

**POLICY 5145.9: HATE-MOTIVATED BEHAVIOR****Adopted:** 10/13/2009**Revised:** 8/07/2018, 1/10/2023

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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 web site in a manner that is readily and easily accessible to parents/guardians and students.

### **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.

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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**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**

5 CCR 4600-4670  
5 CCR 4900-4965

Ed. Code 200-262.4  
Ed. Code 32280-32289.5  
Ed. Code 48900.3  
Ed. Code 48900.4  
Gov. Code 11135  
Pen. Code 422.55  
Pen. Code 422.6

#### **Description**

Uniform complaint procedures  
Nondiscrimination in elementary and secondary educational programs receiving state or federal financial assistance  
Prohibition of discrimination  
School safety plans  
Suspension for hate violence  
Suspension or expulsion for harassment, threats, or intimidation  
Prohibition of discrimination  
Definition of hate crime  
Crimes; harassment

#### **Federal**

28 CFR 35.107  
34 CFR 100.3  
34 CFR 104.7  
34 CFR 106.30  
definitions

#### **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  
Discrimination on the basis of sex in education programs and activities;

34 CFR 106.44  
34 CFR 106.45  
34 CFR 106.8  
34 CFR 110.25

Recipient's response to sexual harassment  
Grievance process for formal complaints of sexual harassment  
Designation of responsible employee for Title IX  
Prohibition of discrimination based on age

**Management Resources**

CA Office of the Attorney General Publication  
  
California Department of Education Publication  
Human Rights Campaign Foundation Publication  
U.S. DOE, Office for Civil Rights Publication  
U.S. DOE, Office for Civil Rights Publication  
Website  
Website  
Website  
Website  
Website  
Website  
Website  
Website  
Website

**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  
California LGBTQ Youth Report, January 2019  
Dear Colleague Letter: Prohibited Disability Harassment, July 2000  
Dear Colleague Letter: Harassment and Bullying, October 2010  
CSBA District and County Office of Education Legal Services  
California Association of Human Relations Organizations  
California Office of the Attorney General  
U.S. Department of Justice  
U.S. Department of Health and Human Services  
CSBA  
U.S. Department of Education, Office for Civil Rights  
California Department of Education

**Cross References**

**Code**

0410  
0415  
0450  
0450  
0460  
0460  
1312.1  
1312.1  
1312.3  
1312.3  
1312.3-E (1)  
1312.3-E (2)  
1313  
1400  
1700  
3515  
3515  
3515.3  
3515.3  
3515.4  
3515.4  
4118  
4118  
4131  
4218  
4218  
4231  
4331  
5131  
5131.2  
5131.2

**Description**

Nondiscrimination in District Programs and Activities  
Equity  
Comprehensive Safety Plan  
Comprehensive Safety Plan  
Local Control and Accountability Plan  
Local Control and Accountability Plan  
Complaints Concerning District Employees  
Complaints Concerning District Employees  
Uniform Complaint Procedures  
Uniform Complaint Procedures  
Uniform Complaint Procedures  
Uniform Complaint Procedures  
Civility  
Relations Between Other Governmental Agencies and The Schools  
Relations Between Private Industry and The Schools  
Campus Security  
Campus Security  
District Police/Security Department  
District Police/Security Department  
Recovery for Property Loss or Damage  
Recovery for Property Loss or Damage  
Dismissal/Suspension/Disciplinary Action  
Dismissal/Suspension/Disciplinary Action  
Staff Development  
Dismissal/Suspension/Disciplinary Action  
Dismissal/Suspension/Disciplinary Action  
Staff Development  
Staff Development  
Conduct  
Bullying  
Bullying

5131.4	Student Disturbances
5131.4	Student Disturbances
5131.5	Vandalism and Graffiti
5136	Gangs
5136	Gangs
5137	Positive School Climate
5138	Conflict Resolution/Peer Mediation
5141.52	Suicide Prevention
5141.52	Suicide Prevention
5144	Discipline
5144	Discipline
5144.1	Suspension and Expulsion/Due Process
5144.1	Suspension and Expulsion/Due Process
5144.2	Suspension and Expulsion/Due Process (Students with Disabilities)
5145.11	Questioning and Apprehension by Law Enforcement
5145.12	Search and Seizure
5145.12	Search and Seizure
5145.2	Freedom of Speech/Expression
5145.2	Freedom of Speech/Expression
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.7	Sexual Harassment
5145.7	Sexual Harassment
5145.71	Title IX Sexual Harassment Complaint Procedures
5145.71-E (1)	Title IX Sexual Harassment Complaint Procedures
5148.2	Before/After School Programs
5148.2	Before/After School Programs
6142.3	Civic Education
6142.4	Service Learning/Community Service Classes
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6142.94	History-Social Science Instruction
6144	Controversial Issues
6163.4	Student Use of Technology
6163.4-E (1)	Student Use of Technology
6164.2	Guidance/Counseling Services
6173.1	Education for Foster Youth
6173.1	Education for Foster Youth