School Hate Crime Resource Guide

Massachusetts Executive Office of Public Safety and Security

> Prepared by Institute on Race and Justice at Northeastern University, American University, and the Anti-Defamation League of New England

SCHOOL HATE CRIME RESOURCE GUIDE

Massachusetts

"...[A]ddressing hate crimes in schools is critical to creating a more inclusive and respectful society that experiences fewer hate crimes and less prejudice overall." -The Governor's Task Force on Hate Crimes

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Table of Contents

Table of Contents	3
Introduction	4
Research Methodology	4
Structure of the Report	5
Prevention Initiatives and Hate Crime Policy	8
Primary Prevention Initiatives	9
Integrating Policies	12
Recommendations for School Policies	15
Reporting Bias-Motivated Incidents and Hate Crimes	17
Developing a Reporting Procedure	17
Establishing a Reporting System	20
Hate Crime Support Resources	24
For Victims	24
For Parents and Guardians	25
For School-Based Psychologists, Social Workers, and Clinicians	27
Hate Crime Statistics	29
National Trends in School Hate Crimes	29
Statewide Trends in School Hate Crimes	31
National Indicators of School Crime and Safety	35
References	40
Appendix A: Glossary	41
Bias-Motivated Behavior	41
Bias-Motivated Incident and Hate Crime	41
Bias-Motivated Behavior, Bullying, and Cyberbullying	42
Appendix B: Lesson Plans and Resources	44
Lesson Plans	44
Tools for Administrators	44
Tools for Teachers, Students, and Families	45
Appendix C: Hate Crime Data Sources	47

Introduction

The goal of this School Hate Crime Resource Guide is to provide information to assist elementary, middle, and high schools in Massachusetts in preventing and responding to bias-motivated incidents and hate crimes.¹ Schools, including colleges and universities, are the third most common location of hate crimes reported to police in Massachusetts. Since 2001, nearly 1,000 hate crime incidents took place in Massachusetts schools, colleges and/or universities. According to the National Crime Victimization Survey (NCVS), six percent of school-age children reported being called hate-related words while at school, and almost one-quarter reported seeing hate-related graffiti.

Research Methodology

The members of the research team from Northeastern University (NEU), American University (AU), and the Anti-Defamation League (ADL) of New England began the research for this guide by identifying and reviewing websites from more than 60 organizations. These organizations included:

- National and local school districts
- U.S. Department of Education and Massachusetts Department of Elementary and Secondary Education
- Local municipalities
- State criminal justice agencies and the Massachusetts Attorney General's Office
- Advocacy and public interest organizations such as the ADL, the Southern Poverty Law Center, and Facing History and Ourselves
- Other federal agencies such as the U.S. Department of Justice

As a second phase of the research, the research team interviewed members of the Massachusetts Hate Crimes Task Force, representatives from the Massachusetts Department of Elementary and Education, Secondary the Massachusetts Attorney General's Office, the Massachusetts Association of School Superintendents, Massachusetts School Administrators' Association, and Massachusetts Major City Chiefs of Police Association. The purpose of the interviews was to determine if effective practices employed by other schools, programs, and advocacy organizations could be adopted within the legal and administrative landscape of Massachusetts.

This research took place in 2020 during the global COVID-19 pandemic. This timing posed additional challenges for the research as in-person interviews could not be conducted, and administrators who were focused on school reopening plans and related safety and learning issues for fall 2020 and beyond had limited availability. All administrators with whom we spoke agreed that a School Hate Crime Resource Guide would be an important and useful tool for the Massachusetts school community.

¹ The terms "hate crime" and "bias crime" are often used interchangeably to describe such incidents; nevertheless, the terms in this resource guide are used in accordance with the education recommendations issued by the Governor's Task Force on Hate Crimes in 2019. For more information, see <u>https://www.mass.gov/service-details/the-governors-task-force-on-hate-crimes-2019-education-recommendations</u>.

Administrators participating in these discussions recommended introducing the guide in 2021, given the priority of ensuring a safe return to school during a global pandemic.

Massachusetts already has statutes and policies in place to address school bullying, as well as statutes and policies addressing acts of harassment and discrimination that occur in schools.² The goal of this guide is to offer resources to families, students, and educators to confront and respond to bias-motivated incidents and hate crimes that may not fall within the legal or statutory definitions of bullying, harassment, and/or discrimination.

We note that there is no need to create an additional infrastructure for reporting and responding to bias-motivated incidents and hate

crimes, as the existing framework for reporting and reacting to bullying incidents and acts of harassment and discrimination in schools can be used.

Massachusetts has 400 K-12 operating school districts across the state and these districts vary in size and resources. No one set of policies could be implemented similarly across all school districts. This guide was developed to provide resources to respond to and prevent biasmotivated incidents to a wide range of schools both small and large, and located in urban, suburban, and rural districts. The goal is to present a broad range of resources that could be adopted by Massachusetts schools of varying size, demographics, administrative and structures.

Structure of the Report

The School Hate Crime Resource Guide has four sections, beginning with an overview on prevention initatives and recommendations for school hate crime policies.

The first section describes prevention initiatives and the necessary elements for an effective school district policy to prevent and address biasmotivated incidents and hate crimes. As noted earlier in the guide, many Massachusetts school districts currently have a hate crime policy in place, as such this section is intended to guide districts as they conduct their annual review of their policy and include specific biases. This section addresses how bias-motivated incidents and hate crimes can manifest on the internet. Particularly during the pandemic, this is

² See, e.g., M.G.L. c. 71, § 370; An Act Relative to Bullying in Schools, 2014 Mass. Acts 86; An Act Relative to Bullying in Schools, 2010 Mass. Acts 92. presenting novel and unforeseen challenges for school officials.

The second section of the guide presents best practices in reporting and investigating biasmotivated incidents in schools. During the interview phase, many Massachusetts students, teachers, and administrators expressed that they were unsure of what to do if they learn about a possible bias-motivated incident at their school. This section of the Resource Guide presents guidelines and a framework to respond to such events.

The third section of the Resource Guide presents resources and promising practices for dealing with bias crime victims, alleged perpetrators, and their families. This section details strategies that parents/guardians, teachers and school officials can use with victims of bias-motivated incidents or hate crimes. This section presents an annotated listing of resources for responding to and preventing bias motivated incidents or hate crimes. This section includes information on each resource, including topic, grade-level, and suggested audience (e.g., students, teachers, administrators, etc.).

The fourth section describes national- and statelevel hate crime data. The Massachusetts Executive Office of Public Safety and Security (EOPSS) has collected and recorded data on hate crimes reported to the police since 2001. The research team analyzed this data and used it to describe the characteristics of hate crimes reported in Massachusetts and in Massachusetts schools. We also reviewed data on school-based hate crimes from other sources to supplement this analysis.

The appendices include a glossary to better understand the terminology used; lesson plans and resources for teachers, administrators, other school personnel, and families to prevent and respond to bias-motivated incidents and hate crimes in a safe manner; and other data sources.

Prevention Initiatives and Policy

- Prevention Initiatives and Hate Crime Policy
- Integrating Policies
 - Examples of Bias-Motivated Behaviors
 - Hate Crimes
 - Reporting
 - Investigation
 - Consequences
- Recommendations for School Policies

Prevention Initiatives and Hate Crime Policy

The prevention and policy section of this guide has several key purposes:

Outlining the range of detrimental effects that bias-motivated behaviors have on students, teachers, staff, administrators, and the community, including impacts on student learning, school safety, student engagement, and the overall school environment.

Affirming that any form of bias-motivated behavior is unacceptable and should be reported, and that every incident needs to be taken seriously by school administrators, staff, teachers, students, families, and the community at large.

Emphasizing that the impact of bias-motivated incidents extends beyond the victims and parties directly involved in the incident and is experienced by the community at large. It is in each community's interest to understand and address all incidents of hate and bias. While biasmotivated behaviors may occur in schools or on school property, the impact will be experienced by other members of the targeted groups of people in the community.

Creating clear and safe protocols for reporting bias-motivated incidents and a culture that encourages reporting by students, family members, school administrators, staff, teachers, and the community at large. Key elements of reporting include:

Determining the appropriate personnel to respond and provide support, intervention, or education to address the behavior and its consequences. Ensuring that there is no retaliation for reporting. Reporting bias-motivated incidents both protects the safety of the those targeted by incidents and can reduce the number of incidents within the school and community.

Ideally, reporting and responding to the biasmotivated behaviors can lead to changes in perspectives towards bias-motivated behaviors and promote tolerance rather than discrimination. Below are two excellent resources on reporting incidents at schools:

• Stop Bullying

https://www.stopbullying.gov/resources/laws /key-components

 Boston Public Schools
 <u>https://www.bostonpublicschools.org/Page/7</u> 893

Primary Prevention Initiatives

The best way to prevent bias motivated incidents in schools is to teach students, teachers, and administrators about the harm bias can cause and the impact of these incidents on individuals and the entire school community. Providing a safe, healthy, and supportive learning environment is key to assisting students in their academic success and future career. Preventing all manifestations of school violence requires addressing issues at the individual, family, and community levels. Research shows that prevention efforts by administrators, teachers, parents, students, and community members can reduce violence and improve the school environment. School administrators should consider adopting broad-based evidence-based curricula that address the causes and consequences of bias in our society and how biases can, in certain cases, lead to violence. The curricula should also address ways to prevent and reduce bias and promote the role bystanders can play in keeping potential targets safe. There are several excellent bias incident prevention curricula available for teachers and school administrators.

