



LOS ANGELES UNIFIED SCHOOL DISTRICT

POLICY BULLETIN

TITLE: Hate-Motivated Incidents and Crimes – Response and Reporting

NUMBER: BUL-2047.2

ISSUER: David Holmquist, General Counsel
Office of the General Counsel

DATE: September 4, 2018

ROUTING

All Employees
All Locations

POLICY: The Los Angeles Unified School District (District) is committed to providing a safe learning and working environment that is free from discrimination, harassment, intimidation or bullying. District policy requires all schools and personnel to promote mutual respect, tolerance, and acceptance among students and staff. Hate-motivated incidents and crimes or actions motivated by bias/prejudice/bigotry jeopardize both the safety and well-being of all students and staff. Current law requires school districts to document and report all hate-motivated incidents and crimes to facilitate development of effective programs and techniques to mitigate hate-related incidents/crimes on school campuses.

The District will not tolerate hate-motivated incidents/crimes based on actual or perceived characteristics, set forth in Education Code §§200, 220, Government Code §11135, and Penal Code §422.55, to include actual or perceived sex, sexual orientation, gender, gender identity, gender expression, race or ethnicity, ethnic group identification, ancestry, nationality, national origin, immigration status, religion, color, mental or physical disability, age, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity the District conducts, which is funded directly by, to which it provides significant assistance, or that receives or benefits from any state financial assistance, or retaliation in any form, for reporting such incidents/crimes.

MAJOR CHANGES: This bulletin replaces BUL-2047.1 "Hate-Motivated Incidents and Crimes – Response and Reporting," dated June 15, 2015, issued by Office of the General Counsel. It updates protected categories, and District policy and procedures for documentation and reporting of hate-motivated incidents/crimes.

GUIDELINES: Definitions

"Association with a person or group with these actual or perceived characteristics" includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those



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characteristics listed in the definition of “hate crime.”

“Disability” includes mental and/or physical impairments.

“Electronic” communications, acts, postings refers to conduct perpetrated through, but not limited to the following: internet, social networking sites, spyware or global positioning system tracking technology, telephone or cellular telephone, instant or text messages, email, blogs, websites, forums and mailing lists.

“Gender” means sex, and includes a person’s gender identity and gender expression.

“Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

“Harassment” occurs when a target is subjected to unwelcome conduct related to a protected category and can result in a hostile environment when the harassment is subjectively offensive to the target and would be offensive to a reasonable person of the same age and characteristics under the same circumstances and is sufficiently severe, pervasive, or persistent so as to interfere with or limit an individual’s ability to participate in or benefit from the services, activities, or opportunities offered by the District.

A “hate-motivated crime” is a “hate-motivated incident” that has been determined by law enforcement to be criminal conduct that was primarily motivated by bias or prejudice against a targeted group. This includes any criminal action that manifests evidence of hostility toward the target because of his or her actual or perceived protected categories. Such action includes, but is not limited to, threatening telephone calls, hate mail, physical assault, vandalism, cross burning, destruction of religious symbols and fire bombings. This also includes threats and hate messages sent by electronic communication.

The California Penal Code defines a “hate crime” as a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: disability, gender, nationality, race or ethnicity, religion, sexual orientation, association with a person or group with one or more of these actual or perceived characteristics.

Hate crime includes, but is not limited to, a violation of §422.6 of the Penal Code, which states no person, whether or not acting under color of law, shall by force or threat of force, willfully injure, intimidate, interfere with, oppress, or threaten any other person in the free exercise or enjoyment of any right or privilege secured to him or her by the Constitution or laws of this state or by the Constitution or laws of the United States in whole or in part because of one or



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more of the actual or perceived characteristics of the victim listed in subdivision (a) of §422.55 of the Penal Code.

