

**EL DORADO UNION HIGH SCHOOL DISTRICT
BOARD POLICY**

Students

**HATE-MOTIVATED BEHAVIOR
BP 5145.9**

Note: In its publication entitled Hate-Motivated Behavior in Schools, the California Department of Education defines hate-motivated behavior as an act, or attempted act, motivated by hostility towards a victim's real or perceived ethnicity, national origin, immigrant status, gender, sexual orientation, religious belief, age, disability, or any other physical or cultural characteristic. Some hate-motivated behavior including an assault, bomb threat, destruction of property, graffiti, and certain types of vandalism may also be crimes under state or federal law.

In order to create a safe learning environment for all students, the Governing Board desires to protect the right of every student to be free from hate-motivated behavior and will promote harmonious relationships among students 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, religious beliefs or practices.

(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, Theft and Graffiti)
(cf. 5136 - Gangs)
(cf. 5137 - Positive School Climate)
(cf. 5141.52 - Suicide Prevention)
(cf. 5145.3 - Nondiscrimination/Harassment)
(cf. 5147 - Dropout Prevention)
(cf. 5149 - At-Risk Students)

GRIEVANCE PROCEDURES

Any student who believes he/she is a victim of hate-motivated behavior shall immediately contact the Principal or designee. Upon receiving such a complaint, the Principal or designee shall immediately investigate the complaint in accordance with school-level complaint process/grievance. 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.

(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)

Legal Reference:

EDUCATION CODE

200-262.4 *Prohibition of discrimination on the basis of sex*

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 for Human Relations Organizations: <http://www.cahro.org>

CDE: <http://www.cde.ca.gov>

National Youth Violence Prevention Resource Center: <http://www.safeyouth.org>

United States Department of Education, Office of Civil Rights:

<http://www.ed.gov/about/offices/list/ocr>

U.S. Department of Justice, Community Relations Service: <http://www.usdoj.gov/crs>