Below are some examples of evidence-based curricula:

• Massachusetts Child and Youth Violence Prevention Services.

This program includes educational interventions that prevent and/or address the root causes of different types of violence and promote factors that can increase the resilience of youth from 10 to 24 years old. Additionally, the website includes information on the Secondary Violence Prevention program that supports youth at elevated risk for violence but who are not fully engaged in serious acts of violence. For more information, visit the program's website at: https://www.mass.gov/child-and-youthviolence-prevention-services.

• Community Matters: A Facing History and Ourselves Approach to Advisory.

This curriculum developed by Facing History and Ourselves is intended for grades 8-12 to provide "a year's worth of activities and materials designed to help build student centered spaces where honest questioning discussion and social and academic growth can occur." For more information, visit the website:

https://www.facinghistory.org/resource-

library/community-matters-fh-approachadvisory.

• Back to School Toolkit: Building Community for Connection and Learning.

This curriculum developed by Facing History and Ourselves is aimed at educators coming back to the classroom after the COVID-19 pandemic. This curriculum seeks to support "students social emotional needs and provide an essential foundation before introducing academic content." For more information, visit the website at: https://www.facinghistory.org/back-toschool-2019/teaching-toolkit/.

• Learning for Justice.

Originally Called "Teaching Tolerance," this program developed by the Southern Poverty Law Center provides free resources for grades K through 12 "to supplement the Curriculum, to inform their practices, and to create civil and inclusive school communities." For more information, visit the website at: https://www.splcenter.org/learning-forjustice. Below are examples of other widely used curricula:

- Creating an Anti-Bias Learning Environment. This resource by ADL explains how classrooms at all grade levels should be constructed to promote diversity and encourage students to raise issues of bias or hate that they may encounter. It provides tips for educators about how they should respond to bias incidents and how they can create an environment that is respectful and inclusive for all students. Some of these tips include making sure classroom displays and materials are representative, reinforcing without stereotypes, and encouraging learning and critical thinking while allowing for mistakes. It also includes a checklist for teachers to assess themselves and their schools in promoting bias-free educational environments. For more website information. visit the at: https://www.adl.org/education/resources/to ols-and-strategies/creating-an-anti-biaslearning-environment.
- Moving from Safe Classrooms to Brave Classrooms.

This resource by ADL explains the importance of educators developing classroom guidelines to create a brave space, i.e., an environment where all students feel safe, respected, and included. These strategies apply to all students in all grades. For more information, visit the website at:

https://www.adl.org/education/resources/to ols-and-strategies/moving-from-safeclassrooms-to-brave-classrooms.

• Empowering Students, Challenging Bias.

This is a curriculum by ADL for grades 6 through 8 to promote anti-bias concepts to create safe, respectful, and equitable classroom and school environments. The lesson plans encourage youth to reflect on their identity, understand and appreciate differences, explore societal issues arising from bias and discrimination, understand how people have historically confronted bias and injustice and take leadership roles in promoting justice and equity in their schools, community and society. For more information, visit the website at: https://www.adl.org/education/resources/to ols-and-strategies/empowering-studentschallenging-bias.

Confronting Bias, Working Towards Equity. • This curriculum by ADL is aimed for students in grades 9 through 12 as supplementary material to enhance or integrate into existing curricula. The materials have been designed to assist educators and students in exploring ways to ensure that the tenets of freedom and equality on which this country was built become realities. For more information, visit the website at: https://www.adl.org/education/resources/to ols-and-strategies/confronting-bias-workingtoward-equity.

Below are examples of materials and resources to assist with educating students about preventing bias and hate speech:

• Bullying Prevention and Intervention (Massachusetts Department of Elementary and Secondary Education).

This website offers a comprehensive approach to bullying prevention and intervention which includes a model plan, current Massachusetts legislation, evidenced based programs curricula and practices, parent information, resources from state agencies as well as the United States Department of Education, and information on social emotional learning: https://www.doe.mass.edu/sfs/bullying/

- Coronavirus and Infectious Racism (ADL).
 - This website developed by the Anti-Defamation League provides a lesson plan to expand the understanding of how the coronavirus pandemic is increasing racism against people who are of Asian descent and offers ideas on what to do about it: https://www.adl.org/education/resources/to ols-and-strategies/coronavirus-andinfectious-racism-ms-hs
- Addressing Hate Online: Countering Cyberhate with Counterspeech.

This lesson provides students in high school with an opportunity to define and learn more about cyberhate and is offered in both English and Spanish. For more information, the lesson plan can be found by accessing the website at: https://www.adl.org/education/educator-resources/lesson-plans/addressing-hate-online-countering-cyberhate-with.

 Teaching about Racism, Violence, Inequity, and the Criminal Justice System (ADL).
 This website provides lesson plans that can help initiate conversations between teachers, parents, family members, and students about racism, violence, and inequity in the criminal

justice system: https://www.adl.org/education/resources/to ols-and-strategies/teaching-about-racismviolence-inequity-and-the-criminal.

• Teaching Materials on Nazism and Jim Crow (U.S. Holocaust Memorial Museum).

This website developed by the U.S. Holocaust Memorial Museum offers lesson plans and other resources that can assist educators on how to teach Nazism and Jim Crow to prompt classroom and community discussions that may be relevant lessons for today: <u>https://www.ushmm.org/teach/teaching-</u> materials/nazism-and-jim-crow.

Integrating Policies

The following provides language and sample policies to help schools prevent, identify, and respond to biasmotivated behaviors that occur in schools. An effective bias-motivated behavior policy should contain the following sections: **Examples of bias-motivated behaviors and hate crimes**; **Reporting**; **Investigation**; **and Consequences**.

The Code of Massachusetts Regulations, 603 CMR 26.07, requires that "all public schools shall strive to prevent harassment or discrimination based upon a students' race, color, sex, gender identity, religion, national origin or sexual orientation, and all public schools shall respond promptly to such discrimination or harassment when they have knowledge of its occurrence." Bias-motivated behavior is one form of harassment or discrimination as defined by this regulation. School districts may choose to incorporate bias-motivated incident policies into their harassment and discrimination policies.

Examples of bias-motivated behaviors³

- Using a slur or insult towards a student or their family based on their membership in a protected group;
- Telling rude jokes that mock a protected group in person or through any electronic device;
- Not allowing students to participate in an activity or course of study because of their membership in a protected group;
- Disciplining a student more often or more harshly because of their membership in a protected group;

Policies should be reviewed annually and updated based on changing policies at the local, state, and federal levels. Furthermore, schools should at regular intervals—at least annually—consider the effectiveness of each policy, including whether it is reaching intended groups and how it is utilized by victims of bias-motivated incidents or hate crimes to report their victimization.

- Posting pictures of a student that disparages them for being part of a protected group;
- Imitating someone with any kind of disability or imitating someone's cultural norm or language.

Another useful resource to consider for understanding biased perspectives and the language used throughout history that injects bias into our conversations and shapes our perceptions and how we respond to it is Wellesley Public Schools' Teacher Checklist, which can be found using the following link:

³ Some of these examples can constitute civil rights violations. For more information on examples of bias-based behaviors, see Boston Public Schools' webpage titled, *"What is bias based behavior?"* at: <u>https://www.bostonpublicschools.org/Page/7893</u>.

https://docs.google.com/document/d/1cBtNj v1csxv3Jm1h9o42zQmNzsRSjAKTgGovgzBVMs 8/edit.

Hate Crimes⁴

Whether an incident meets the legal definition of a hate crime is a judicial determination made upon application for a criminal complaint or by indictment through the District Attorney or Attorney General's Office. If school personnel believe that a reported incident may be a hate crime, then administrators should contact law enforcement to investigate and determine if the act can be charged as a hate crime.⁵

School policies should have contact information easily and readily available for people to report possible hate crimes to the police or inform school personnel to assist in contacting the police.⁶

Reporting

All Massachusetts schools already have reporting protocols in place to report bullying and acts of harassment and discrimination.⁷ For the vast majority of school districts, there is no need to develop an additional reporting process; instead, school officials can enhance existing processes and protocols to explicitly address bias-motivated incidents and hate crimes. Schools are encouraged to use existing reporting structures and networks for confidential reporting of bias-motivated incidents and hate

⁴ For more information on reporting hate crimes to the Massachusetts Attorney General's Office: <u>https://www.mass.gov/service-details/protections-</u> <u>against-hate-crimes</u>. crimes. In some school districts, personnel designated to receive reports of hate crimes or investigate these incidents may need specialized training.

School districts shall consider and include a designated person or team of people to whom individuals can report bias-motivated incidents in the reporting procedures.⁸ The designated person must be readily and easily accessible to all students, teachers, staff, and administrators.

Reporting procedures and protocols should be developed for reporting incidents of biasmotivated behaviors, discrimination, or any concerning pattern of biased behavior to any teacher, staff member, administrator or one of their trusted adults in the district. Students should be informed on these procedures and protocols minimally on an annual basis. Policies and procedures should include safeguards to ensure students' safety when reporting on behalf of self and others.

Schools are encouraged to designate contact(s) for parents, guardians, and community members to report incidents or concerns that are both easily and readily accessible, such as school administrators, human resources, counselors, teachers, or superintendents.