The Penal Code additionally states that no person, whether or not acting under color of law, shall knowingly deface, damage, or destroy the real or personal property of any other person for the purpose of intimidating or interfering with the free exercise or enjoyment of any right or privilege secured to the other person by the Constitution or laws of this state or by the Constitution or laws of the United States, in whole or in part because of one or more of the actual or perceived characteristics of the victim listed in the Penal Code.

A “hate-motivated incident” is a noncriminal act or attempted act that constitutes an expression of hostility, bias or bigotry against a person, property, or institution because of the target’s actual or perceived protected categories. This may include using insults, taunts, and slurs, 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, websites, or any other electronic or written communication.

“In whole or in part because of” means that the bias motivation must be a cause of the offense, whether or not other causes also exist. When multiple motives exist, bias must be a substantial factor. There is no requirement that bias be a main factor, or that the crime would not have been committed but for the actual or perceived protected characteristic.

“Nationality” includes citizenship, country of origin and national origin.

“Race or ethnicity” includes ancestry, color and ethnic background.

“Religion” includes all aspects of religious belief, observance and practice, including agnosticism and atheism.

“Sexual orientation” means heterosexuality, homosexuality or bisexuality.

“Target” means an individual alleged to have experienced acts in violation of this policy, sometimes referred to as “victim.”

“Title IX/Bullying Complaint Manager” is an administrator and/or designee responsible for responding to complaints of discrimination, harassment, intimidation, and bullying.

“Victim” includes, but is not limited to, an educational facility, family, group, individual, office, or intended victim of the offense.



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Indicators in Identifying Hate-Motivation

The following questions may assist in determining whether conduct is bias or hate-motivated:

- Was the conduct primarily or intentionally directed at a person(s) because of actual or perceived membership in or association with a person(s) with one or more protected characteristics referenced above?
- Were signs, symbols or words used that indicate the conduct was motivated by hate (e.g., epithets/words/images/drawings used during the incident, graffiti, flyers/posters/literature, clothing/physical presentation with symbols of hate group status, related to significant dates/news/public activities associated with protected categories, related to intergroup demographics/dynamics in the neighborhood)?
- Is there indication or suspicion an actual crime or attempted crime, such as vandalism, assault or battery, was committed? Consult with law enforcement in these instances. Both verbal and written threats may be included in this consideration.

If any of the answers to the above indicators are determined to be true, the incident may be bias or hate-motivated or rise to the level of a hate-motivated crime and require law enforcement actions in addition to any administrative measures. Only law enforcement can determine if the conduct meets the criteria of a criminal act. Conduct identified as hate-motivated may also constitute harassment/discrimination. Conduct not rising to the level of a hate-motivated crime may still be considered a hate-motivated incident, unlawful harassment/discrimination, and/or inappropriate behavior (e.g., trauma/violence exposure), and may require follow-up, corrective or administrative action, and/or discipline as appropriate.

Administrative Responsibilities

Preventative Measures

- Each school administrator should, as part of the school's Safe School Plan, identify staff responsible to serve as Title IX/Bullying Complaint Managers and establish a systematic process to respond to and report hate-motivated incidents/crimes. This process should include directions for response and assistance to targets and offenders, consultation with and/or reporting to School Police, use of disciplinary action, and District reporting procedures.
- District office administrators/supervisors are responsible for identifying administrators/supervisors that are responsible for responding to and reporting



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hate-motivated incidents/crimes to appropriate authorities, such as law enforcement, as warranted.

- Communicate and ensure that staff, students, and parents are informed of District policy requiring promotion of mutual respect and acceptance, school and district rules regarding appropriate conduct, as well as District nondiscrimination and harassment policies. See the District's *MEM-5818: Nondiscrimination Required Notices and Ordering of Student Brochures*, memorandum issued annually by Office of the General Counsel and *Parent-Student Handbook Distribution*, memorandum issued annually by Office of the Superintendent.
- Inform students, parents, and employees of this policy and reporting procedures for targets of or witnesses to hate-motivated conduct.
- Provide in-service training as deemed necessary to certificated and classified staff to ensure they are clearly familiar with and able to identify indicators of hate-motivated conduct and understand their individual responsibilities to respond, intervene and report such conduct.
- Review on a quarterly basis all documented hate-motivated incidents/crimes in accordance with the Integrated Safe School Plan – Volume I, and alert school personnel of any developing trends, larger school climate issues or areas of concern that might merit further attention/response/investigation.

