

HATE-MOTIVATED BEHAVIOR

In order to create a safe learning environment for all students, the Governing Board desires to protect the right of every student to be free from hate-motivated behavior and will promote harmonious relationships among students so as to enable them to gain a true understanding of the civil rights and social responsibilities of people in society. The district prohibits discriminatory behavior or statements that degrade an individual on the basis of his/her actual or perceived race, nationality, ethnicity, culture, heritage, immigration status, citizenship, gender, sex, sexual orientation, physical/mental attributes, or religious beliefs or practices.

The Superintendent or designee shall collaborate with regional programs and community organizations to promote safe environments for youth. These efforts shall be focused on providing an efficient use of district and community resources.

Adopting and Publicizing Anti-Bullying and Anti-Harassment Policy

The District shall adopt and publicize policies that prohibit discrimination, harassment, intimidation, and bullying on the basis of a student's actual or perceived race, nationality, ethnicity, culture, heritage, immigration status, citizenship, gender, sex, sexual orientation, physical/mental attributes, or religious beliefs or practices. Those policies must be translated in the student's primary language if at least 15 percent of the students enrolled in the school speak a single primary language other than English.

The District shall notify parents/guardians of their children's right to a free public education, regardless of immigration status or religious beliefs. This information shall include information related to "Know Your Rights" immigration enforcement established by the Attorney General. The District shall inform students who are victims of hate crimes of their right to report such crimes.

Responding to Hate Crimes and Bullying

The District shall adopt a process for receiving complaints of and investigating complaints of discrimination, harassment, intimidation, and bullying based on any of the following actual or perceived characteristics: disability, gender, gender identity, gender expression, nationality, immigration status, citizenship status, race or ethnicity, religion, sexual orientation, or association with a person or group with one of more of the aforementioned characteristics.;

The complaint process must include, but is not limited to, the following steps:

1. A requirement that, if school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so;
2. A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools under the jurisdiction of the District; and
3. An appeal process afforded to the complainant should he or she disagree with the resolution of a complaint;
4. The District shall ensure that complaint procedures contain confidentiality safeguards for immigration status information;

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5. The District shall prohibit retaliation against a person who submits a complaint of discrimination, harassment, intimidation, or bullying.

Grievance Procedures

Any student who believes he/she is a victim of hate-motivated behavior shall immediately contact the Coordinator for Nondiscrimination/Principal. Upon receiving such a complaint, the Coordinator/Principal shall immediately investigate the complaint in accordance with school-level complaint process/grievance procedures as described in AR 5145.7 - Sexual Harassment. A student who has been found to have demonstrated hate-motivated behavior shall be subject to discipline in accordance with law, Board policy, and administrative regulation.

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the Coordinator/Principal, Superintendent or designee, and/or law enforcement, as appropriate.

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.

Training Students, Teachers, and Staff on Anti-Bullying and Anti-Harassment Policy

The District shall educate students about the negative impact of bullying other students based on their actual or perceived immigration status, citizenship status, nationality, or the religious beliefs or customs.

The District shall also train teachers, staff, and personnel to ensure that they are aware of their legal duty to take reasonable steps to eliminate a hostile environment and respond to any incidents of harassment based on the actual or perceived characteristics noted above. Such training should, at minimum, provide District personnel with the skills to do the following:

1. Discuss the varying immigration experiences among members of the student body and school community;
2. Discuss bullying-prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims;
3. Identify the signs of bullying or harassing behavior;
4. Take immediate corrective action when bullying is observed; and
5. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior.

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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

- 4600-4687 Uniform Complaint Procedures
- 4900-4965 Nondiscrimination in elementary and secondary education programs

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES

California Student Safety and Violence Prevention – Laws and Regulations, April 2004

CALIFORNIA ATTORNEY GENERAL

Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California's K-12 Schools in Responding to Immigration Issues

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS & NATIONAL ASSOCIATION OF ATTORNEYS GENERAL PUBLICATIONS

Protecting Students from Harassment and Hate Crime: A Guide for Schools, 1999

U.S. DEPARTMENT OF JUSTICE PUBLICATIONS

Preventing Youth Hate Crimes: A Guide for Schools and Communities, 1997

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>
- National Youth Violence Prevention Resource Center: <http://www.safeyouth.org>
- U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>
- U.S. Department of Justice, Community Relations Service: <http://www.usdoj.gov/crs>

Students

BP 5145.9 (d)

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Adopted: 10-13-09

Silver Valley Unified School District