All teachers, administrators, and staff should be trained on the school district reporting protocols and procedures and district bias-motivated behavior, hate crime, and discrimination

⁸ See "Active Efforts," 603 CMR § 26.07:

⁵ For an example, see Newton Public School's webpage titled, *"Responding to Incidents of Bias or Discrimination"* at: <u>https://www.newton.k12.ma.us/Page/3323</u>.

⁶ For an example, see Boston Public Schools' webpage titled, "Report Bias-Based and Sexual Misconduct" at: <u>https://www.bostonpublicschools.org/Page/7892</u>

⁷ See, e.g., M.G.L. c. 71, § 370; An Act Relative to Bullying in Schools, 2014 Mass. Acts 86; An Act Relative to Bullying in Schools, 2010 Mass. Acts 92.

https://www.doe.mass.edu/lawsregs/603cmr26.html?sect ion=07

policies.⁹ School personnel should also receive professional development on best practices in creating and sustaining an environment that embraces diversity and promotes inclusivity for all.

Schools should consider whether they would like to allow anonymous reporting within the legislative framework in Massachusetts. Reports of bias-motivated behaviors could be reported to an anonymous hotline or anonymous text messaging services. Anonymous reports are more difficult to investigate and respond to, so schools may want to encourage concerned community members to speak directly to a staff member with their concerns, whenever possible, while ensuring that they are sensitive to the need for confidentiality of victims and reporters in investigations which are anonymously reported. Retaliation for reporting biasmotivated behavior, discrimination, or bullying should be clearly prohibited by the school policy.

Investigation

When incidents of possible discrimination or bias do occur, school administrators and the designated official should meet promptly to determine who may have been involved with or witnessed the alleged bias-motivated incident and the timeline for conducting interviews with those involved in the reported incident. They should also determine who should be part of the response and investigatory team based on the nature and parties to the incident.

School administrators should complete the full investigation within a reasonable timeframe, such as within fifteen (15) days of receiving the report of the alleged bias-motivated incident, while recognizing that more complex cases of discrimination and bias-motivated incidents may take longer.

Each school should have a no retaliation rule as part of its written policy and any acts or threats of retaliation should be investigated and responded to swiftly.

Consequences

Schools should determine in advance of individual incidents the consequences appropriate for bias-motivated behaviors. The policy should include a detailed description of a range of consequences and sanctions.

Schools are strongly encouraged to create consequences that focus on educating individuals and are gradually more punitive should offenses re-occur.

While those committing the bias-motivated actions on school campuses may often be students or other members of the school community, perpetrators may also be from the greater community. School officials are encouraged to contact the local police when community members have committed a hate crime or a bias-motivated incident in violation of the Massachusetts Civil Rights Act (see page 41 for definitions).

⁹ For an example, see Newton Public Schools' webpage titled, *"Responding to Incidents of Bias or Discrimination"* at: <u>https://www.newton.k12.ma.us/Page/3323</u>.

Recommendations for School Policies

The section of the guide provides recommendations for addressing hate, including cyberhate, in a school setting: identifying and monitoring cyberhate; training for educators, parents and students; reporting of incidents; and prevention.

To create a culture of safety and respect regarding the use of social media for the school community, schools should consider enhancing written policies and procedures by:

- 1. Education and Prevention: Schools should invest in regular education and training so the school community can recognize, prevent, report, and respond to cyberhate and all forms of hate incidents. These efforts should also ensure that staff is trained to enforce these policies and protocols.
- 2. **Publicizing Policies**: Policies should be publicized widely throughout the school community.
- 3. Encouraging Reporting: Build into policies safe and reporting mechanisms for incidents and clear procedures for investigation and response. Make students aware of these procedures and encourage them to tell a trusted adult about threatening or harassing behavior that they experience or observe. Reinforce the difference between "tattling" and responsible reporting and impress upon students the destructive consequences of keeping silent.
- 4. Setting an Example: Model appropriate conduct on and offline by treating all people with respect; engaging in culturally responsive behavior; avoiding disciplinary responses that humiliate or denigrate youth; using technology in safe and appropriate ways; and intervening in incidents of namecalling and bullying consistently.

Furthermore, a comprehensive hate crimes policy and procedures will include explicit mention of *cyberhate* and address the following areas:

- 5. **Explicit Reference to Cyberhate**: Comprehensive policies and protocols should explicitly address preventing and responding to incidents of cyberhate.
- Consistency with Cyber-bullying Policies: As some forms of cyberbullying may constitute hate crimes and hate incidents, it is important that the mandated anti-bullying policy be aligned and consistent with broader hate crime and incident policies and protocols.
- 7. Promote Responsible Social Media and Online Behavior: Policies and trainings should detail responsible social media behavior and promote online safety strategies among members of the school community, including the use of technology and online learning platforms. Consider requiring students and families to sign acceptable use agreements or "pledges" to use technology in an acceptable and safe manner.
- 8. Clear Notice and Reporting Mechanisms: Notice of appropriate behavior and use of technologies and social media should be clear and made known to students and staff. Similarly, there should be clear reporting mechanisms that apply to cyberhate as well as other forms of hate covered by the Hate Crime policy.

Model Reporting

Developing a Reporting Procedure

- o What incidents should be reported?
- Who is responsible for reporting?
- Who should receive reports?
- What if I am a student?
- What if I am a teacher, staff administrator, or other employee of the school district (school personnel)?
- What if I am a parent, guardian, or community member?

Establishing a Reporting System

- o What should be reported?
- Developing anonymous reporting options
- How is the investigation conducted?
- Communicating the Reporting Process

Reporting Bias-Motivated Incidents and Hate Crimes

This section discusses when and how to report bias-motivated incidents and hate crimes. School districts should use this section as a guide to review their existing reporting policy or to develop specific steps in reporting bias-motivated behaviors that are tailored for each school district setting.

Developing a Reporting Procedure

As a best practice, impartial persons should be assigned to receive reports of bias-motivated events. At least two designated officials-one at the school-level and one at the administrativeor district level-should be available to educators. administrators. staff. students. parents/guardians, and community members for individuals to file complaints or reports of biasmotivated behaviors. Designated officials, when possible, should not be the same gender and should include multiple genders. For instance, if the designated person at the district-level is a cis-gender female, then the school-level designated person should be cis-gender male or transgender/non-binary, if possible. Having gendered options allows those reporting biasmotivated incidents greater comfort in reporting sensitive issues. We strongly encourage districts who have greater diversity to designate nonwhite or ethnic and minority school personnel to receive bias-motivated complaints.

What incidents should be reported?

Members of the school community should be made explicitly aware of the school district policy on bias-motivated behaviors. Those within the broader school community who believe that they or another school community member have experienced any form of discrimination, harassment, or retaliation should report the conduct to a teacher, principal, or designated administrator (e.g., Title IX administrator, civil administrator, business rights manager, designated human resources official, etc.). Biasmotivated incidents can occur at any time during the school day, after school hours, during afterschool academic, athletic, community, or social events, weekends, on or off school grounds, and on the Internet. All reports of bias-motivated behaviors and incidents, including discrimination, harassment, and retaliation on the basis of bias, must be taken seriously by those receiving the report and those conducting the investigation.

Below are a list of bias-motivated behaviors and incidents that should be reported¹⁰:

 Bias-motivated behavior and incidents include acts of hostility targeting protected groups of people, and can involve hate symbols, graffiti, verbal abuse, and the distribution of hate literature and inflammatory content, both in print and online.

¹⁰ For more examples, see Newton Public Schools' webpage titled, "*How to Report an Incident of Bias or Discrimination*," at: <u>https://www.newton.k12.ma.us/Page/3324</u>; for more information, see Teaching Tolerance's webpage titled,

[&]quot;Identifying and Responding to Bias Incidents," at: https://www.tolerance.org/professionaldevelopment/identifying-and-responding-to-biasincidents.

- Hate crimes including violence, threats, or the destruction of property. Criminal acts motivated by bias may be considered hate crimes and may involve additional legal considerations.
- Discrimination involves excluding from participation, denying benefits, or otherwise showing prejudice against those of a protected group, or any other category protected by state or federal law.
- Harassment refers to unwelcome, inappropriate, or illegal physical, verbal, written, graphic, or electronic conduct that targets those within an actual or perceived protected group, and has the purpose or effect of creating a hostile education or work environment.
- **Retaliation** includes coercion, intimidation, interference, punishment, discrimination, or harassment against any member of the school community in response to that member's reporting or filing of a complaint, cooperating in an investigation, aiding, or encouraging another member to report or file a complaint, or witnessing a biasmotivated incident. Retaliation may occur regardless of whether a community member makes a formal or an informal report, orally or in writing and could potentially be a criminal violation.¹¹ School personnel must create an environment that allows those reporting bias-motivated events to report incidents safely without fear of retaliation.

Who is responsible for reporting?

All school personnel including teachers, administrators, and staff should be trained to recognize bias-motivated behaviors and incidents in schools to be able to appropriately respond. When school personnel witness or become aware of potentially bias-motived conduct, they should report the incident immediately to the principal or designated official, or to the superintendent or designated official when the principal or the assistant principal is the alleged aggressor, or to the school board/committee or designated official when the superintendent is the alleged aggressor. The requirement to report as provided does not limit the authority of the staff member to respond to behavioral or disciplinary incidents, so long as that response is consistent with school or district policies and procedures for behavior management and discipline.

