

**Hate-Motivated Behavior and Bullying Prevention**

**Adopting and Publicizing Anti-Bullying and Anti-harassment Policy**

The Solano County Office of Education (SCOE) shall adopt and publicize policies that prohibit discrimination, harassment, intimidation, and bullying on the basis of a student’s actual or perceived nationality, ethnicity, or immigration status. 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.

SCOE shall notify parents and 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 the “Know Your Rights” immigration enforcement established by the Attorney General (Appendix A).

SCOE shall inform students who are victims of hate crimes of their right to report such crimes.

It is the policy of SCOE to prohibit discrimination, harassment, intimidation, and bullying on the basis of a student’s actual or perceived nationality, ethnicity, or immigration status.

SCOE affirms the right of every student, parents, and volunteers to be protected from hate-motivated behavior and free from abusive statements and any activities which degrade the unique qualities of an individual such as, but not limited to, race, ethnicity, culture, heritage, immigration status, family and parental status, sexual orientation, physical/mental attributes, gender, and religious beliefs and practices. Verbal or physical attacks will not be tolerated. 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.

SCOE and the County Superintendent recognize that threats, physical assaults and inflammatory statements jeopardize the safety and well-being of all students and staff. The County Superintendent will take reasonable steps to ensure that all students, parents and staff will be treated with fairness and justice.

The County Superintendent will make reasonable efforts to provide a safe environment enabling students to realize their full academic potential and to develop an understanding and appreciation of society’s diversity. Programs to enhance self-esteem, raise awareness and sensitivity and foster respect for all individuals shall be developed and implemented in all appropriate programs.

The County Superintendent believes that all students have a right to a safe and healthy school environment. SCOE, its schools, students, parents/guardians and community have an obligation to promote mutual respect, tolerance, and acceptance.

SCOE and County Superintendent will not tolerate bullying or any behavior that infringes on the safety or well-being of students, staff, or any other persons within SCOE’s jurisdiction. Bullying is defined as aggressive or unwanted and unwelcome behavior by an individual or groups of individuals, who ridicule, harass, humiliate, or intimidate another. Typically, the behavior is repeated over time and includes the use of harmful words and/or acts.

Bullying behaviors may include, but are not necessarily limited to, the following:

- Verbal: Hurtful name-calling, teasing, gossiping, making threats, making slurs or epithets, making rude noises, or spreading harmful rumors.

**Policy 5203 (Continued)**

- Nonverbal: Posturing, making gang signs, leering, staring, stalking, destroying property, insulting or threatening notes, using graffiti or graphic images, or exhibiting inappropriate and/or threatening gestures or actions.
- Physical: Hitting, punching, pushing, shoving, poking, kicking, tripping, strangling, hair pulling, fighting, beating, "pantsing", pinching, slapping, biting, spitting, or destroying property.
- Emotional (Psychological): Rejecting, terrorizing, extorting, defaming, intimidating, humiliating, blackmailing, manipulating friendships, isolating, shunning, ostracizing, using peer pressure, or rating or ranking personal characteristics.
- Cyber Bullying: Transmission of communications, posting of harassing messages, direct threats, or other harmful texts, sounds, or images on the Internet, social networking sites, or other digital technologies using a telephone, computer, or any wireless communication device. Cyberbullying also includes breaking into another person's electronic account and assuming that person's identity in order to damage that person's reputation.

Student or employee behavior contrary to this policy shall be subject to disciplinary action and referral to law enforcement agencies as appropriate.

Processing Complaints of Harassment and Bullying

SCOE 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
- race or ethnicity
- religion
- sexual orientation
- association with a person or group with one or more of the aforementioned characteristics
- immigration status

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

- 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;
- 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 local educational agency; and
- An appeal process afforded to the complainant should he or she disagree with the resolution of a complaint.

**Policy 5203 (Continued)**

- SCOE shall ensure that complaint procedures contain confidentiality safeguards for immigration status information.
- SCOE shall prohibit retaliation against a person who submits a complaint of discrimination, harassment, intimidation, or bullying.

All staff are expected to provide appropriate supervision to enforce standards of conduct and, if they observe or become aware of bullying, harassing, or hate-motivated behavior, they are expected to immediately intervene, call for assistance, and report such incidents. Any staff member receiving information/report or who observes an instance of unlawful discrimination, hate motivated behavior, or bullying shall immediately take steps to intervene when safe to stop the behavior and report the conduct in question to the school's Administrator or designee in charge of investigating matters involving discrimination, hate violence, or bullying.

This policy applies to students on school grounds, while traveling to and from school or a school-sponsored activity, during the lunch period, whether on or off campus, and during a school-sponsored activity.

All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. Reports may be made anonymously but formal disciplinary action may not be based solely on an anonymous report. Prompt and reasonable investigation of the alleged acts is expected.

Students are expected to report all incidents of bullying, teasing, or other verbal or physical abuse. Any student who feels she/he is a victim of such behavior should immediately contact a teacher, counselor, or staff person.

Students are to be informed annually of the process by which they may make a report of bullying or harassment. Legal counsel may be contacted as appropriate through SCOE's protocol. Each site shall designate an administrator, and a 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.