Immediate Responses to Hate-Motivated Conduct

- Intervene promptly to witnessed events, respond quickly to reported incidents, and take action to stop the conduct, prevent recurrence and eliminate any effects on the environment.
- Ensure safety of the target and other affected parties by offering any assistance that may be appropriate.
- Advise the target to contact the school administrator and/or Title IX/Bullying Complaint Manager who can provide assistance or stop the behavior and help if the situation continues, escalates or arises again.
- Assure all parties involved that the District takes hate-motivated conduct seriously, has a strong policy against hate-motivated conduct and will not tolerate such conduct.
- Investigate to gain an understanding of the situation. Obtain specific information relevant to the situation, where and when the incident occurred, and whether this was an isolated incident, related to previous incidents or suggestive of a broader pattern requiring further administrative action. Obtain



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names and statements from the target and from witnesses as appropriate. Additionally, provide all parties involved with assurances regarding District policies on confidentiality and non-retaliation in the complaint investigation process and informal and formal channels for complaint investigation resolution.

- Notify Los Angeles School Police of all suspected hate incidents and crimes.
- Under Education Code 48900 et seq., notification to local law enforcement shall be made, at the minimum, under the following circumstances:
 - Assault with a deadly weapon or by any means of force likely to produce great bodily injury
 - Attack, assault or physical threat against a school employee by a pupil
 - Possession or sale of narcotics or a controlled substance
 - Possession, sale or furnishing of a firearm at a public school
 - Possession of an explosive
 - Possession of a dirk, dagger, ice pick, knife having a blade longer than 2 1/2 inches, folding knife with a blade that locks into place, razor with an unguarded blade, taser or stun gun, BB or pellet or other type of air gun, or spot marker upon the grounds of any school within a K-12 school district.
- Reasonable efforts should be made to document and/or preserve evidence or the scene relating to the incident (e.g., take photos, collect literature/flyers). Consult with Los Angeles School Police on the reporting of hate-motivated incidents/crimes, as well as procedures for securing the location or the gathering of evidence.
- Inform complainants in general terms that protects the privacy and confidentiality of individuals as required by law of the outcomes and whether corrective actions specific to the claims have been or will be taken to resolve the complaint. Provide complainants information on applicable appeal processes.
- Inform parents/guardians of student complainants about the investigation status and findings, as well as the resolution of any complaint in general terms. If the conduct is systemic or has widespread impact, messages regarding complaint resolution may need to be communicated to the affected school community. Care must be taken to protect the identities of the parties, including any witnesses, and the confidentiality of the specific administrative actions.
- If a student has been a target on the basis of actual or perceived sexual orientation or gender identity, consult with the student to determine an appropriate way to inform the student's parents/guardians of the conduct.



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Student sexual orientation and/or gender identity should be divulged only on a need-to-know basis among staff with permission of the student.