Who should receive reports?

Each school district should designate specific individuals to receive reports and complaints of bias-motivated incidents at both the district level and at the school level. The designated official coordinates the investigation of each biasmotivated incident. This person may also be the person designated to receive reports of bullying or non-bias motivated harassment.

At a minimum, each school should have at least one person designated to receive reports of bias incidents and hate crimes, as well as a designated official at the district and school levels. The names and contact information of these individuals should be made public and noted on the school's website.

All staff, teachers, and administrators within the school district and school community should be trained to recognize, report, and respond to

¹¹ See M.G.L. c. 268 § 13b.

bias-motivated incidents on school property and within the greater community.

Those designated to receive reports of biasmotivated incidents or hate crimes should receive specialized training in investigation techniques and confidentiality.

What if I am a student?

Students who have witnessed or experienced bias-motivated events committed by any person in school or in the community should be able to report bias-motivated incidents to any trusted adult within the school community. This includes but is not limited to the following: trusted teachers, counselors, school psychologists, teacher aides, classroom support staff, vice principals, principals, administrative staff, school resource officers, and school or district administrators.

What if I am a teacher, staff, administrator, or other employee of the school district (school personnel)?

Personnel within the school district who witness, experience, or receive a report about a biasmotivated event should report or file a complaint in accordance with the school district reporting policy. Often school personnel are encouraged to report personal incidents with their direct supervisor, principal, Office of Human Resources, or the person designated to receive reports of bias-motivated incidents.

School personnel should consider communicating with the school community and greater community instances of bias-motivated events when the events or behaviors may impact the community at large. School officials and parents should consider involving the local police or law enforcement agency if the events are recurring, violent, or involve threats of violence, while being mindful and cautious of the context and circumstances of each reported incident. For example, if the principal comes to school and sees a biasmotivated graphic threat (i.e., noose on the doorway), school officials should consider the ramifications on both the school and the greater community. In these instances where the larger community may feel threatened and unsafe, school officials should inform the local law enforcement agency and the greater community of the incident. The designated officials should initiate an internal investigation and request that school administrators address the student body.

What if I am a parent, guardian, or community member?

Parents or guardians of children who witness or experience bias-motivated incidents should contact the school principal to report the incident, or contact the person designated to receive reports of bias-motivated incidents at either the school or district level.

Parents, guardians, and community members who witness bias-motivated incidents or are informed of bias-motivated events between students or with students should contact the school principal or designated official to report the incident. Property destruction or biasmotivated harassment or violence within the community should be reported to the principal, designated official, or school resource officer.

Should community members or parents/guardians witness bias-motivated incidents that *threaten* the greater community or a protected group, they should contact local

law enforcement. For instance, if school or public property is defaced with threatening graffiti, objects, or destruction of property representing a protected group, then community members should notify law enforcement as well as school administrators. Whereas. if community members or parents witness a bias-motivated incident that is non-violent between students, then the school resource officer, school administrators or the designated officials should be informed of the event.. The designated officials will subsequently determine potential police involvement.

The school or district expects students, parents or guardians, and others who witness or become aware of an instance of bullying or retaliation to report it to the principal or designee, or superintendent or designee when the principal or assistant principal is the alleged aggressor. Reports may be made anonymously. Anonymous reports must still be thoroughly investigated, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. Students, parents or guardians, and others may request assistance from a staff member to complete a written report. Students will be provided practical, safe, private, and age-appropriate ways to report and discuss an incident of bullying with a staff member, or with the principal or designee, or superintendent or designee when the principal or assistant principal is the alleged aggressor.

Establishing a Reporting System

School districts should establish explicit for reporting bias-motivated procedures incidents that take place on school grounds, during school sponsored activities, or otherwise occur during the school year and have a meaningful impact on the safety and well-being of individual students and staff or the broader school community. All school personnel should be trained on the reporting procedures and made aware of the designated persons within the individual schools and the district administrative office to receive reports of biasmotivated events.

School districts should create multiple, easily accessible modes of reporting bias-motivated

incidents including via email, online reporting forms, and hotlines.¹²

Once a bias-motivated incident is reported to the school personnel, it is their responsibility to report the incident to designated personnel receiving bias-motivated incident reports at the school or district level to begin the investigation.

Trained administrators will investigate the incident following the district protocol. Students who are directly involved in bias-motivated incidents, as well as their parent/guardian should be informed of the investigation.

Interviews of victims, alleged perpetrator(s), and any witnesses should be conducted. Evidence of

¹² For an example, see Boston Student Advisory Council's online form to "*File a Grievance*" at:

https://docs.google.com/forms/d/e/1FAIpQLSc8gc7XK41R LNr94Wc8ulDLI_ScGYZ2pzqZPCBtrhtKKltbgg/viewform.

bias-motivated events, such as videos, photos, property destruction or physical injury, if available, should be gathered, reviewed, and preserved. Once the investigation has concluded, the designated official will prepare a written report. Those involved will be informed of the outcome and response. If the complaint is substantiated, responses will include consequences for the person responsible, support for those impacted, and actions to prevent reoccurrence.

What should be reported?

The information provided in a reported biasmotivated incident is crucial in adequately addressing and investigating an incident. Reporting intake should include details such as time and place of the incident, type of biasmotivated behavior, and evidence of the behavior such as e-mails, photos, and aggregate information that is detailed enough to investigate.

School personnel who receive information about a possible bias incident or hate crime but are unsure if the incident was truly bias motivated should still report the incident so an investigation can be conducted by a trained individual.

School administrators should consider developing an easily accessible online reporting form with an option of anonymously reporting bias-motivated incidents. Whenever possible,

¹³ For more information, see the Massachusetts Stop Bullying website at: those reporting incidents are encouraged to speak directly with staff members or school administrators to discuss their concerns.

Retaliation by any community member, school personnel, or student for a report of biasmotivated incidents is clearly prohibited and may involve disciplinary and potentially legal consequences.¹³

How is the investigation conducted?

Investigations should be conducted for every reported incident of bias-motivated events. Investigation protocols should include step-bystep procedures on how to investigate incidents of bias. For examples of step-by-step investigation and resolution procedures, visit the Massachusetts Department of Elementary and Secondary Education's Model Bullying Prevention and Intervention Plan¹⁴ and Newton Public School's Protocol for Reporting and Investigating Discrimination, Harrassment and Retaliation.¹⁵

Communicating the reporting process

The privacy of the victim and all minors or students involved in reported bias-motivated incidents is extremely important. Whenever possible, the victim and student identity should be kept confidential and private.

https://www.stopbullying.gov/prevention/rules; See also M.G.L. c. 268 § 13b.

¹⁴ For more information, see Massachusetts Department of Elementary and Secondary Education's website: <u>http://www.doe.mass.edu/sfs/bullying/BPIPHighlighted.d</u> <u>ocx</u>.

¹⁵ For more information, see Newton Public School's website:

https://www.newton.k12.ma.us/cms/lib/MA01907692/Ce ntricity/domain/1062/protocols%20procedures%20and%2 Oguidelines/Protocol discrimination harassment decemb er2019.pdf

Communication to all parties involved in the bias-motivated incident should be limited to information necessary to resolve the report.

In incidents of bias-motivated events conducted by community members or targeting protected groups in the greater community, school districts should consider addressing the issue by informing the school community of the event, subsequent investigation, and the steps school officials are taking to ensure the safety of students. Community awareness of a biasmotivated incident should depend on how broadly the incident impacts the school or greater community.

For instance, if a slur is said directly to an individual in a private setting, the incident does not directly affect those outside the immediate parties involved. However, if for example a slur is stated loud enough for an entire classroom to hear, then the school officials should consider communicating how school officials are processing and addressing the issue to the larger school community. Victim anonymity is essential when investigating bias-motivated incidents, and requests for anonymity should be taken into consideration.

Policies and reporting procedures should further include information for school personnel, students, parents, and community members on who to contact if they believe that the school is not adequately addressing bias-motivated incidents, discrimination, or harassment within the school or school district. This list should include contact information for the following:

- School Superintendent
- Massachusetts Department of Elementary and Secondary Education https://www.doe.mass.edu/
- U.S. Department of Education, Office for Civil Rights <u>https://www2.ed.gov/about/offices/list/ocr</u> /index.html
- U.S. Department of Justice, Civil Rights Division <u>https://www.justice.gov/crt</u>
- Stop Bullying https://www.stopbullying.gov/

Support Resources

- General Information
- For Victims
 - Other Resources for Victims
- For Parents and Guardians
 - Other Resources for Parents and Guardians
- For School-Based Psychologists, Social Workers, and Clinicians
 - Other Resources for School-based Psychologists, Social Workers, and Clinicians

Hate Crime Support Resources

Victims of bias crime or bias incidents may experience fear of revictimization, a loss of a feeling of safety, mental health symptoms (e.g., anxiety, depression, posttraumatic symptoms such as difficulty sleeping or concentrating), as well as other behavioral symptoms (e.g., physical symptoms, acting out behavior) which will vary based on age and other developmental factors in children. Beyond the impact to the victim, hate crimes and bias victimization can be potentially traumatic events for the victim's family and the extended community at large. The recommendations set forth here are intended to be guidelines for how to support individuals who have been targeted by hate crime and bias victimization. However, they are not meant to be prescriptive, as individual characteristics and circumstances will impact what approach may be best for any individual victim(s).

