

# LODI UNIFIED SCHOOL DISTRICT

REVISED Policy  
5145.9

## Student

### Hate-Motivated Behavior

~~In order to create a safe learning environment for all students, the Board of Education 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, ethnicity, culture, heritage, gender, sex, sexual orientation, physical/mental attributes, or religious beliefs or practices. The Board of Education is committed to providing a safe learning environment that protects students from discrimination, harassment, intimidation, bullying, and other behavior motivated by a person's hostility towards another person's real or perceived ethnicity, national origin, immigrant status, sex, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic. 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 if they occur.~~

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.~~ Such collaborative efforts shall focus on ensuring an efficient use of district and community resources, developing effective prevention strategies and response plans, providing assistance to students affected by hate-motivated behavior, and/or educating students who have perpetrated hate-motivated acts.

~~The district shall provide age-appropriate instruction to help promote an understanding of and respect for human rights, diversity, and tolerance in a multicultural society and to provide strategies to manage conflicts constructively.~~ students with age-appropriate instruction that includes the development of social-emotional learning, promotes their understanding of and respect for human rights, diversity, and acceptance in a multicultural society, and provides strategies to manage conflicts constructively.

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

~~behavior.~~ *the rules prohibiting hate-motivated behavior and procedures for reporting a hate-motivated incident are provided to students and parents/guardians.*

*The Superintendent or designee shall provide staff with training on recognizing and preventing hate-motivated behavior and on effectively enforcing rules for appropriate student conduct.*

## **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 Rule 5145.1 Prohibition to 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. A student or parent/guardian who believes the student is a victim of hate-motivated behavior is strongly encouraged to report the incident to a teacher, the principal, or other staff member.~~

~~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. 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 principal or the compliance officer responsible for coordinating the district's response to complaints and complying with state and federal civil rights laws. As appropriate, he/she shall also contact law enforcement.~~

~~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.~~

*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. 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.*

Legal References: 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~~  
4600-4670 *Uniform Complaint Procedures*  
4900-4965 Nondiscrimination in elementary and secondary  
education programs  
CODE OF FEDERAL REGULATIONS, TITLE 28  
*35.107 Nondiscrimination on basis of disability; complaints*  
CODE OF FEDERAL REGULATIONS, TITLE 34  
*100.3 Prohibition of discrimination on basis of race, color or national  
origin*  
*104.7 Designation of responsible employee for Section 504*  
*106.8 Designation of responsible employee for Title IX*  
*110.25 Prohibition of discrimination based on age*

Management Resources:

~~CALIFORNIA DEPARTMENT OF EDUCATION LEGAL ADVISORIES~~  
~~California Student Safety and Violence Prevention—Laws and Regulations, April 2004~~  
~~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>

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

*Bullying at School, 2003*

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL PUBLICATIONS

*Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California K-12 Schools in Responding to Immigration Issues, April 2018*

U.S. DEPARTMENT OF EDUCATION, OFFICE FOR CIVIL RIGHTS PUBLICATIONS

*Dear Colleague Letter: Harassment and Bullying, October 2010*

*Dear Colleague Letter: Prohibited Disability Harassment, July 2000*

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>

California Office of the Attorney General: <http://oag.ca.gov>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

U.S. Department of Justice: <http://www.justice.gov>

Policy

adopted: 12/16/10

