

**Policy 5145.9: Hate-Motivated Behavior**

**Status:** ADOPTED

**Original Adopted Date:** 07/29/2009 | **Last Revised Date:** 10/17/2018

The West Contra Costa Unified School District Board of Education, hereinafter referred to as the Board, is committed to equal opportunity for all individuals in education within a safe school environment that allows all students equal access and opportunities to all of the district's programs and activities, including academic programs, educational supports, services, and enrichment activities.

The Board is committed to providing a safe educational environment and positive school climate to all students. In the West Contra Costa Unified School District, all students have the right to be educated in a positive and safe environment that is free from disruption.

The Board affirms the right of every student to be protected from hate-motivated behavior. It is the intent of the Board to promote understanding of and respect for human rights, diversity, and tolerance in a multicultural society and to provide strategies to manage conflicts constructively.

The Board is committed to providing a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school, school activity, or attendance within a school under the jurisdiction of the superintendent of the school district, unlawful discrimination, harassment, intimidation, and bullying of any student based on the student's actual race, color, ancestry, national origin, immigration status, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or gender expression; the perception of one or more of such characteristics, or association with a person or group with one or more of these actual or perceived characteristics. Gender identity is a person's personal sense of gender (e.g., being a boy or a girl), which may or may not be the same as their biological sex at birth. For transgender persons, the sex at birth (i.e., male or female) does not match their own internal sense of their gender identity. Since gender identity is internal, it isn't necessarily visible to others. Gender expression is a person's external manifestation of their gender identity. Gender expression is visible to others - it's the way a person expresses their gender identity through clothing, behavior, posture, mannerisms, speech patterns, activities and more.

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.

The district shall provide age-appropriate instruction to help promote understanding of and respect for human rights, diversity, and tolerance in a multicultural society and to provide strategies to manage conflicts constructively. (Education Code 233.8)

The Superintendent or designee shall ensure that staff receive training on recognizing hate-motivated behavior and on strategies to respond appropriately to such behavior.

**Complaint Process**

Any student who feels that they are being or have been a victim of hate-motivated behavior on school grounds, while going to or coming from school, while at school activities on or off school grounds, while on district transportation, or while otherwise in a district program or activity is encouraged to immediately contact his or her teacher or any other employee.

An employee who receives such a complaint, otherwise becomes aware of, or personally observes possible hate-motivated behavior shall immediately report it to the District Compliance Officer or the principal or vice principal of the relevant school site. Such reports will be processed in accordance with Administrative Regulation 5145.7.

The Superintendent or designee shall ensure that any complaints regarding hate-motivated behavior are immediately investigated in accordance with Administrative Regulation 5145.7.

When the Superintendent or designee has determined that hate-motivated behavior has occurred, he/she shall take prompt, appropriate action to end the hate-motivated behavior, prevent its recurrence and address its effects on the victim.

A student who has been found to have demonstrated hate-motivated behavior shall receive interventions and/or be subject to discipline in accordance with law, Board policy, and administrative regulation.

In addition, the district shall provide counseling and appropriate anti-bias training and diversity education for students about the impact of exhibiting hate-motivated behavior.

The district shall also provide counseling, guidance and support, as necessary, to those students who are the victims of hate-motivated behavior and to students who exhibit such behavior. (Education Code 233.8)

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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**

	<b>Description</b>
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 200-270	<a href="#">Prohibition of discrimination</a>
Ed. Code 32280-32289.5	<a href="#">School safety plans</a>
Ed. Code 48900.3	<a href="#">Suspension for hate violence</a>
Ed. Code 48900.4	<a href="#">Suspension or expulsion for harassment, threats, or intimidation</a>
Gov. Code 11135	<a href="#">Prohibition of discrimination</a>
Pen. Code 422.55	<a href="#">Definition of hate crime</a>
Pen. Code 422.6	<a href="#">Crimes; harassment</a>

