



## Chico Unified School District

1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

Board Policy: #5145.9

Section: 5000

Students

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### HATE-MOTIVATED BEHAVIOR

The Governing Board 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 immutable physical or cultural characteristic. The Superintendent or designee shall:

- Define hate-motivated behavior
- Identify strategies to prevent incidents of hate-motivated behavior to the extent possible
- Ensure that the procedures for reporting a hate-motivated incident are available to students and parents/guardians
- Communicate consequences for school related hate-motivated behavior

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 0450 - Comprehensive Safety Plan)*

*(cf. 5131- Conduct)*

*(cf. 5131.2 - Bullying)*

*(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. 5145.7 - Sexual Harassment)*

#### Definition

"Hate-motivated behavior" is defined as abusive, threatening, insulting, harassing or intimidating speech, actions, writing or symbols directed or targeted at another individual or group of individuals, which (1) infringes on their right to be secure or left alone at school; and, (2) which expresses prejudice against a particular group motivated by hostility towards the other individual's real or perceived characteristics, including, but not limited to, race, religion, ethnicity, national origin, sex, disability, sexual orientation, or gender identity.

#### Prevention

The Superintendent or designee shall ensure that the rules prohibiting hate-motivated behavior 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. Protocol will also be shared with site administrative staff.

The Superintendent or designee, to the extent possible, collaborates with community members and organizations to promote safe environments for youth. Such collaborative efforts may include, but are not limited to: 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.

*(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)*



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The district, to the extent possible, provides students with age-appropriate instruction that includes the development of social-emotional learning, promotes understanding of individuals, diversity, and acceptance in a multicultural society, and provides strategies to manage conflicts constructively.

(cf. 5138 - Conflict Resolution/Peer Mediation)  
(cf. 6142.3 - Civic Education)  
(cf. 6142.94 - History-Social Science Instruction)

As needed, the district shall offer 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)

### Complaint Process

The Superintendent or designee shall ensure that the procedures for reporting a hate-motivated incident are provided to students and parents/guardians. 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, an administrator, or other staff member. 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 a site administrator (e.g. principal or assistant principal). If not resolved at the site level, the site administrator may contact the district's compliance officer who is responsible for coordinating the district's investigation response to complaints and complying with state and federal civil rights laws. As appropriate, the administrator shall also contact law enforcement. It is the responsibility of the school site's administration team to promptly and appropriately respond to hate-motivated behavior.

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

Any complaint of hate-motivated behavior shall be investigated at the school site and, if determined to be discriminatory, may be resolved at the district level 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 not discriminatory in nature, the principal or designee shall so inform the complainant. The principal or designee may continue steps to resolve the complaint.

(cf. 1312.1 - Complaints Concerning District Employees)  
(cf. 1312.3 - Uniform Complaint Procedures)

### Consequences / Discipline

Hate-motivated behavior communicates hate, intolerance, and discrimination; creates a tense social/emotional environment; may cause an actual or reasonably foreseeable substantial disruption to the educational environment; and may result in a negative psychological impact to other students. As a result, a student's use of hate speech is considered prohibited.

As a general rule, any student who uses hate-motivated behavior shall be first counseled about the history and social ramifications of hate, and may face further consequences depending on the severity of the situation.

Notwithstanding the general rule set forth above, suspension and expulsion for hate-motivated behavior shall be implemented as appropriate and to the extent allowable by law. Suspension and expulsion shall be reserved for students whose use of hate-motivated behavior has continued to occur after attempts to counsel and educate the student about appropriate speech and behavior; when the hate-motivated behavior is unprovoked and



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targeted at other student(s) or staff; when the hate-motivated behavior is linked to other serious misconduct; or when the behavior is severe or pervasive as defined in Education Code 48900.4.

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

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

(cf. 5145.2 – Freedom of Speech/Expression)

### 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

4600-4670 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

#### COURT DECISIONS

*C.R. v. Eugene School District 4J*, (9th Cir. 2016) 835 F.3d 1142 *Wymar v. Douglas County School District*, (9th Cir. 2013) 728 F.3d 1062

*Tinker v. Des Moines Independent Community School District*, (1969) 393 U.S. 503

Management Resources:

#### 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: <https://www.justice.gov>

Policy Adopted: 02/21/07; 03/06/19; 06/29/22; 06/12/24



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