

**HATE-MOTIVATED BEHAVIOR**

The Board of Trustees is committed to providing a respectful, inclusive, and safe learning environment that protects students from discrimination, harassment, intimidation, bullying, or any ~~and~~ 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.

**HATE-MOTIVATED BEHAVIOR**

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. Support 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. (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 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.

**HATE-MOTIVATED BEHAVIOR**

*State:*

5CCR 4600-4670: Uniform Complaint Procedures

5CCR 4900-4965: Nondiscrimination in elementary and secondary education programs

Ed. Code 200-262.4: Educational equity: prohibition of discrimination on the basis of sex

Ed. Code 32282: School Safety Plans

Ed. Code 48900.3: Suspension for hate violence

Ed. Code 48900.4: Suspension or expulsion for threats or harassment

Pen. Code 422.55: Definition of hate crime

Pen. Code 422.6: Civil rights; crimes

*Federal*

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 106.8: Designation of responsible employee for Title IX

34 CFR 110.25: Prohibition of discrimination based on age

*Management Resources*

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

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: California Association of Human Relations Organizations

Website: U.S. Department of Justice

Website: California Office of the Attorney General

Website: CSBA

Website: U.S. Department of Education, Office for Civil Rights

Website: California Department of Education

Policy Adopted: 11/10/21

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California