HGCS Hate Violence Prevention and Response Policy

1. Policy statement and scope

Howard Gardner Community Charter School (HGCS) prohibits hate violence and hate-motivated behavior against any student, employee, or visitor. HGCS works to prevent it through a welcoming school climate and responds promptly when it happens. This policy is adopted under Education Code 233 and is part of the school's Comprehensive School Safety Plan.

This policy applies to students, employees, volunteers, contractors, and visitors:

- On campus, during the school day and in before/after-school programs.
- At school-sponsored activities and field trips, on or off campus.
- While going to or coming from school or a school activity.
- Off campus or online, including by electronic act, when the conduct affects a student's safety or access to school.

This policy works alongside HGCS's Harassment, Intimidation, Discrimination & Bullying (HIDB) policy, Uniform Complaint Procedures (UCP), Pupil Suspension and Expulsion Policy, and Student Sexual Harassment Policy.

2. Definitions

Protected characteristics are the actual or perceived characteristics in the hate crime definition in Penal Code 422.55: disability, gender (including gender identity and gender expression), nationality, race or ethnicity, religion, sexual orientation, and association with a person or group with any of these. HGCS also protects immigration status, citizenship, ancestry, color, and the other characteristics listed in Education Code 220.

Hate violence (EC 233) means any act punishable under Penal Code 422.6, 422.7, or 422.75. In plain terms, it includes:

- Using force, or threatening force, to injure, intimidate, or interfere with a person's rights because of a protected characteristic.
- Damaging or defacing someone's property to intimidate them because of a protected characteristic, for example hate graffiti or symbols on a locker, backpack, or wall.

- A crime committed in whole or in part because of the victim's protected characteristic.

Hate-motivated incident means conduct motivated by bias against a protected characteristic that may not be a crime, such as slurs, hateful symbols, drawings or messages, or excluding a student because of who they are. Hate-motivated incidents are addressed under this policy and the HIDB policy.

Age-appropriate response. For younger students, staff consider age and developmental level. A TK–3 student who repeats a word they heard may not understand its meaning; the response focuses on teaching and repairing harm, while still treating the impact on the targeted student seriously.

3. Prevention

The Executive Director or designee leads prevention efforts, including:

- **School climate.** Using PBIS, restorative practices, and social-emotional learning to build belonging and respect across grades TK–8.
- **Instruction.** Age-appropriate lessons on respecting differences, recognizing bias, and how to be an upstander. Instruction and materials do not reflect or promote bias against any protected group (EC 51500, 51501).
- **Staff training.** Annual training for all staff on recognizing hate-motivated behavior, intervening safely, reporting, and supporting targeted students.
- **Supervision.** Monitoring areas where incidents are more likely, such as restrooms, recess, lunch, and pick-up, and removing hate graffiti or symbols promptly after documenting them.
- **Family and community partnerships.** Working with families, the School Site Council, community organizations, and the Chula Vista Police Department on prevention.
- **Climate data.** Reviewing incident reports and family, student, and staff surveys each year to spot patterns and adjust supports.

4. How to report

If anyone is in immediate danger, call 911 first.

Anyone may report hate violence or a hate-motivated incident, anonymously if needed:

- In person, to any teacher, staff member, counselor, or administrator.

- To the Executive Director or the school's antidiscrimination compliance officer by phone at (619) 934-0300 or by email at [email]@hgcschool.org.
- In writing, including an anonymous note left at the front office.

Young students may report through any trusted adult, in any words or way they can.

Staff duty to report. Any employee who sees or learns of hate violence or a hate-motivated incident must act right away to stop it if safe to do so, and report it to the Executive Director the same school day. Staff document graffiti or symbols (photo, location, time) before removal.

Law enforcement. The Executive Director or designee contacts the Chula Vista Police Department (619-691-5151) when hate violence or a possible hate crime occurs, consistent with the Safety Plan's hate crime reporting procedures. Contacting police does not replace the school's own response.

5. Response

When HGCS learns of possible hate violence or a hate-motivated incident, the Executive Director or designee will:

1. **Secure safety.** Stop the conduct, give first aid if needed, and separate those involved. Activate the Safety Response Team if there is an ongoing threat.
2. **Notify.** Contact the parents/guardians of the targeted student and the student(s) involved the same day. Contact law enforcement for hate violence or a possible hate crime.
3. **Preserve evidence.** Photograph and document graffiti, messages, or damage before removal. Keep screenshots of online conduct.
4. **Support the targeted student.** Offer counseling with HGCS school-based mental health staff or a community provider, a safety plan, schedule or supervision changes, and regular check-ins.
5. **Investigate.** Investigate promptly and impartially. When a family files a formal complaint, HGCS follows its Uniform Complaint Procedures, issuing a written decision within 60 calendar days. The complainant may appeal to the California Department of Education, including if HGCS does not issue its report on time (EC 262.3).
6. **Remedy.** Take steps to stop the behavior, prevent it from recurring, and address its effects on the targeted student and others affected, such as classroom lessons or a restorative circle.

7. **Communicate.** When an incident affects the wider school community, share appropriate information with families and staff, translated as needed, while protecting student privacy.
8. **Follow up.** Check in with the targeted student and family afterward to confirm the harassment has stopped and supports are working.

6. Consequences

Consequences match the seriousness of the conduct, the student's age, and the harm caused. They aim to stop the behavior, repair harm, and teach.

- **Students in grades 4–8** who cause, attempt to cause, threaten to cause, or participate in hate violence may be suspended or recommended for expulsion (EC 48900.3), following HGCS's Pupil Suspension and Expulsion Policy.
- **Students in grades TK–3** may not be suspended or expelled under EC 48900.3. HGCS responds with parent conferences, instruction, supervision changes, counseling, and restorative practices. Students of any grade remain subject to other grounds in the Suspension and Expulsion Policy, such as causing physical injury or property damage.
- **Restorative options.** Where safe and voluntary for the targeted student, a restorative conference may be part of the response. It is never required of the targeted student.
- **Students with disabilities** receive all IDEA and Section 504 protections, including a manifestation determination where required.
- **Employees** are subject to discipline up to and including dismissal.
- **Volunteers, contractors, and visitors** may be removed from campus and barred from school activities.

7. Retaliation, confidentiality, and notice

Retaliation is prohibited against anyone who reports, files a complaint, or takes part in an investigation. Retaliation is a separate violation.

Confidentiality. HGCS protects the identities of those involved, sharing information only as needed to investigate, keep students safe, and meet legal duties, and as permitted by FERPA.

Notice and posting. HGCS shares this policy in these ways:

- [ ] Posted prominently on hgcschool.org, easy for families and students to find (EC 234.6).
- [ ] Included in the Student/Family Handbook and the Comprehensive School Safety Plan.

- [ ] Referenced in the annual parent notification, including the protections and complaint rights required by AB 715 (EC 48980).
- [ ] Provided to employees at hire and reviewed in annual staff training.

Notices are translated into a family's primary language when required under EC 48985.

8. Legal references and adoption

State: Education Code 200–262.4 (including 220, 233, 234.1, 234.6, 262.3), 32282, 48900, 48900.3, 48980, 48985, 51500, 51501; Penal Code 422.55, 422.6, 422.7, 422.75; 5 CCR 4600–4670 (Uniform Complaint Procedures).

Federal: Title VI of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act; ADA Title II; IDEA; FERPA.

Sources: EC 233 text; AALRR on AB 715. HGCS's legal counsel should review this draft before Board adoption.