Reporting Procedures

Any student who believes he/she is a victim of hate-motivated behavior shall immediately contact the Administrator or designee. 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.

If school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so and stop the behavior.

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.

The County Superintendent expects students and/or staff to immediately report incidents of bullying to the staff, school principal or designee. Once an incident has been reported and documented to an administrator, he/she shall immediately:

1. Notify the site principal (if designee is receiving the complaint) and appropriate Cabinet level administrator of the allegation, incident, or event.

**Policy 5203 (Continued)**

2. Upon receiving such a complaint, the administrator or designee shall immediately investigate the complaint using the Investigation checklist and in accordance with school-level complaint process/grievance procedures as described in SCOE AR 5145.7
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 in SCOE student database (i.e. AERIES conference)

A student who has been found to have demonstrated hate-motivated behavior shall be subject to discipline in accordance with law and administrative policy.

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
  - d. Bullying
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's discipline policies.
  - b. Provide optional interventions for victim, if necessary.
  - c. Document the investigative findings in each student's database (i.e., AERIES conference).

**Policy 5203 (Continued)**

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. SCOE will track all such complaints on a district-wide basis on a semi-annual basis.
9. 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.

Appeals

If a student and/or parent disagrees with the resolution of a complaint she/he may file a complaint in accordance with the County Superintendent's Uniform Complaint Procedures policy and address it to the SCOE Compliance Officer:

Name: Tammy Airheart  
Title or Position: Director, Compliance and Oversight  
Work Address: 5100 Business Center Drive, Fairfield, CA 94534-1658  
Telephone Number: (707) 399-4400  
Email: Compliance Officer@solanocoe.net

Retaliation

Retaliation against a student for filing discrimination, hate-motivated behavior, harassment, or bullying complaint or assisting in a bullying investigation or proceeding is prohibited. Students who knowingly file false bullying or harassment complaints or give false statements in an investigation shall be subject to discipline by measures up to and including suspension and expulsion, as shall any student who is found to have retaliated against another in violation of this policy.

Confidentiality

An allegation of hate-motivated behavior, harassment, bullying and the results of the investigation shall be kept confidential pursuant to County Superintendent policies and to the extent required by law. SCOE ensures that complaint procedures contain confidentiality safeguards for immigration status information.

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.

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.

**Policy 5203 (Continued)**

At the beginning of every school year, SCOE shall provide age-appropriate instruction for students 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 bullying and hate-motivated behavior.

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

SCOE shall educate students about the negative impact of bullying other students based on their actual or perceived immigration status or their religious beliefs or customs. 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.

SCOE 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 agency 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.

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:

0200 Educational Equity Goals  
0273.4 Student Protections Relating to Immigration and Citizenship Status  
0410 Nondiscrimination in Programs and Activities  
0450 Comprehensive Safety Plan  
1312.1 Complaints Concerning Employees  
1312.3 Uniform Complaint Procedures  
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

CALIFORNIA OFFICE OF THE ATTORNEY GENERAL

Publication: *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

## **Know Your Rights**

### **Notification to Parents and Students on Behalf of the California Attorney General**

#### **Your Child has the Right to a Free Public Education**

All children in the United States have a Constitutional right to equal access to free public education, regardless of immigration status and regardless of the immigration status of the students' parents or guardians.

- In California: All children have the right to a free public education.
- All children ages 6 to 18 years must be enrolled in school.
- All students and staff have the right to attend safe, secure, and peaceful schools.
- All students have a right to be in a public school learning environment free from discrimination, harassment, bullying, violence, and intimidation.
- All students have equal opportunity to participate in any program or activity offered by the school, and cannot be discriminated against based on their race, nationality, gender, religion, or immigration status, among other characteristics.

#### **Information Required for School Enrollment**

When enrolling a child, schools must accept a variety of documents from the student's parent or guardian to demonstrate proof of child's age or residency.

You never have to provide information about citizenship/immigration status to have your child enrolled in school. Also, you never have to provide a Social Security number to have your child enrolled in school.

#### **Confidentiality of Personal Information**

Federal and state laws protect student education records and personal information. These laws generally require that schools get written consent from parents or guardians before releasing student information, unless the release of information is for educational purposes, is already public, or is in response to a court order or subpoena.

Some schools collect and provide publicly basic student "directory information." If they do, then each year, your child's school district must provide parents/guardians with written notice of the school's directory information policy, and let you know of your option to refuse release of your child's information in the directory. The Solano County Office of Education does not provide student directory information to the public.

#### **Family Safety Plans if You Are Detained or Deported**

You have the option to provide your child's school with emergency contact information, including the information of secondary contacts, to identify a trusted adult guardian who can care for your child in the event you are detained or deported.

You have the option to complete a Caregiver's Authorization Affidavit or a Petition for Appointment of Temporary Guardian of the Person, which may enable a trusted adult the authority to make educational and medical decisions for your child.

#### **Right to File a Complaint**

Your child has the right to report a hate crime or file a complaint to the school district if he or she is discriminated against, harassed, intimidated, or bullied on the basis of his or her actual or perceived nationality, ethnicity, or immigration status. For more information please contact your school's administrator.