. Local law enforcement agencies and human rights commissions throughout the state have established countywide hate crimes networks aimed at responding to and preventing hate crimes. Districts can identify local hate crime resources through the California Association of Human Relations Organizations, which conducts activities designed to protect human and civil rights through networks of collaborations that reduce community tension and build intergroup relationships.

The following **optional** paragraph should be revised to reflect district practice.

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.

**HATE-MOTIVATED BEHAVIOR** (continued)

*(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)*

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.

*(cf. 5138 - Conflict Resolution/Peer Mediation)*

*(cf. 6142.3 - Civic Education)*

*(cf. 6142.4 - Service Learning/Community Service Classes)*

*(cf. 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 with training on recognizing and preventing hate-motivated behavior and on effectively enforcing rules for appropriate student conduct.

*(cf. 4131 - Staff Development)*

*(cf. 4231 - Staff Development)*

*(cf. 4331 - Staff Development)*

**Complaint Process**

Note: Pursuant to Education Code 234.1, districts are required to adopt a process for receiving and investigating complaints involving unlawful discrimination (such as discriminatory harassment, intimidation, and bullying) based on race or ethnicity, nationality, gender, sex, sexual orientation, religion, immigration status, or any characteristic contained in the definition of hate crimes in Penal Code 422.55. In addition, federal regulations require districts to adopt procedures providing for the prompt and equitable resolution of complaints of discrimination on the basis of sex (34 CFR 106.8), disability (34 CFR 104.7 and 28 CFR 35.107), and age (34 CFR 110.25). Pursuant to 5 CCR 4600-4670, uniform complaint procedures (UCP) must be used for this purpose. See BP/AR 1312.3 - Uniform Complaint Procedures.

Although some incidents of harassment, intimidation, or bullying may not fall within the provisions of Education Code 234.1 or federal civil rights regulations, CSBA strongly recommends that districts use the UCP to investigate all incidents (whether discriminatory or nondiscriminatory) to ensure consistent implementation by district staff. It is not always easy or possible for staff to know prior to an investigation

## **HATE-MOTIVATED BEHAVIOR** (continued)

whether a student was victimized because of his/her actual or perceived membership in a legally protected class. Those incidents found to involve discrimination based on the results of the investigation would then be resolved using the UCP. When an incident is determined to be nondiscriminatory, it should be resolved through the appropriate disciplinary 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.

*(cf. 3515.3 - District Police/Security Department)*

*(cf. 5145.11 - Questioning and Apprehension by 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.

*(cf. 1312.1 - Complaints Concerning District Employees)*

*(cf. 1312.3 - Uniform Complaint Procedures)*

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*

*Legal Reference (see next page)*

## HATE-MOTIVATED BEHAVIOR (continued)

### 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

4600-4670 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

110.25 Prohibition of discrimination based on age

### 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 K-12 Schools in Responding to Immigration Issues*, April 2018

#### 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 Justice: <https://www.justice.gov>

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### Policy Reference UPDATE Service

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**Immigration Enforcement Model Policy Statements  
from the Attorney General's Office**

**GATHERING AND HANDLING STUDENT AND FAMILY INFORMATION**

<b>AG MODEL POLICY</b>	<b>CSBA POLICY</b>
<b>Required:</b>	
Maintain written policies and procedures for gathering and handling sensitive student information, and provide training to appropriate personnel regarding those policies and procedures	BP 5111 - Admission BP 5125 - Student Records
If the district possesses information that could indicate immigration/citizenship status or national origin, do not use that information to discriminate against students or families or bar students from enrolling in or attending school	BP 0410 - Nondiscrimination in District Programs and Activities BP 5111 - Admission
If parents choose not to provide information that could indicate immigration/citizenship status, do not use such actions to discriminate or bar student from enrollment	BP 5111 - Admission
Do not allow school resources or data to be used to create a registry based on race, gender, sexual orientation, religion, ethnicity or national origin	BP 0410 - Nondiscrimination in District Programs and Activities BP 5125 - Student Records AR 5145.13 - Response to Immigration Enforcement
Do not inquire about immigration status or require documentation that may include immigration status	BP 5111 - Admission AR 5111.1 - District Residency
If national origin information is required for a special program, solicit that information separately from school enrollment process	BP 5111 - Admission
Establish alternative means of establishing age or residency that are available to all persons and do not reveal immigration/citizenship status or national origin	AR 5111 - Admission AR 5111.1 - District Residency
Notify parents of the full range of documents that will prove residency or age	AR 5111 - Admission BP 5111.1 - District Residency
Do not solicit or collect full Social Security numbers. Only solicit last four digits if necessary for a federal program. In such cases, explain limited purpose and explain it won't bar school enrollment.	BP 5111 - Admission BP 5125 - Student Records
Treat all students equitably in the receipt of school services, including gathering student and family information for free and reduced price lunch, transportation, and instruction.	BP 0410 - Nondiscrimination in District Programs and Activities
<b>Recommended:</b>	
When family completes application for free and reduced price meals, notify family that they do not need to provide social security number	District may add to BP/AR 3553 - Free and Reduced Price Meals
Communicate to all families, regardless of immigration status, whether available volunteer positions require completion for live scan or other fingerprinting.	District may add to BP/AR 1240 - Volunteer Assistance