- Move forward with appropriate disciplinary action that is consistent with the District's student discipline policies and procedures.
- Create an incident report in the Incident System Tracking Accountability Report (ISTAR) system.
- The "Complaint Investigation Record" should be used to document any incidents suspected of being or alleged to be hate-motivated, regardless of whether the incident meets the criteria of a crime, is deemed to be an act of unlawful harassment/discrimination, or is inappropriate conduct.
- Determine and document what additional follow-up activities are necessary for all the parties involved to prevent recurrence and eliminate any effects on the environment, for example, safety planning, provision of counseling supports/referrals for the parties, behavioral contracts, restorative practices, community supports, a staff development or student educational activity. Consult the Educational Equity Compliance Office and/or Human Relations, Diversity and Equity for additional supports as warranted.
- Monitor to ensure the effectiveness of actions taken and that the conduct has ceased. Document the monitoring efforts and attach a copy of the completed "Complaint Investigation Record" to the ISTAR record. Keep originals of these forms safeguarded in a centrally located separate school file for quarterly review of the Integrated Safe School Plan by the Safe School Planning Committee. Note: any personally identifiable pupil record information would need to be redacted before disclosure.
- For additional assistance, consult with the Local District Administrator of Operations.
- If an employee is the suspected or alleged perpetrator of a hate-motivated incident/crime, consult with a supervisor, Staff Relations Coordinator, and an appropriate law enforcement agency.
- In addition to or instead of filing a complaint at a site, an individual has the right to file with the Educational Equity Compliance Office (EECO) a formal written complaint of discrimination within six months of the last occurrence or when knowledge of the complaint was first obtained depending on which comes first. The EECO will follow steps as outlined in the District's Uniform Complaint Procedures policy in response to a formal written discrimination complaint or appeal of a site decision.



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Staff Responsibilities

Employees shall:

- Share responsibility for modeling appropriate behavior and creating an environment where students and staff know that bias and hate-motivated incidents/crimes are inappropriate and will not be tolerated.
- Support the District's efforts to prevent bias and hate-motivated incidents/crimes by learning to recognize the indicators of such conduct and effectively taking steps to intervene immediately when such conduct occurs.
- Promote an appreciation and respect of diversity, appropriate interactions and social norms and discourage the development of potentially prejudicial conduct, discriminatory attitudes/practices or hate violence that prevents pupils from achieving their full potential.
- Understand their individual responsibility to report bias and hate-motivated incidents to the administrator and/or Title IX/Bullying Complaint Manager.
- Assist students alleging that he or she is a target of, or a witness to, a hate-motivated incident/crime to report such an incident.
- Cooperate in any investigation of a bias or hate-motivated incident/crime.
- Guard against any actions that could be considered retaliatory against anyone who has made a report or is participating in an investigation of a bias or hate-motivated incident/crime.

Student Responsibilities

Students shall be informed that:

- Students share a responsibility for creating a safe school environment and that they can do that by treating others with mutual respect and acceptance and by being sensitive as to how others might perceive their actions and/or words.
- Students are not to engage in or contribute to bias or hate-motivated conduct.
- Students who may be a witness to or a target of a bias or hate-motivated incident/crime have the responsibility to report such an incident to the administrator or Title IX/Bullying Complaint Manager.
- Students are never to engage in retaliatory behavior or ask of, encourage, or consent to anyone taking retaliatory actions on their behalf.

District Responsibilities



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The Local District Administrator of Operations shall:

- Review ISTARs, including the “Complaint Investigation Record” for completeness and determine whether additional information might be needed and whether appropriate District policy procedures were followed. For example, did the reported incident also require the reporting of child abuse or sexual harassment, school police or local law enforcement contact, or any other type of action, according to District policy procedures?
- Determine what additional resources or assistance might be required or suggested to the school. Contact Human Relations, Diversity and Equity or EECO for additional supports.

AUTHORITY: This is a policy of the Superintendent of Schools. The following legal standards are applied in this policy:

Article 1, §28(f)(1) of the California State Constitution for the “Right to Safe Schools”

California Education Code §200—(Educational Equity)
Title 5, California Code of Regulations, §4900(a) and §4910(k)

RELATED RESOURCES: [Board Resolution, To Enforce the Respectful Treatment of All Persons](#), passed October 10, 1988

[Administrator Certification On-Line System](#), memorandum issued annually by the Division of District Operations

[BUL-5212.2, Bullying and Hazing Policy \(Student-to-Student and Student-to-Adult\)](#), November 26, 2014

