

Hate-Motivated Behavior

The Solano County Office of Education (SCOE) affirms the right of every student to be protected from hate-motivated behavior. It is SCOE's intent to promote harmonious relationships that enable students to gain a true understanding of the civil rights and social responsibilities of people in our society. Behavior or statements that degrade an individual on the basis of his/her race, ethnicity, culture, heritage, gender, sexual orientation, physical/mental attributes, religious beliefs or practices shall not be tolerated.

Any student who feels that s/he is a victim of hate-motivated behavior shall immediately contact the principal or designee. If the student believes that the situation has not been remedied by the principal or designee, s/he may file a complaint in accordance with SCOE's complaint procedures.

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the Program Administrator, County Superintendent or designee, and law enforcement, as appropriate. Students demonstrating hate-motivated behavior shall be subject to discipline in accordance with SCOE policy and administrative regulation.

In addition, SCOE shall provide counseling and appropriate sensitivity training and diversity education for students exhibiting hate-motivated behavior. SCOE shall also provide counseling, guidance, and support, as necessary, to those students who are the victims of hate-motivated behavior.

The County Superintendent or designee shall ensure that SCOE staff members receive appropriate training to recognize hate-motivated behavior and methods for handling such behavior in appropriate ways.

SCOE shall provide age-appropriate instruction to help promote understanding of and respect for human rights.

At the beginning of each school year, students and staff shall receive a copy of SCOE's policy on hate-motivated behavior.

Grievance Procedures

Any student who believes he/she is a victim of hate-motivated behavior shall immediately contact the Administrator. Upon receiving such a complaint, the Administrator shall immediately investigate the complaint in accordance with school-level complaint process/grievance procedures as described in AR 5145.7 - 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.

As necessary, SCOE shall provide counseling, guidance, and support to students who are victims of hate-motivated behavior and to students who exhibit such behavior.

Any staff member receiving information/report or who observes an instance of unlawful discrimination (as defined in SCOE policy), hate violence (as defined in Penal Code 422.6-422.865), or hate motivated behavior (based on observable evidence of language, conduct, circumstances, or choice of victims either related to the incident or due to past incidents) shall immediately report the conduct in question to the school's Administrator, in charge of investigating matters involving discrimination or hate violence.

Policy 5145.9 (Continued)

Any student who feels that he/she is a target of discrimination, hate violence, or hate motivated behavior shall immediately contact the school's designee for such matters to lodge a complaint so that a formal-documented investigation may begin. Students found to have engaged in hate motivated behavior, acts of racial, religious, or gender-based discrimination, or hate violence shall be subject to SCOE discipline standards, investigations, and consequences as appropriate.

If a site administrator personally observes an act of discrimination, hate violence, or hate motivated behavior, he/she shall use the established discipline referral process. When anyone other than an administrator believes he/she has observed or reasonably believes that hate violence, hate motivated behavior, or discrimination has taken place in circumstances at or related to school, that person shall immediately report it to the Administrator.

All situations reported to a site administrator of discrimination, hate violence, or hate motivated behavior shall be promptly investigated and documented by the site's designee and remedied (if called for) by an administrator. If necessary, a written complaint may be filed by the student(s), parent/guardian/parent advocate with the appropriate Director(s) at SCOE's office. The Director(s) shall assist in resolving the complaint.

The County Superintendent or designee and appropriate Director(s) shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible.

Legal counsel may be contacted as appropriate through SCOE protocol. Each site shall designate an administrator, the "designee", to receive and investigate such complaints. The identity of the designee will be posted prominently throughout the campus and on the school and SCOE's websites.

Students who are uncomfortable or unfamiliar with their school's designee or who are making an accusation against the designee may report to an administrator, teacher, or counselor. It will be the responsibility of that staff member to make certain that the designee receives information of the report in timely fashion.

Once an incident has been reported and documented to an administrator, he/she shall immediately:

1. Notify the site principal and appropriate Cabinet level Administrator of the allegation, incident, or event.
2. Begin investigation immediately using the administrative "Investigation Checklist."
3. Based on investigative findings, the site principal or appropriate Cabinet member shall determine and take the appropriate course of action in accordance with SCOE policy.
4. Notify parent/guardian.
5. Document investigative findings and any action taken is recorded in SCOE's student database (i.e. SASI conference).