## SHARING STUDENT AND FAMILY INFORMATION

<b>Required:</b>	
Avoid disclosure of information that might indicate immigration status if not authorized by FERPA	AR 5125 - Student Records AR 5145.13 - Response to Immigration Enforcement
Take specified steps upon receiving information request related to a student's immigration status (notify district official, parent/guardian, document request, provide documents to parent)	BP/AR 5145.13 - Response to Immigration Enforcement
Give parent notification of court order or subpoena except for investigations of child abuse or neglect	AR 5145.13 - Response to Immigration Enforcement
Do not disclose immigration status to immigration authorities without court order or subpoena	AR 5125 - Student Records AR 5145.13 - Response to Immigration Enforcement
Include specified information in the request for parent/guardian consent for release of student information (same as existing law 34 CFR 99.30)	AR 5125 - Student Records
If the parent does not provide written consent, do not release information	AR 5125 - Student Records
Provide annual parental notification with specified components regarding types of student records maintained, circumstances when records might be released, right to consent, assurance won't release information for immigration enforcement purposes without court order	AR 5125 - Student Records AR 5145.13 - Response to Immigration Enforcement
Provide annual parental notification of the district's directory information policy, including statement that immigration status is not directory information and will not be disclosed.	AR/E 5125.1 - Release of Directory Information

## RESPONDING TO REQUESTS FOR ACCESS TO SCHOOL GROUNDS FOR IMMIGRATION-ENFORCEMENT PURPOSES

<b>Required:</b>	
Require outsiders, which would include immigration officers, to register at school office	BP 1250 - Visitors/Outsiders AR 5145.13 - Response to Immigration Enforcement
If immigration officer doesn't have warrant or court order, require him/her to present name, address, purpose, proof of identity, etc.	AR 5145.13 - Response to Immigration Enforcement
Adopt measures for responding to outsiders that avoid interruptions and preserve peaceful conduct of school	BP 1250 - Visitors/Outsiders
Post signs to notify outsiders of requirement to register	AR 1250 - Visitors/Outsiders
Report to district police or administrator if immigration enforcement officer enters school	AR 5145.13 - Response to Immigration Enforcement
Report to superintendent or designee any request for school access or student information for immigration purposes	BP 5125 - Student Records AR 5145.13 - Response to Immigration Enforcement

Take specified steps if immigration officer requests access to school or student (ask for officer's credentials and documentation, make copies, comply if officer declares exigent circumstances, etc.)	AR 5145.13 - Response to Immigration Enforcement
Obtain parental consent before student is searched or interviewed, and notify parent/guardian if officer requests or gains access to student	AR 5145.13 - Response to Immigration Enforcement
<b>Recommended:</b>	
Seek commitments from outside contractors or service providers (particularly school resource officers) not to facilitate immigration enforcement at district schools	District may add to BP 3600 - Consultants, BP 3312 - Contracts, or other applicable policy

