

PIEDMONT UNIFIED SCHOOL DISTRICT

Board Policy

BP 5145.9

Students

HATE-MOTIVATED BEHAVIOR

The Board of Education believes that a safe and civil environment in school is necessary for students to learn and achieve high academic standards. 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, color, ethnicity, ethnic group identification, culture, heritage, immigration status, national origin, nationality, ancestry, age, marital or parental status, gender, gender identity, gender expression, sex, sexual orientation, physical/mental attributes, or religious beliefs or practices, or association with a person or group with one or more of these actual or perceived characteristics.

(cf. [0410](#) - Nondiscrimination in District Programs and Activities)

(cf. [0450](#) - Comprehensive Safety Plan)

(cf. [3515.4](#) - Recovery for Property Loss or Damage)

(cf. [5131.5](#) - Vandalism and Graffiti)

(cf. [5136](#) - Gangs)

(cf. [5137](#) - Positive School Climate)

(cf. [5141.52](#) - Suicide Prevention)

(cf. [5145.3](#) - Nondiscrimination/Harassment)

(cf. [5147](#) - Dropout Prevention)

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.

(cf. [1020](#) - Youth Services)

(cf. [1400](#) - Relations Between Other Governmental Agencies and the Schools)

(cf. [1700](#) - Relations Between Private Industry and the Schools)

(cf. [5148.2](#) - Before/After School Programs)

(cf. [5148.3](#) - Preschool/Early Childhood Education)

(cf. [6020](#) - Parent Involvement)

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.

(cf. [5138](#) - Conflict Resolution/Peer Mediation)

(cf. [6142.3](#) - Civic Education)

(cf. [6142.4](#) - Service Learning/Community Service Classes)

(cf. [6142.94](#) - History-Social Science Instruction)

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.

(cf. [4131](#) - Staff Development)

(cf. [4231](#) - Staff Development)

(cf. [4331](#) - Staff Development)

Definition of Hate-Motivated Incidents and Hate Crimes

A “hate-motivated incident” means an act or attempted act which constitutes an expression of hostility against a person, property, or institution because of the target’s real or perceived race, color, ethnicity, ethnic group identification, culture, heritage, immigration status, national origin, nationality, ancestry, age, marital or parental status, gender, gender identity, gender expression, sex, sexual orientation, physical/mental attributes, or religious beliefs or practices, or association with a person or group with one or more of these actual or perceived characteristics. This may include using bigoted insults, taunts, or slurs in words or writing, distributing or posting hate group literature or posters, defacing, removing, or destroying posted materials or announcements, posting or circulating demeaning jokes or leaflets, or sending insulting or threatening messages by phone, e-mail, Web sites, or any other electronic or written communication.

Some hate-motivated behavior may also be a crime as defined in state or federal law. These crimes include, but are not limited to: bomb threats, cross burnings, destruction or defacement of property, and certain types of vandalism and assaults. (Education Code Section 233(e); Penal Code Sections 422.6, 422.7, 422.75). They may also include an act that willfully causes bodily injury to any person or, through the use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person. (18 USC Section 249)

Grievance Procedures

Any student who believes he/she is a victim of hate-motivated behavior shall immediately contact the Coordinator/Compliance Officer or Principal. Upon receiving such a complaint, the

Coordinator/Compliance Officer or Principal shall immediately investigate the complaint in accordance with school-level complaint process/grievance procedures as described in AR 1312.3 – Uniform Complaint Procedures. 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.

District Coordinator and Compliance Officer
760 Magnolia Avenue, Piedmont, CA 94611
(510) 549-2686
Cwozniak@piedmont.k12.ca.us

(cf. [1312.1](#) - Complaints Concerning District Employees)
(cf. [1312.3](#) - Uniform Complaint Procedures)
(cf. [5131](#)- Conduct)
(cf. [5144](#) - Discipline)
(cf. [5144.1](#) - Suspension and Expulsion/Due Process)
(cf. [5144.2](#) - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. [5145.7](#) - Sexual Harassment)

Staff who receive notice of hate-motivated behavior or personally observe such behavior shall notify the Coordinator/Compliance Officer or Principal, Superintendent or designee, and/or law enforcement, as appropriate.

(cf. [3515.3](#) - District Police/Security Department)
(cf. [4158/4258/4358](#) - Employee Security)

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.

(cf. [6164.2](#) - Guidance/Counseling Services)

Legal Reference:

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

[4900-4965](#) Nondiscrimination in elementary and secondary education programs

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>

(6/99) 7/09

Adopted: June 13, 2018