

Policy 5145.9: Hate-Motivated Behavior

Status: ADOPTED

Original Adopted Date: 06/05/2020 | **Last Revised Date:** 02/03/2022

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.

As necessary, the Eden Area Regional Occupational Program (Eden Area ROP) 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 Eden Area ROP web site 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 Eden Area ROP response to complaints and complying with state and federal civil rights laws. As appropriate, the staff member shall also contact law enforcement.

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 Eden Area ROP 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 Eden Area ROP 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.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4900-4965	Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAAbNL6kKkgxQ==
Ed. Code 32282	School safety plans
Ed. Code 48900.3	Suspension for hate violence
Ed. Code 48900.4	Suspension or expulsion for harassment, threats, or intimidation
Gov. Code 11135	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/PcUFWeMcCJnzBrKAL0EtfQ==
Pen. Code 422.55	Definition of hate crime
Pen. Code 422.6	Crimes, harassment

Federal References

	Description
28 CFR 35.107	Nondiscrimination on basis of disability; complaints
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 106.30	Discrimination on the basis of sex in education programs and activities; definitions
34 CFR 106.44	Recipient's response to sexual harassment
34 CFR 106.45	Grievance process for formal complaints of sexual harassment
34 CFR 106.8	Designation of responsible employee for Title IX
34 CFR 110.25	Prohibition of discrimination based on age

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
Human Rights Campaign Foundation Publication	California LGBTQ Youth Report, January 2019
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	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==
Website	California Association of Human Relations Organizations - https://simbli.eboardsolutions.com/SU/m8A1E26slshimDwiOyFebCjiA==

Website	U.S. Department of Justice - https://simbli.eboardsolutions.com/SU/BPwrkTmFhG0SXt3hKCVuBw==
Website	California Office of the Attorney General - https://simbli.eboardsolutions.com/SU/5qNslsh5DoKuytasYcv9khGiA==
Website	U.S. Department of Health and Human Services - https://simbli.eboardsolutions.com/SU/V6plus87b5B4plusKnwjiQr7uENA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==
Website	U.S. Department of Education, Office for Civil Rights - https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==
Website	California Department of Education - https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==

Cross References

Description

0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/e50nGqNuG7jQfN4N7E4ONA==
0415	Equity - https://simbli.eboardsolutions.com/SU/dcWsf6AeslshL8JWHgerrR08Q==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/BqsTTEay3qjmfO4iSU7slshvA==
0450	Comprehensive Safety Plan - https://simbli.eboardsolutions.com/SU/qZV7Uq0UTa6fu4JQDmEslsh5g==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/88k1jAFO5XTBbjmYVcdcJw==
1312.1	Complaints Concerning District Employees - https://simbli.eboardsolutions.com/SU/UfrrhTFRxuKf8z4GXGxqRg==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/NCIO1x8xFCdtQRniKVfQQ==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/BA1WWI3efmslshPOPghyV4WnQ==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/W6rvYg4mauU6zHehPSApOQ==
1313	Civility - https://simbli.eboardsolutions.com/SU/BxJMQDuDpEErhDnhTU2k1g==
1400	Relations Between Other Governmental Agencies And The Schools - https://simbli.eboardsolutions.com/SU/o3J7uJ1sXa6HhkvLy1gMw==
1700	Relations Between Private Industry And The Schools - https://simbli.eboardsolutions.com/SU/SslshDmNDn1AggDRAK8fk08Yw==
3515	Campus Security - https://simbli.eboardsolutions.com/SU/hPhZ71ILDcJHvLbSlshBQvz3w==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/kjPwlaBN4nOOYvwUHkdZ1g==
3515.3	District Police/Security Department - https://simbli.eboardsolutions.com/SU/g5PMFxZiThRnOPcplI79Hg==
3515.4	Recovery For Property Loss Or Damage - https://simbli.eboardsolutions.com/SU/UgXruslshalfQAn5vccEKrLQQ==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/XNvDKoMKzeSET7e8lu7odQ==
4131	Staff Development - https://simbli.eboardsolutions.com/SU/urP83U93Ls7bxBnKbH0uyyg==

