SP 5145.9
HATE-MOTIVATED BEHAVIOR

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 response 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 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 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

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 BCOE website in a manner that is readily and easily accessible to parents/guardians and students.

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

Legal Reference:

State
EDUCATION CODE
200-280 Prohibition of discrimination
32280-32289.5 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

PENAL CODE
422.55 Definition of hate crime
422.6 Crimes; harassment

CALIFORNIA CODE OF REGULATIONS, TITLE 5
4600-4670 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance

Federal
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 Section 504; Designation of responsible employee and adoption of grievances procedures
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
106.8 Designation of coordinator; dissemination of policy, and adoption of grievance procedures
110.25 Prohibition of discrimination based on age

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