### RESPONDING TO DETENTION OR DEPORTATION OF STUDENT'S FAMILY MEMBER

<b>Required:</b>	
Encourage students and families to have and know emergency phone numbers and other documents to be prepared if a family member is detained or deported.	AR 5145.13 - Response to Immigration Enforcement
Allow student to update emergency contact information throughout the school year and to provide alternative if no parent/guardian is available.	AR 5141 - Health Care and Emergencies AR 5145.13 - Response to Immigration Enforcement
If parent is deported, only contact child protective services if unable to reach persons on the emergency contact card	AR 5145.13 - Response to Immigration Enforcement
<b>Recommended:</b>	
Educate students and families about completing a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person	District may add to applicable policy
To the extent possible, facilitate a family's development of a Family Safety Plan to be stored at a location known by the student (not school)	District may add to applicable policy
If family member is detained, refer student and family to resources for assistance (ICE Detainee Locator, legal assistance, consulate or embassy)	AR 5145.13 - Response to Immigration Enforcement

### BULLYING AND HATE CRIMES

<b>Required:</b>	
Adopt and publicize policy prohibiting discrimination, harassment, intimidation and bullying based on nationality, ethnicity, immigration status, etc.	BP 5131.2 - Bullying BP/AR 5145.3 - Nondiscrimination/Harassment BP 5145.9 - Hate-Motivated Behavior

Notify parents/guardians of their children's right to free public education regardless of immigration status or religious beliefs	BP 0410 - Nondiscrimination in District Programs and Activities BP 5145.13 Response to Immigration Enforcement E 5145.6 - Parental Notifications
Establish complaint procedures with specified components	BP/AR 1312.3 - Uniform Complaint Procedures BP 5131.2 - Bullying BP/AR 5145.3 - Nondiscrimination/Harassment
Require staff to immediately intervene if they witness an act of discrimination, harassment, intimidation or bullying	BP 5131.2 - Bullying BP/AR 5145.3 - Nondiscrimination/Harassment
Educate students about the negative effects of bullying based on immigration status or religious beliefs	BP 5131.2 - Bullying
Train staff about their legal duty to respond to harassment based on immigration status or religious beliefs	BP 5131.2 - Bullying

### CHARTER SCHOOLS

All the above requirements are also applicable to charter schools. See E 0420.41 - Charter School Oversight.

For further information, see the Office of the Attorney General's guidance *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), available at <https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/sanctuary-school-guidance-3-28-18.pdf>.



# CSBA MANUAL MAINTENANCE SERVICE CHECKLIST – May 2018

District Name: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

POLICY	TITLE	OPTIONS/BLANKS	ADOPT DATE
BP 0410	Nondiscrimination in District Programs and Activities	<b>Fill in Blanks</b> <u>BUSINESS MANAGER</u> <u>43 HAWKSIDE DRIVE</u> <u>MARKLEEVILLE, OH</u> <u>96120</u>	
E 0420.41	Charter School Oversight		
BP 3514	Environmental Safety		
AR 3514	Environmental Safety		
BP 3514.1	Hazardous Substances		
BP 3516	Emergencies and Disaster Preparedness Plan		
AR 3516	Emergencies and Disaster Preparedness Plan		
AR 3541	Transportation Routes and Services		
BP 4158 4258 4358	Employee Security		
AR 4158 4258 4358	Employee Security		
BP 4161.9 4261.9 4361.9	Catastrophic Leave Program		
AR 4161.9 4261.9 4361.9	Catastrophic Leave Program		
BP 5111	Admission		
AR 5111	Admission		

# CSBA MANUAL MAINTENANCE SERVICE CHECKLIST – May 2018

District Name: \_\_\_\_\_

BP 5111.1	District Residency	<b>OPTION 1:</b> <input type="checkbox"/> <b>OPTION 2:</b> <input checked="" type="checkbox"/>	
AR 5111.1	District Residency		
BP 5125	Student Records		
AR 5125	Student Records		
AR 5125.1	Release of Directory Information		
E 5125.1	Release of Directory Information	<b>Fill in Blanks</b> _____ _____ _____	
BP 5131.2	Bullying		
BP 5145.13	Response to Immigration Enforcement	<b>NEW POLICY</b>	
AR 5145.13	Response to Immigration Enforcement	<b>NEW POLICY</b>	
BP 5145.3	Nondiscrimination/Harassment		
AR 5145.3	Nondiscrimination/Harassment	<b>Fill in Blanks</b> <i>BUSINESS MANAGER</i> _____ _____ _____	
BP 5145.9	Hate-Motivated Behavior		
BP 6161.3	Toxic Art Supplies	<b>Delete BP</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	