For Victims

Based on recommendations from the Anti-Defamation League (ADL), if you have been the victim of a bias crime or bias incident, we advise that you do the following:

- In the case of a violent incident, if you are in an emergency, or if you are in danger, leave the area if you are able and dial 911 to seek assistance as soon as possible.
- 2. Get medical care if necessary.
- When you are safe, try to recollect and write down what happened. This will aid in keeping details about the incident consistent when recounting what occurred.
- 4. Report what happened to you to your designated school official or according to the policy in your school district. For example, Boston Public Schools Office of Equity utilizes an online form to report the incident if the event occurred at school, or to and from school.¹⁶
- Seek help and support from trusted friends and family or a mental health professional. If your school has a psychologist, they can help provide support and/or assist in referring you to outside providers that can help address the impact of this event.
- If you experience any retaliation or threats of retaliation after reporting the original incident, report those events immediately to your designated school official.

¹⁶ For more information, you can access the online form on the Boston Public Schools' Office of Equity webpage: <u>https://docs.google.com/forms/d/e/1FAIpQLSc_4_rYe91X</u>

¹VrYWpxFYU dBvCVii6uoQdNG5f4 0uC6Gy cQ/viewform

Other Resources for Victims

Included below are additional resources that can assist victims of hate crimes or bias incidents

 Boston Student Rights: Do you think you may have been a victim of a hate crime or that you experienced bias-based conduct at your school?

Boston Public Schools provides an explanation on how to identify bias-based behavior and provides some examples. This link also provides a few ways to report biasbased behavior, including an online form to fill out if you attend Boston Public Schools (BPS). The BPS online form can be accessed at

http://www.bostonstudentrights.org/hatecrimes.

Mass.gov: Protections against hate crimes
 Official Commonwealth of Massachusetts
 website page that identifies the elements of
 an act that meets the legal definition of a
 hatecrime. The page also differentiates bias motivated conduct from hate crimes. The
 website also has a link for filing a civil rights
 complaint with the Attorney General's Office

if you feel you are a victim of a hate crime. The webpage can be accessed at <u>https://www.mass.gov/service-</u> <u>details/protections-against-hate-crimes</u>.

• VictimConnect: Self-Care

A page on the VictimConnect resource center website that defines and describes self-care – an important part of the healing process when experiencing physical and/or emotional trauma. Some examples of how one can start to practice self-care are detailed. The webpage for VictimConnect can be accessed at https://victimconnect.org/learn/self-care/.

 Human Rights Campaign (HRC) Straightforward recommendations of what to do once victimized. The information is geared toward the LGBTQI community. The HRC webpage can be accessed at <u>https://www.hrc.org/resources/what-to-</u> <u>do-if-youve-been-the-victim-of-a-hate-</u> <u>crime</u>

For Parents and Guardians

Based on recommendations from the ADL, if your child has reported a hate crime or hate incident to you, or you suspect your child has been victimized, the following actions could be helpful:

- Ensure that the child is safe. Call 911 if there is an imminent threat to safety or an emergency.
- 2. Talk to them about their experience and develop short-term plans to safeguard the child's sense of wellbeing. Be sure to tell the child that their victimization is not their fault.
- Support your child and give them the opportunity to share with you what happened and how it made them feel.
- Most children will have a negative, but transient, reaction to victimization experiences. However, for some children, these events can develop into more significant mental health symptoms (e.g., depression, anxiety, trauma-related

reactions). These can manifest in many ways depending on the child's age and development (e.g., depression in younger children can often appear as irritability or isolation). Speak to your child if you see notable emotional or behavioral changes and seek counseling services if needed. See the previous section to connect with some of those resources.

5. If you suspect that what happened to your child was a hate crime or a bias-based incident: Hate crimes are punishable by law while bias basedincidents typically involve hate speech, which is protected under the First Amendment. This is important to know because the criminal justice system will not prosecute bias-based incidents.

Other Resources for Parents and Guardians

- SAMHSA: Understanding Child Trauma
 The Substance Abuse and Mental Health
 Services Administration (SAMHSA) provides
 information on behavioral health in the U.S.
 This webpage details what forms traumatic
 events may take and how trauma that
 results may manifest in children of different
 ages. This webpage can be accessed at
 <u>https://www.samhsa.gov/child-</u>
 trauma/understanding-child-trauma.
- SAMHSA: Tips for Talking with and Helping Children and Youth Cope After a Disaster or Traumatic Event

SAMHSA developed a short guide for parents, caregivers, and teachers that describes possible reactions to trauma by the age group of the child and gives information about how to aid children who are recovering from the event. The guide can be accessed at https://store.samhsa.gov/product/tipstalking-helping-children-youth-cope-after-

- Contact your child's school administration or a teacher your child trusts and tell them what the child reported to you. They may or may not already be aware of the situation.
- If the school does not act on your report in a reasonable period of time, you may consider reporting the incident to the designated official in the school district.
- Talk to your child about any ongoing harassment or threats of retaliation and report those immediately to the designated school official.
- Other sources for parents include the Civil Rights Division of the Attorney General's Office and local police agencies.

disaster-or-traumatic-event-guideparents/sma12-4732

• SAMHSA: Recognizing and Treating Child Traumatic Stress

SAMHSA provides information about the signs of traumatic stress, its impact on children, treatment options, and how families and caregivers can provide assistance. It also provides a list of resources from other agencies and organizations that offer research and support related to child traumatic stress. This webpage can be accessed at https://www.samhsa.gov/child-traumatic-stress.

For School-Based Psychologists, Social Workers, and Clinicians

Recognizing the variability of training and expertise among psychologists, these are general guidelines to assist in addressing hate crimes/hate incidents. If a student has approached you with concerns about a bias crime or a bias-motivated incident that targeted a student, we advise the following actions:

- 1. Assure the student that they are safe and determine if any immediate action, such as calling 911, is needed.
- Given the range of reactions students can have following a hate crime/hate incident, conduct an initial assessment of how the student was impacted and determine potential recommendations (e.g., reporting to administrator, potential mental health/support needs, parental/guardian contact).
- 3. Only law enforcement can determine if the event was a hate crime; as such if a hate crime is suspected then police involvement

should be considered if there is violence, threat of violence, or there are clear and ongoing patterns of bias-motivated behaviors.

4. If you are the first point of contact, be sure to communicate with relevant parties including school administrators and parents/guardians. Ask the student who they feel comfortable reporting the victimization to and facilitate this process. Inform the student of what would happen if they chose to report and assess any potential risk associated with reporting (e.g., perpetrator retaliation).

Other Resources for School-based Psychologists, Social Workers, and Clinicians

 American Psychological Association (APA): Children and Trauma – 2008 Presidential Task Force on PTSD and Trauma in Children and Adolescents

This information was produced by the 2008 Presidential Task Force on Posttraumatic Stress Disorder and Trauma in Children and Adolescents and disseminated by the APA. This webpage gives a summary of the incidence of children experiencing trauma, how the trauma manifests, and details how the recovery process may take shape. It also provides information on steps mental health professionals can take to aid in the recovery process. This webpage can be accessed at https://www.apa.org/pi/families/resources /children-trauma-update. National Association of School Psychologists (NASP): Trauma-Sensitive Schools

This resource provides recommendations on how to create safe and supportive school evironments using the trauma-sensitive school approach developed by NASP. The website describes how the trauma-sensitive approach fits within a multitiered system of supports and recommends the model for providing high-quality mental health services to schoolchildren. This resource can be accessed at https://www.nasponline.org/resourcesand-publications/resources-andpodcasts/mental-health/trauma-sensitiveschools.

Hate Crime Statistics

- National Trends in School Hate Crimes
- Statewide Trends in School Hate Crimes
- Indicators of School Crime and Safety
- Data Sources

Hate Crime Statistics

This section of the Resource Guide summarizes and compares hate crimes reported at the national-, state-, and school-levels. The data for this section was gathered from the FBI Hate Crime Statistics Reports,¹⁷ the Massachusetts EOPSS Hate Crimes Annual Reports,¹⁸ and the Indicators of School Crime and Safety Report.¹⁹ The FBI and Massachusetts EOPSS hate crime data are published annually as a part of the data collected from national and statewide law enforcement agencies in accordance with federal and state legislation.²⁰ The Indicators of School Crime and Safety report is part of a series of annual publications coproduced by the National Center for Education Statistics (NCES), Institute of Education Sciences (IES), in the U.S. Department of Education, and the Bureau of Justice Statistics (BJS) in the U.S. Department of Justice.

National Trends in School Hate Crimes

The Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Program is a cooperative effort to collect and report data on crime in the United States. The UCR's four data collection categories on crime, originally a point for enforcement starting law administrators, now form "one of the country's leading social indicators." Data is collected from more than 18,000 city, university and college, county, state, tribal, and federal law enforcement agencies and summarized in four annual reports, including the UCR Hate Crime Statistics Report.

According to the 2019 FBI national hate crime data collection, educational institutions are the third most frequent location where hate crime incidents took place (9.6 percent), following

incidents that occurred in or near residences or homes (24.6 percent) and on highways, roads, alleys, streets, or sidewalks (18.2 percent).²¹ As shown in Figure 2, the percentage of reported hate crime incidents in educational institutions has gone down since 2005 when it was at its highest percentage at about 13.5 percent. However, the percentage of hate crimes reported in educational institutions has started to increase again since its lowest point between 2012 and 2015 at around 8.3 percent. In 2019, nearly one in every ten reported hate crime incidents occurred at an educational institution.²²

¹⁷ For more information on the FBI Hate Crime Statistics: <u>https://ucr.fbi.gov/hate-crime</u>.