[BUL-1347.3, Child Abuse and Neglect Reporting Requirements](#), August 19, 2016

[BUL-5167.0, Code of Conduct with Students – Distribution and Dissemination Requirement](#), July 1, 2010

[BUL-6231.0, Discipline Foundation Policy: School-Wide Positive Behavior Support](#), February 14, 2014

[BUL-044381.0, Protocols and Procedures to Report, Reassign and Investigate Allegations of Employee Misconduct](#), December 22, 2017

[BUL-6050.2, Expulsion of Students – Policy and Procedures](#), October 10, 2016



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[BUL-5655.3, Guidelines for Student Suspension](#), October 10, 2016

[BUL-5269.2, Incident System Tracking Accountability Report](#), July 10, 2013

[BUL-5703.2, Name and/or Gender of Pupils for Purposes of School Records](#), July 17, 2014

[Nondiscrimination Required Notices and Ordering of Student Brochures](#), a memorandum issued annually by Office of the General Counsel

[BUL-6362.0, Opportunity Transfer \(OT\) – Policy and Procedures](#), August 14, 2014

[Parent-Student Handbook Distribution](#), memorandum issued annually by the Office of the Superintendent

[BUL-5181.1, Policy Regarding Internet Safety for Students](#), May 1, 2012

[BUL-999.12, Responsible Use Policy \(RUP\) for District Computer and Network Systems](#), November 27, 2017

[Integrated Safe School Plan](#), issued annually

[BUL-4692.6, Section 504 of the Rehabilitation Act of 1973](#), October 27, 2017

[BUL-6612.0, Non-discrimination and Anti-Harassment \(Including Sexual Harassment\) Policy and Complaint Procedure](#), November 10, 2015

[BUL-3349.1, Sexual Harassment Policy \(Student-to-Student, Adult to Student and Student-to-Adult\)](#), August 6, 2014

[BUL-5688.2, Social Media Policy for Employees and Associated Persons](#), July 31, 2018

[BUL-6399.2, Social Media Policy for Students](#), July 18, 2018

[BUL-2637.3, Suicide Prevention, Intervention and Postvention \(Students\)](#), February 12, 2018

[BUL-5799.0, Threat Assessment and Management, \(Student-to-Student, Student-to-Adult\)](#), July 16, 2012

[BUL-2521.2, Title IX Policy/Complaint Procedures](#), February 14, 2018

[BUL-6224.1, Transgender Students – Ensuring Equity and Nondiscrimination](#), August 15, 2014



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[BUL-5159.8, Uniform Complaint Procedures \(UCP\)](#), July 30, 2018

[BUL-5468.0, Use of Cellular Telephones and Other Electronic Devices by Students](#), May 4, 2011

[BUL-6492.2, Visitors to School Campuses and Locked Campuses During Class Hours at All Schools](#), February 21, 2017

[BUL-5798.0, Workplace Violence, Bullying and Threats \(Adult to Adult\)](#), July 16, 2012

ASSISTANCE: For further information, to seek assistance, or for related resources, contact any of the following District offices:

[School Mental Health](#): Crisis Counseling and Intervention Services, (213) 241-3841 (Suicide Prevention and Intervention, Threat Assessment, Work Place Violence consultation)

[Local District Administrators of Operations](#)

[Division of Special Education, Behavior Support Office](#), (213) 241-6701

[Educational Equity Compliance Office](#), (213) 241-7682;

[Health Education Programs Office](#), (213) 241-2554

[Human Relations, Diversity and Equity](#), (213) 241-8719;

[Los Angeles School Police Department](#), (213) 625-6631

[Office of the General Counsel](#), (213) 241-7600

[Division of District Operations](#), (213) 241-5337

[Student Discipline and Expulsion Support Unit](#), (213) 202-7555

For assistance with determining whether an incident should be reported as suspected child abuse/neglect, contact the Department of Children and Family Services Hotline at (800) 540-4000.