#### **Federal**

	<b>Description</b>
28 CFR 35.107	<a href="#">Nondiscrimination on basis of disability; complaints</a>
34 CFR 100.3	<a href="#">Prohibition of discrimination on basis of race, color or national origin</a>
34 CFR 104.7	<a href="#">Section 504; Designation of responsible employee and adoption of grievances procedures</a>
34 CFR 106.30	Discrimination on the basis of sex in education programs and activities; definitions
34 CFR 106.44	<a href="#">Recipient's response to sexual harassment</a>
34 CFR 106.45	<a href="#">Grievance process for formal complaints of sexual harassment</a>
34 CFR 106.8	<a href="#">Designation of coordinator; dissemination of policy, and adoption of grievance procedures</a>
34 CFR 110.25	<a href="#">Prohibition of discrimination based on age</a>

#### **Management Resources**

	<b>Description</b>
CA Office of the Attorney General Publication	<a href="#">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, April 2018</a>
California Department of Education Publication	<a href="#">Bullying at School, 2003</a>
Human Rights Campaign Foundation Publication	<a href="#">California LGBTQ Youth Report, January 2019</a>
U.S. DOE, Office for Civil Rights Publication	Dear Colleague Letter: Prohibited Disability Harassment, July 2000
U.S. DOE, Office for Civil Rights Publication	<a href="#">Dear Colleague Letter: Harassment and Bullying, October 2010</a>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Association of Human Relations Organizations</a>
Website	<a href="#">California Office of the Attorney General</a>
Website	<a href="#">U.S. Department of Justice</a>
Website	<a href="#">U.S. Department of Health and Human Services</a>

**Management Resources**

Website

Website

Website

**Description**

[CSBA](#)

[U.S. Department of Education, Office for Civil Rights](#)

[California Department of Education](#)

**Cross References**

0410

[Nondiscrimination In District Programs And Activities](#)

0415

[Equity](#)

0450

[Comprehensive Safety Plan](#)

0460

[Local Control And Accountability Plan](#)

1312.1

[Complaints Concerning District Employees](#)

1312.1

[Complaints Concerning District Employees](#)

1312.3

[Uniform Complaint Procedures](#)

1312.3

[Uniform Complaint Procedures](#)

1400

[Relations Between Other Governmental Agencies And The Schools](#)

1700

[Relations Between Private Industry And The Schools](#)

3515

[Campus Security](#)

3515

[Campus Security](#)

3515.4

[Recovery For Property Loss Or Damage](#)

3515.4

[Recovery For Property Loss Or Damage](#)

4118

[Dismissal/Suspension/Disciplinary Action](#)

4118

[Dismissal/Suspension/Disciplinary Action](#)

4131

[Staff Development](#)

4231

[Staff Development](#)

4331

[Staff Development](#)

5131

[Conduct](#)

5131.2

[Bullying](#)

5131.2

[Bullying](#)

5131.4

[Student Disturbances](#)

5136

[Gangs](#)

5137

[Positive School Climate](#)

5138

[Conflict Resolution/Peer Mediation](#)

5141.52

[Suicide Prevention](#)

5141.52

[Suicide Prevention](#)

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](#)

5145.2

[Freedom Of Speech/Expression](#)

**Cross References**

5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.7	<a href="#">Sex Discrimination and Sex-Based Harassment</a>
5145.71	<a href="#">Title IX Sex Discrimination and Sex-Based Harassment Complaint Procedures</a>
5148.2	<a href="#">Before/After School Programs</a>
6142.3	<a href="#">Civic Education</a>
6142.4	<a href="#">Service Learning/Community Service Classes</a>
6142.8	<a href="#">Comprehensive Health Education</a>
6142.94	<a href="#">History-Social Science Instruction</a>
6144	<a href="#">Controversial Issues</a>
6163.4	<a href="#">Student Use Of Technology</a>
6163.4-E PDF(1)	<a href="#">Student Use Of Technology</a>
6164.2	<a href="#">Guidance/Counseling Services</a>
6173.1	<a href="#">Education For Foster Youth</a>

**Description**