¹⁸ For more information on the Massachusetts EOPSS Hate Crime Data: <u>https://www.mass.gov/lists/hate-crimes-in-massachusetts-annual-reports</u>.

¹⁹ For more information on the Indicators of School Crime and Safety Report data: <u>https://nces.ed.gov/programs/crimeindicators/index.asp</u>.

²⁰ See Hate Crime Statistics Act, 28 U.S.C. § 534 (HCSA); M.G.L. 22C § 34.

²¹ Although law enforcement agencies can specify the location of a hate crime incident, not all reporting agencies have made the programming changes to separate hate crime incidents that took place in the different types of educational institutions (e.g., schools, colleges, and universities); therefore, the data is reported as hate crime incidents which took place in schools, colleges, or universities. For more information on the FBI hate crime data collection: https://www.fbi.gov/services/cjis/ucr/hate-crime.

²² Federal Bureau of Investigation, 2020.





Nevertheless, like many large-scale data collection systems, the FBI hate crime data has many documented limitations, such as underreporting and misclassification.23 For instance, official hate crime data are influenced by the number of crimes that are reported to police and the number of crimes that are classified as hate crimes by law enforcement officials.

These national statistics are, therefore, influenced by local and state efforts as well as hate crime legislation that varies across all fifty states and the District of Columbia leading to disparities in the reporting, identification, and classification of hate crimes.²⁴ Some local and state law enforcement agencies have implemented policies and practices on the collection and identification of hate crimes by their law enforcement officers in order to understand the extent of hate crimes in their jurisdictions. Due to these disparities, hate crime data is better understood by examining the patterns and trends of reported hate crimes in educational institutions at the state level.

It is important to keep in mind that while some areas report more hate crimes than others, these statistics are heavily influenced by these reporting policies and practices. Future efforts should consider improving recording systems of hate crimes in educational institutions to understand the extent of underreporting and encourage victims to report hate crimes.

²⁴ Ibid.

²³ McDevitt & Iwama, 2016.

Statewide Trends in School Hate Crimes

Since 1991, the Commonwealth of Massachusetts has been collecting and submitting data to the FBI in accordance with the Hate Crime Statistics Act of 1990.²⁵ The Massachusetts Executive Office of Public Safety and Security (EOPSS) submits all hate crime data to the FBI after collecting and reviewing the information submitted by law enforcement agencies across the state. ²⁶ In 2019, reporting agencies and zero-reporting agencies covered approximately 95 percent of the population of Massachusetts.²⁷

Because EOPSS continues to verify and update hate crime reports after submitting the information to the FBI, the data does not necessarily match the FBI's published hate crime data. Furthermore, a number of categories have changed and been added to the Massachusetts hate crime data collection report over time. While these changes have enhanced the quality of the data collection and dissemination methods in Massachusetts, they have also led to inconsistencies in the examination of the data.²⁸ The data, however, sheds light on specific characteristics of hate crimes in schools, colleges,

and universities, which can provide administrators, teachers, parents, students, and other stakeholders with information on how to address and prevent hate crimes from taking place in Massachusetts educational institutions.²⁹

Over the last two decades, the total number of crime incidents that occurred in hate educational Massachusetts institutions has fluctuated (see Figure 3). From 2002 to 2011, the percentage of hate crimes in educational institutions dropped by about 10 percent from 18.1 to 8 percent. However, since 2011, the total number and percentage of hate crimes that took place in educational institutions has continued to increase. By 2017, the percentage of hate crimes increased by more than 10 percent to about 20.6 percent. According to the 2019 Massachusetts hate crime data, about one in every five hate crimes occurred in an educational institution (19.5 percent) making schools the third most common location for hate crimes following incidents that took place along highways, roads, alleys, streets, or sidewalks (20.7 percent) and in or near residences or homes (19.7 percent).³⁰

may lead to inconsistencies over time in the Massachusetts hate crime data.

 ²⁵ See Hate Crime Statistics Act, 28 U.S.C. § 534 (HCSA).
 ²⁶ For more information on the Massachusetts Executive Office of Public Safety and Security's (EOPSS) hate crime data collection: <u>https://www.mass.gov/lists/hate-crimes-in-massachusetts-annual-reports</u>.

 ²⁷ "Zero-reporting agencies" refers to agencies who indicated that they had no bias motivated incidents to report; see
 Massachusetts Executive Office of Public Safety & Security, 2020.

²⁸ The hate crime data in Massachusetts is currently being collected using two different methods – the National Incident Based Reporting System (NIBRS) and the Uniform Crime Report (UCR). While all Massachusetts law enforcement agencies are shifting from UCR to NIBRS reporting system, some law enforcement agencies are still submitting data and information via UCR. Therefore, this

²⁹ As mentioned in the previous section regarding the FBI's national hate crime collection, not all law enforcement agencies, including some in Massachusetts, have made the programming changes to separate hate crime incidents that took place in different types of educational institutions (e.g., schools, colleges, and universities); therefore, the data is reported as hate crime incidents that occurred in schools, colleges, or universities.

³⁰ Other location types with more than ten hate crime incidents reported included other/unknown, commercial/office building, government/public building, restaurant, church/synagogue/temple/mosque, convenience store, and park/playground; see Massachusetts Executive Office of Public Safety & Security, 2020.



Figure 3. Total Number and Percentage of Hate Crimes in Massachusetts Educational Institutions, 2001-2019

In order to develop a better understanding of how to address and prevent hate crimes from taking place in educational institutions, it is important to understand the characteristics of reported hate crime incidents and how they compare to hate crimes that occurred in other common locations. In the subsequent analysis, we will compare hate crime incidents that occurred in the top three locations in Massachusetts:

- On highways, roads, alleys, streets or sidewalks;
- In or near residences or homes;
- At educational institutions



Figure 4. Percentage of Hate Crimes in Location Type by Bias Category, 2001-2019

According to hate crime data from 2001 to 2019, about one-half of all hate crimes reported in each of the top three locations in Massachusetts (educational institutions, along highways, roads, alleys, streets, or sidewalks, and in or near residences or homes) were motivated by bias against racial/ethnic groups (see Figure 4). Similarly, about one-quarter were motivated by bias against sexual orientation in each location. However, a much larger percentage of hate crimes reported in educational institutions were motivated by religion (33.2 percent) than hate crimes reported along highways, roads, alleys, streets, or sidewalks (12.6 percent), and in or near residences or homes (15.8 percent). Crimes motivated by bias against disability, gender, or

gender identity made up less than 3 percent in each of the three types of locations.

Figure 5 takes a closer look at the top ten types of bias motivation in each of these locations. All locations, for example, reported that about onethird of all their hate crimes were anti-Black or African American and about one fifth were antigay. However, a larger percentage of hate crimes in educational institutions were reported as anti-Semitic (29.7 percent) while only about 8 and 12.7 percent of hate crimes were reported as anti-Semitic along highways, roads, alleys, streets, or sidewalks and in or near residences or homes, respectively.



Figure 5. Percentage of Hate Crimes in Location Type by Top 10 Bias Motivation, 2001-2019

Note: More than one bias can be reported for each incident. Therefore, the percentages will not be equivalent to 100 percent.

Because a "hate crime" is not reported as a standalone offense but rather as part of a separate criminal violation, reports of hate crimes can range from violent to property crimes. Of the top five hate crime offenses reported in Massachusetts over the last two decades (see Figure 6), nearly one-half of the hate crimes that occurred in educational institutions were associated with property offenses (42.5 percent) and more than one-third of the offenses involved an assault against a person(s) (38.5 percent). On the other hand, hate crimes that occurred along highways, roads, alleys, streets, or sidewalks and in or near residences or homes involved assault offenses (74.1 and 67.2 percent, respectively) and less than one-quarter involved property offenses (19 and 24.4 percent, respectively).





According to Massachusetts data on hate crimes that occurred in educational institutions from 2001 to 2019, the highest hate crime rate of any county was reported in Suffolk County, which is composed of Boston, Chelsea, Revere, and Winthrop cities, with 2.32 hate crime incidents per 100,000 residents (see Figure 7).



Figure 7. Massachusetts Hate Crime Rate in Educational Institutions, 2001-2019

The second largest hate crime rate in Massachusetts' educational institutions was reported in Hampshire County with 1.4 hate crime incidents per 100,000 residents. Although some counties infrequently reported hate crimes that occurred in their educational institutions, some of this missing data may be due to misclassification and/or underreporting in some areas of the state.

As noted earlier, hate crime statistics are influenced by different reporting practices by state and local law enforcement agencies, which can result in conflicting reported data. It is important to examine different sources of information to understand the level of underreporting and identify where there are gaps in the collection of hate crime data from different educational institutions.

National Indicators of School Crime and Safety

Given that hate crimes are vastly underreported across the country, findings from national surveys and other self-reported data can help address these gaps, specifically in K-12 schools.³¹ The National Indicators of School Crime and Safety reports on crime and safety in schools across the country using data collection sources such as the National Crime Victim Survey (NCVS) and the School Survey on Crime and Safety (SSOCS).³² The NCVS School Crime Supplement (SCS) collects data from students ages 12-18 who reported being called hate-related words and seeing haterelated graffiti at school during the school year.³³ Another source of information, the SSOCS, is the

³¹ McDevitt & Iwama, 2016.