Investigation Checklist

The site administrator shall use an investigation checklist during the investigation of allegations of hate motivated behavior.

1. Notify site principal and appropriate Cabinet member of any incidents, reports, or rumors of:
 - a. Hate motivated behavior
 - b. Hate violence
 - c. Discrimination

Policy 5145.9 (Continued)

2. Gather written statements from all parties involved
 - a. When appropriate, meet/speak with victim(s). Derive potential names of witnesses from statements taken from initial victim/witnesses
 - b. Speak with witnesses and accused party(ies). Review statements, ask clarifying questions, and derive additional names of witnesses from accused/witnesses
3. If applicable, gather any physical evidence pertaining to the incident, for example:
 - a. Photographs
 - b. Objects, materials, equipment relating to the alleged incident
 - c. Recording devices, e.g., cell phones
 - d. Written documents
4. Based on investigative findings, determine if any person(s) require further questioning.
5. If it is determined that an allegation is false or that there is insufficient evidence to support the allegation, he/she shall document the investigative findings in each student's database (i.e., AERIES conference).
6. If it is determined that there is enough evidence to support the allegation:
 - a. Proceed with disciplinary consequences and provide required interventions for students who committed the offense in accordance with SCOE discipline policies.
 - b. Provide optional interventions for victim, if necessary.
 - c. Document the investigative findings in each student's database (i.e., AERIES conference).
7. Notify parent/guardian regarding:
 - a. Information pertaining to their student's involvement in the incident. Such confidential information shall only pertain to that parent's child(ren).
 - b. Disciplinary consequences (if applicable)
 - c. Possible interventions
8. The SCOE will track all such complaints on a district-wide basis on a semi-annual basis.

Counseling and Guidance Services

SCOE shall develop guidelines relating to the development of nondiscriminatory instructional and counseling methods and have procedures for preventing and responding to acts of hate violence, including, but not limited to, restorative practices.

Curriculum and Instruction

SCOE shall follow the state curriculum frameworks and guidelines regarding the moral and civic education curricula to include human relations education, with the aim of fostering an appreciation of the diversity discouraging the development of discriminatory attitudes and practices.

Staff Development

SCOE shall provide for teacher and administrator in-service training programs to promote an appreciation of diversity and to discourage the development of discriminatory attitudes and practices that prevent pupils from achieving their full potential as well as programs/resources designed to enable teachers and administrators to prevent and respond to acts of hate violence occurring on their school campuses.

SCOE shall develop and implement guidelines designed to raise the awareness and sensitivity of teachers, administrators, and school employees to potentially prejudicial and discriminatory behavior and to encourage the participation of these groups in these programs.

Each teacher shall create and foster an environment that encourages pupils to realize their full potential and that is free from discriminatory attitudes, practices, events, or activities, in order to prevent acts of hate-motivated behavior.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination on the basis of sex

48900.3 Suspension for hate violence

PENAL CODE

186.21 Street terrorism; legislative findings and declarations

422.55-422.86 Hate crimes

11410-11414 Terrorism

13023 Reports by law enforcement of crimes motivated by race, ethnicity, religion, sexual orientation or physical or mental disability

13519.6 Hate crimes, training courses and guidelines

UNITED STATES CODE, TITLE 18

245 Federally protected activities

Policy Cross-Reference:

0410 Nondiscrimination in District Programs and Activities

0450 Comprehensive Safety Plan

1312.1 Complaints Concerning District Employees

1312.3 Uniform Complaint Procedures

3515.3 District Police/Security Department

3515.4 Recovery for Property Loss or Damage

4131 Staff Development

4158 Employee Security

5131.5 Vandalism, Theft and Graffiti

5136 Gangs

5137 Positive School Climate

5144 Discipline

5144.1 Suspension and Expulsion/Due Process

5144.2 Suspension and Expulsion/Due Process (Students with Disabilities)

5145.3 Nondiscrimination/Harassment

5145.7 Sexual Harassment

6141.6 Multicultural Education

6164.2 Guidance/Counseling Services