4131	Staff Development - https://simbli.eboardsolutions.com/SU/8CAcELRtJtCybNFPvCiecyw==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/p907xTHB0BRLxoplusxBqeAzw==
4218	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/QjZchBHjlo4MPVRpFGJCrA==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/GJ5nOaM5sMBqslsh21YMIISuzQ==
4231	Staff Development - https://simbli.eboardsolutions.com/SU/IQtCNZih73p1VSMTZSLbdw==
4331	Staff Development - https://simbli.eboardsolutions.com/SU/WoVV14SyA2vNgt348oslshRcw==
5131	Conduct - https://simbli.eboardsolutions.com/SU/Oc4gCr2h2q4YLamzlkV07Q==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/JcJT8wTaV2slshznaxEFdVjqg==
5131.2	Bullying - https://simbli.eboardsolutions.com/SU/KJEhAAzM900qAFyqIY8Uww==
5131.5	Vandalism And Graffiti - https://simbli.eboardsolutions.com/SU/CRSreiGah1ynUzyV6smpyA==
5137	Positive School Climate - https://simbli.eboardsolutions.com/SU/urpjwWVuu9UaXbjXiYKMAw==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/abGkpdKF4AuSlcVZOz00lw==
5141.52	Suicide Prevention - https://simbli.eboardsolutions.com/SU/JsOVYsraiwDgChgeXbWR7Q==
5144	Discipline - https://simbli.eboardsolutions.com/SU/r6p8cTTa0frJGNZkrU58IA==
5144	Discipline - https://simbli.eboardsolutions.com/SU/KVzvk1B2oqZCSfZin1Rgdw==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/Yrv5M4evDPLNd58qKpYSlw==
5144.1	Suspension And Expulsion/Due Process - https://simbli.eboardsolutions.com/SU/fsBunrwmpshHnBCn2muQplusw==
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities) - https://simbli.eboardsolutions.com/SU/5EP8MG5FhmIVJZpluscDbKDHw==
5145.11	Questioning And Apprehension By Law Enforcement - https://simbli.eboardsolutions.com/SU/1hGyl8MM2T38onplusLJ4y39w==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/LaRzDg0Z2A4ylvPZOvGdlw==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/SyGvsnOslshDw4jgpyn2uiPog==
5145.2	Freedom Of Speech/Expression - https://simbli.eboardsolutions.com/SU/tYNFt4plusplus1xeAmr3vc4TI1A==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/VfUPcSJZZtt92oksSX5JGw==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/uufJGZHP3JQkLgtplusT4iecw==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/faSIGnQyujTfPzj4XpiZPg==

5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/gwEZwjnjslshDBnbmXH3BRqig==
5145.71	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/p5Ktg9A5BE8gDAJDuuH3LQ==
5145.71-E PDF(1)	Title IX Sexual Harassment Complaint Procedures - https://simbli.eboardsolutions.com/SU/ptilHvEslshFyOvkZqZyIRgkQ==
6142.4	Service Learning/Community Service Classes - https://simbli.eboardsolutions.com/SU/472k35D3LPA5rQXS3L1eGQ==
6142.4	Service Learning/Community Service Classes - https://simbli.eboardsolutions.com/SU/zhyAccgjCdR2q3edglbWOW==
6144	Controversial Issues - https://simbli.eboardsolutions.com/SU/Oz2i9UTj1EsuY4wEZ94llg==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/4swqidRakm4AHszd2Magxw==
6163.4	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/CY2BagsiitdE8wG0FLJ7Ow==
6163.4-E PDF(1)	Student Use Of Technology - https://simbli.eboardsolutions.com/SU/xqk1B7bezEkeSjPjqlYuXg==
6164.2	Guidance/Counseling Services - https://simbli.eboardsolutions.com/SU/TGUvZ9YYeUcMZslsh2KNSSuRw==