³² See Appendix A: Table 1 for more information on the different data collection sources; Also, the data and information from the *National Indicators of School Crime and Safety* presented in this section are available online at: https://nces.ed.gov/programs/crimeindicators/index.asp.

³³ The National Indicators of School Crime and Safety report defines "hate-related" as "derogatory terms used by others in reference to students' personal characteristics" and "at school" is defined as any location in the school building or on school property, on the school bus, or in transit to and from school (Wang, Chen, Zhang, & Oudekerk, 2020, p. 55).

only recurring federal survey that collects data on school violence from the perspective of school personnel.³⁴

While there is insufficient data to understand the full scope and nature of bias-motivated incidents and hate crimes occurring in schools, the SCS and SSOCS provide additional information and insight on the size, scope, and characteristics of bias-motivated behaviors that may have not been reported to law enforcement officials.³⁵

NCVS School Crime Supplement (SCS)

Between 1999 and 2017, reports of students being called hate-related words and seeing hate-

related graffiti decreased by 4 percent and 12 percent, respectively. Consistent with previous reports, the 2017 survey found that 6.4 percent of students reported being called hate-related words, slurs, or insults, while 23.2 percent of students-regardless of experiencing biasmotivated victimization-reported seeing haterelated graffiti in their schools during the school year. Despite the downward trends since 1999, the SCS data illustrates no significant change in the percentage of students being called haterelated words or seeing hate-related graffiti from 2013 to 2017 (see Figure 8).

Figure 8. Percentage of students ages 12-18 who reported being called hate-related words at school during the school year, 1999-2011



³⁴ For more information on the SSOCS: <u>https://nces.ed.gov/surveys/ssocs/</u>

³⁵ Wang et al., 2020.

As shown in Figure 9, the percentage of male and female students who reported being called hate-related words and seeing hate-related graffiti at school during the school year was not measurably different. In 2017, less than one-quarter of

females and males reported seeing hate-related graffiti at school while less than 7 percent of females and males reported hearing hate-related words.



Figure 9. Percentage of students ages 12–18 who reported being called hate-related words and seeing hate-related graffiti at school during the school year, by student characteristics, 2017

In 2017, about 11 percent of students of two or more races reported being called a hate-related word. More than 7 percent of Black students reported being called hate-related words while 6 percent of White and Hispanic students and less than 5 percent of Asian students reported being called a hate-related word. Moreover, more than one-third (35 percent) of students of two or more races reported that they had seen hate-related graffiti at school. On the other hand, about onequarter of Black students (24.8 percent) and White students (24 percent) each reported seeing hate-related graffiti at school. A smaller percentage of Hispanic (21 percent) and Asian students (14.6 percent) reported seeing hate-related graffiti at school.³⁶

³⁶ There was insufficient data to make confident estimates of reports from students identifying as Native American/Alaska Native. For this reason, the data collected

from this group is not summarized in the body of this report but is included in the 2019 Indicators of School Crime and Safety report.



Figure 10. Percentage of students ages 12–18 who reported being called hate-related words and seeing hate-related graffiti at school during the school year, by School Characteristics, 2017

Student reports show measurable differences in hate-related incidents among different types of schools (see Figure 10). In 2017, about 7 percent of students enrolled in public school reported being called hate-related words while a smaller percentage of students enrolled in private schools reported being called hate-related words at school during the school year (3.8 percent). Nearly one-quarter of public school students reported seeing hate-related graffiti at their schools (24.6 percent), in comparison to just about 6 percent of private school students. This could be due to the increasing diversity of public schools and what some researchers have identified as patterns of racial, ethnic, and religious sorting in private school enrollment.³⁷ On the other hand, there were few measurable differences across different school locations (e.g., urban, suburban, and rural) on reports of haterelated words and hate-related graffiti. Between 6 and 7 percent of students in urban, suburban, and rural schools reported being called haterelated words and nearly one-quarter of students in all locations reported seeing hate-related graffiti.

School Survey on Crime and Safety (SSOCS)

According to the SSOCS, public school principals reported on the total number of hate crimes occurring at elementary, middle, and high schools in the 2015-2016 and 2017-2018 school years.³⁸ Between data collection periods, the percentage of school principals reporting any hate crimes increased from 1 percent to about 2 percent. This one-percent change in reporting brought about a 78 percent increase in the total number of hate crimes reported by public school principals, from

³⁷ Fairlie, 2006.

³⁸ The 2019 Indicators of School Crime and Safety report defines hate crime or bias crime as "a 'committed criminal offense that is motivated, in whole or in part, by the

offender's bias(es) against a race, religion, disability, sexual orientation, ethnicity, gender, or gender identity'" (Wang, et al., p. 55).

3,200 hate crimes reported for the 2015-2016 school year to 5,700 hate crimes reported for 2017-2018. As reporting requirements and processes continue to expand, school administrators and principals will better understand the focal points and motivations of bias-motivated incidents in their schools.

In 2017-2018, the percentage of schools reporting hate crimes was lowest in primary schools (less than 1 percent) and was highest in middle and high schools (4.2 percent and 4.5 percent, respectively).³⁹ Although a lower percentage of middle schools reported hate crimes, middle schools reported 1,900 hate crimes occurring in the school year, which was higher than the 1,100 hate crimes reported by high schools.

Between the 2015-2016 and 2017-2018 school years, the increase in the percentage of public schools reporting hate crimes also showed an increase across all categories of bias motivation for those crimes. In 2017-2018, most of the hate crimes reported at public schools were motivated by race or color, followed by hate crimes motivated by national origin or ethnicity. Hate crimes motivated by sexual orientation, sex, religion, gender identity, and disability were also reported in 2017-2018.

School reporting must continue to grow to align pertinent data and information with a coordinated response to school hate crimes and violence. Understanding student and personnel safety in schools not only influences long-term policies and practices, but it ensures that

³⁹ According to SSOCS, middle schools include schools in which the lowest grade is not lower than grade 4 and the

education is a fundamentally safe endeavor for all.

highest grade is not higher than grade 9 and high schools include schools in which the lowest grade is not lower than grade 9.

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https://nces.ed.gov/programs/crimeindicators/

Appendix A: Glossary

Bias-Motivated Behavior

Bias-motivated behavior occurs when a student or other member of the school community is treated differently or is the target of an offensive comment because of their membership in a protected group, including their race, color, religion, national origin, sexual orientation, gender identity, or disability.

Bias-motivated behaviors include, but are not limited to, acts based on actual or perceived characteristics of individuals or groups of persons in a protected group (i.e., race, color, religion, national origin, sexual orientation, gender identity, or disability).

Bias-motivated behavior might take the form of subtle bias, hateful speech, such as insults or epithets, ongoing harassment, or retaliation for a past event or reported incident. Some incidents of bullying, or repeated targeting of another person in an unwanted manner, may also be considered acts of discrimination.⁴⁰

Bias-motivated behavior may lead to *bias-motivated incidents* or *hate crimes*.

Bias-Motivated Incident and Hate Crime

A "**bias-motivated incident**" which includes the following three elements is in violation of the Massachusetts Civil Rights Act: (1) noncriminal threats, intimidation, or coercion; (2) interference or attempted interference with a victim's civil rights; and (3) motivated by bias against a victim's membership in a protected group or activity.⁴¹

A "hate crime" is a violation of the Massachusetts hate crime statute and includes the following three elements: (1) an assault or a battery upon a person, or damage inflicted on the real or personal property of a person; (2) intent by the offender to intimidate the victim; (3) bias motivation in whole or in part by the victim's race, religion, national origin,

⁴⁰ For more examples, see Boston Public Schools' webpage titled, "What is bias-based behavior?" at: https://www.bostonpublicschools.org/Page/7893. sexual orientation, gender identity, disability, or other protected characteristic.⁴²

Bias-motivated behavior may also manifest in the digital world, through memes, text messaging and other types of social media and have led to greater attention to cyberbullying and cyberhate. As children increasingly interact online, particularly with remote learning during the COVID-19 pandemic, school communities must adapt to the challenges presented by *cyberhate*.

Cyberhate is defined as any use of electronic communications technology that attacks people based on their actual or perceived race, color, religion, national origin, sexual orientation, gender identity, or disability, to

⁴¹ See Massachusetts Attorney General's Civil Rights Division for more information:

https://www.mass.gov/service-details/protectionsagainst-hate-crimes. ⁴² Ibid.

spread bigoted or hateful messages or information. These electronic communications technologies include the Internet (i.e., websites, social networking sites, usergenerated content, dating sites, blogs, online games, instant messages, and email) as well as other information technologies.⁴³

In developing policies and practices that seek to prevent and respond to bias motivated incidents and hate crimes, schools must consider standards of behavior for communications, reporting, and prevention online as well as on school grounds. Technology platforms are capable of misuse and misappropriation to transmit harmful, hateful, or biased content. As a result, school policies, protocols, and practices should be designed to address what is commonly referred to as "cyberhate."