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COMPLAINT INVESTIGATION RECORD

Discrimination/Harassment and/or Hate-Motivated Incident/Crime

[For School/District recording purposes only]

Confidential

School		ISTAR#	
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RECORD OF INVESTIGATION:

Interview alleged target(s) of incident/crime	Date(s)	Interview accused person(s)	Date(s)
Interview witnesses (if any)	Date(s)	Name of Investigator	

FINDINGS/DETERMINATION:

<input type="checkbox"/> Findings indicate that discrimination/harassment occurred	<input type="checkbox"/>	Corrective actions needed
<input type="checkbox"/> Findings indicate that hate-motivated incident/crime occurred	<input type="checkbox"/>	Corrective actions needed
<input type="checkbox"/> Findings indicate that inappropriate behavior occurred	<input type="checkbox"/>	Corrective actions needed
<input type="checkbox"/> There are no findings of hate-motivated incident crime, discrimination/harassment or inappropriate behavior	<input type="checkbox"/>	No corrective action needed

CORRECTIVE ACTIONS (Check all that apply):

Involving Accused Person(s)	Date	Involving Alleged Target(s)	Date
<input type="checkbox"/> Parent Informed of Complaint <input type="checkbox"/> Conference <input type="checkbox"/> Letter <input type="checkbox"/> Telephone		<input type="checkbox"/> Parent informed of Complaint <input type="checkbox"/> Conference <input type="checkbox"/> Letter <input type="checkbox"/> Telephone Caution - With conduct related to gender identity or sexual orientation, consult with alleged target as to a safe way to inform parent/guardian of the conduct.	
<input type="checkbox"/> Provide/Explain District discrimination harassment/hate-motivated incident crime policies		<input type="checkbox"/> Provide/Explain District discrimination harassment/hate-motivated incident crime policies	
<input type="checkbox"/> School/School Mental Health/Outside Counseling Referral		<input type="checkbox"/> School Counseling Referral	
<input type="checkbox"/> Education/Behavior Contract		<input type="checkbox"/> Outside Counseling Referral	
<input type="checkbox"/> Class Schedule Change		<input type="checkbox"/> District Counseling Referral to School Mental Health Clinic/Wellness Center	
<input type="checkbox"/> School Discipline Provided			
<input type="checkbox"/> Disciplinary Conference			
<input type="checkbox"/> Opportunity Transfer			
<input type="checkbox"/> Suspension		<input type="checkbox"/> Monitor to Check That Unwanted Behavior Has Stopped <input type="checkbox"/> After One Week <input type="checkbox"/> After Two Weeks	
<input type="checkbox"/> Expulsion			
<input type="checkbox"/> Accused Person's Parents Notified of Resolution of Incident/Complaint			
<input type="checkbox"/> Safety Plan		<input type="checkbox"/> Safety Plan	
<input type="checkbox"/> Other		<input type="checkbox"/> Other	

DESCRIBE OTHER ACTIONS TAKEN OR FURTHER REMEDIAL ACTION TO BE UNDERTAKEN TO PREVENT RECURRENCE OF THE INCIDENT/BEHAVIOR:

NOTIFICATION OF FINDINGS AND ACTIONS TAKEN:

<input type="checkbox"/> Targeted Person	Date(s)	<input type="checkbox"/> Parents	Date(s)	<input type="checkbox"/> Law Enforcement	Date(s)
<input type="checkbox"/> Accused Person	Date(s)	<input type="checkbox"/> Parents	Date(s)	<input type="checkbox"/> DCFS	Date(s)

RETAIN INVESTIGATION RECORDS IN A CENTRAL LOCATION. PROVIDE A COPY OF THE COMPLETED RECORD TO THE ISTAR DESIGNEE TO ENSURE RECORD IS ATTACHED/ENTERED INTO ISTAR.

For assistance:

Los Angeles Unified School District -- Educational Equity Compliance Office
333 South Beaudry Avenue, 20th Floor; Los Angeles, CA 90017 Telephone: (213) 241-7682