

September 18, 2002

TO: District Superintendents
SISC II Member Districts

FROM: Catherine Wilson Jones, CSP
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SUBJECT: Student Harassment Policies

A recent student harassment settlement of \$130,000 in a California public school district might mean that you want to review and revise your district's policies. The case alleged harassment of a gay student by classmates as well as teachers. The case was brought forward in part under the California Student Safety and Violence Act of 2000. The act (Assembly Bill No. 1785, September 2000) specifically addresses hate motivated incidents, hate crimes and bias. It also expands existing requirements for the State Department of Education regarding resource, curriculum, and reporting.

Although this case specifically involves a gay student, the act addresses the recognition of and response to "behavior related to bias based on race, color, religion, nationality, country of origin, ancestry, gender, disability, or sexual orientation." Therefore, district harassment policies should be framed to include this entire scope rather than address only a partial list.

The California Department of Education (CDE) has a publication titled *Hate-Motivated Behavior in Schools*, which can be used as an audit tool or to help establish a new program. The document includes useful response strategies as well as sample board policies. The document can be downloaded via CDE's Safe Schools and Violence Prevention website at www.cde.ca.gov/spbranch/safety/hmb/hmb.asp. The website also contains other information on this subject that can be used as reference or for additional guidance.

Hopefully, by taking this opportunity to review existing policies and to modify them as necessary, future outcomes such as this case can be avoided.

CWJ:sh