Cyberhate can be experienced in many ways in a school community:

 Online forums that contain direct or implicitly biased statements;

- "Zoombombing": an unwanted disruption of online learning by a cyberintruder, usually involving the posting of hateful, racist or other offensive content;⁴⁴
- Group chats among students or other members of the school community that contain bigoted, hateful, or harassing messages based on actual or perceived race, ethnicity, national origin, religion, sex, gender, sexual orientation, or disability;
- School community communications that contain insensitive or bigoted comments, whether intentional or not, and whether on school-supported or endorsed platforms;
- Online harassment directed at a student, educator or staff member, or other member of the school community.⁴⁵

Bias-Motivated Behavior, Bullying, and Cyberbullying

How is bullying different from biasmotivated behaviors?

Although **bullying** and **bias-motivated behaviors** are categorized as separate and distinct behaviors, it is important to understand that *bullying and bullying tactics can and do overlap with bias-motivated behavior* (see Figure 1). Often students are bullied—although not always—because of their actual or perceived membership in a protected group (i.e., race, color, religion, national origin, sexual orientation, gender identity, or disability).

Many states, including Massachusetts, have statutes defining bullying and cyberbullying, which mandate that schools establish

⁴³ For more information on cyberhate:

https://www.adl.org/education/resources/tools-andstrategies/table-talk/cyberhate.

⁴⁴ For more information on zoombombing:

https://www.adl.org/blog/what-is-zoombombing-andwho-is-behind-it. ⁴⁵ For more information on online hate and harassment:

https://www.adl.org/online-hate-2020.

reporting and other protocols.⁴⁶ It is important for schools to coordinate their policies, procedures, and protocols on bias-motivated behaviors with those relating to bullying and cyberbullying.



Figure 1. Bias-Motivated Behavior and Bullying

How is cyberbullying different from cyberhate?

Cyberbullying is related to, but also different from, cyberhate. Cyberbullying intentionally targets an individual or group of individuals, and while mean-spirited, does not always include bias motivation. For example, cyberbullying may include posting mean comments; mocking someone using texts; and/or posting embarrassing pictures of an individual but may not include the use of slurs or other prejudicial references. Cyberhate, however, is not always directed at a specific person but instead can be directed at a group of persons in a protected group. Cyberhate can also include use of slurs or racist, sexist, anti-Semitic or other hateful language without attacking an individual.

details/massachusetts-law-about-bullying-andcyberbullying; see, e.g., M.G.L. c. 71 § 370.

⁴⁶ For more information on Massachusetts law about bullying and cyberbullying: <u>https://www.mass.gov/info-</u>

Lesson Plans

Coronavirus and Infectious Racism

This online lesson plan is geared towards middle and high school students to expand their understanding of how the coronavirus pandemic has led to racist incidents against individuals of Asian descent. It includes external resources and materials and questions for further learning. A virtual classroom option is also available. This lesson plan is available on ADL's website at https://www.adl.org/education/educatorresources/lesson-plans/coronavirus-andinfectious-racism.

What is Bias?

This 15-minute online lesson serves as a basic introduction to explicit and implicit bias and teaches students how to interrupt it. It is directed towards middle and high school students. It includes a video and interactive lessons for students to explore at their own pace. Note that this brief lesson can be helpful as an introduction or as one piece of a larger classroom conversation about bias, but it is not meant to be a comprehensive lesson on its own. Teachers can use this lesson to introduce concepts but should supplement with more extensive lesson plans and activities. This lesson plan is available on ADL's website at https://www.adl.org/education/educatorresources/lesson-plans/mini-lesson-what-isbias.

Addressing Hate Online

Addressing Hate Online is a middle and high school lesson plan in English and Spanish that discusses countering cyberhate. Students learn about online hate and how they can respond to it when they encounter it. The lesson plan includes the definition and examples of cyberhate and allows students to discuss the online incidents they have encountered. They then learn about counter-speech and how it can be an effective way to combat online hate. This lesson plan is available on ADL's website at https://www.adl.org/education/educatorresources/lesson-plans/addressing-hate-onlinecountering-cyberhate-with.

Tools for Administrators

11 Ways Schools Can Help Students Feel Safe in Challenging Times

This list provides strategies to prevent and intervene in bias incidents that may occur in schools. It is directed towards educators and school administrators at all levels. Some strategies include establishing safe and confidential reporting mechanisms and creating an environment where students feel safe reporting incidents. This list can be accessed on ADL's website at https://www.adl.org/education/resources/tools -and-strategies/11-ways-schools-can-helpstudents-feel-safe-in-challenging.

Tools for Teachers, Students, and Families

Creating an Anti-Bias Learning Environment

This resource explains how classrooms at all grade levels should be constructed to promote diversity and encourage students to raise issues of bias or hate that they may encounter. It provides tips for educators about how they should respond to bias incidents and how they can create an environment that is respectful and inclusive for all students. Some of these tips include making sure classroom displays and materials are representative, without reinforcing stereotypes, and encouraging learning and critical thinking while allowing for mistakes. It also includes a checklist for teachers to assess themselves and their schools in promoting biasfree educational environments. This resource can be accessed on ADL's website at https://www.adl.org/education/resources/tools -and-strategies/creating-an-anti-bias-learningenvironment.

Responding to Bigoted Words

Responding to Bigoted Words guides individuals through responding to biased comments and remarks. It can be instructive for teachers, parents, and students. The resource provides suggested responses to the person making the remarks, such as "what did you mean by that?" as well as how the person impacted should check in with themselves about their own feelings and safety. This resource can be accessed on ADL's website at

https://www.adl.org/sites/default/files/docume nts/assets/pdf/education-

outreach/Responding-to-Bigoted-Words.pdf.

Moving from Safe Classrooms to Brave Classrooms

This resource explains the importance of educators developing classroom guidelines to create a brave space, i.e., an environment where all students feel safe, respected, and included. These strategies apply to all grades. Brave spaces allow students of color or other marginalized students to share their experiences to fully participate in the classroom, even if their feedback might make other students who are not part of marginalized communities feel uncomfortable. It lists ways to engage students in creating these classroom guidelines and examples, such as being open to different viewpoints and actively listening. This resource can be accessed on ADL's website at https://www.adl.org/education/resources/tools -and-strategies/moving-from-safe-classroomsto-brave-classrooms.

Talking to Young Children About Bias and Prejudice

This excerpt discusses the importance of discussing diversity and bias with children starting from a very early age, as hate is learned. Adults should openly discuss differences between people with their young children to help them embrace those differences. This resource can help adults who care for or teach young children (elementary school aged or younger) how to start these difficult conversations. This resource can be accessed on ADL's website at https://www.adl.org/education/resources/tools -and-strategies/talking-to-young-childrenabout-prejudice.

Challenging Biased Language

This page provides several links to other sources and tools to responding to biased language. This is a general resource that could be used by teachers, students, and their families. It encourages people to respond to hurtful remarks and provides examples of what to say in different situations. This page can be accessed on ADL's website at https://www.adl.org/education/resources/tools -and-strategies/challenging-biased-language.

I Didn't Mean It Like That

This resource is helpful for teachers, parents, and students of any age in how to challenge their own biased words and behavior. It teaches how people should respond when they are accused of bias without getting defensive and instead taking the feedback as a learning opportunity. It allows individuals to engage respectfully and confront the impact of their words or actions on those around them. This resource can be accessed on ADL's website at https://www.adl.org/sites/default/files/docume nts/assets/pdf/education-outreach/I-Didn-t-Mean-It-Like-That.pdf.

How Do I Respond to Children's Bias?

This resource instructs teachers and parents how to address biased comments from young children. It provides tips for adults about teaching young people to respect differences and how to respond in the moment without feeling flustered. This resource can be accessed on ADL's website at https://www.adl.org/media/4510/download.

The Coronavirus Surfaces Fear, Stereotypes and Scapegoating

This blog post discusses the coronavirus and how it has manifested in bias and scapegoating. It includes tips for schools and families about addressing this type of bias and how it provides an opportunity to discuss stereotypes and scapegoating with young people. It also provides links to examples about how this hate is manifesting and other resources. This post can ADL's be accessed on website at https://www.adl.org/blog/the-coronavirussurfaces-fear-stereotypes-and-scapegoating.

Appendix C: Hate Crime Data Sources

Source	Sample	Year of Survey	Reference time period	Report indicators
The School Crime	Students ages 12–	1995, 1999,	Incidents during the	3, 8, 9, 10, 13,
Supplement (SCS)	18 enrolled in	and 2001;	previous 6 months (prior	16, 17, 20
to the National	public and private	through	to 2007)	
Crime	schools during the	2017		
Victimization	school year	biennially	Incidents during the	
Survey			school year (2007 and beyond)	
Campus Safety and Security Survey	All postsecondary institutions that receive Title IV funding	2001 through 2017 annually	Calendar year	21, 22
School Survey on	Public primary,		1999–2000, 2003–04,	6, 7, 9, 18, 19,
Crime and Safety	middle, and high		2005–06, 2007–08, 2009–	Spotlight 1
(SSOCS)	schools ¹		10, 2015–16, and 2017–18	
			1999–2000, 2003–04,	
			2005–06, 2007–08, 2009–	
			10, 2015–16, and 2017–18 school years	

Table 1. About the Indicators of School Crime and Safety Data

Source: Wang, K., Chen, Y., Zhang, J., and Oudekerk, B.A. (2020). Indicators of School Crime and Safety: 2019 (NCES 2020-063/NCJ 254485). National Center for Education Statistics, U.S. Department of Education, and Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Washington, DC. (p. 5)