

Policy

NONDISCRIMINATION/AFFIRMATIVE ACTION

No student enrolled in the district schools shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in any educational program or activity of this district on the basis of race, color, creed, national origin, ancestry, age, marital status, domestic partnership status, affectional or sexual orientation, gender identity or expression, genetic information, sex, disability or atypical hereditary cellular or blood trait of any individual, or because of liability for service in the armed forces of the United States, nationality, national origin, place of residence in the district, social or economic condition, nonapplicable disability or because of genetic information or refusal to submit to or make available the results of a genetic test, or pregnancy. The affirmative action team as led by the affirmative action officer shall be responsible for planning, implementing and monitoring the district's affirmative action program with respect to school and classroom practices.

Reporting to the superintendent, the affirmative action team shall review the following areas for compliance with state department of education regulations and make suggestions and/or recommendations when necessary.

A. Curriculum content

The team shall examine the following areas to ensure that curricula eliminate discrimination and promote understanding and mutual respect among students, regardless of race, color, creed, religion, gender, affectional or sexual orientation, ancestry, national origin, socio-economic status or disability:

1. School climate;
2. Courses of study;
3. Instructional materials;
4. Instructional strategies;
5. Library materials;
6. Technology/Software and audio-visual materials;
7. Guidance and counseling;
8. Extracurricular programs and activities;
9. Testing and other assessments;
10. Reducing or preventing the under representation of minority, female and male students in classes and programs.

The team shall monitor the curriculum to ensure inclusion of instruction on African-American history in the teaching of United States history and inclusion of instruction on the Holocaust and genocide in the curriculum for all elementary and secondary school students.

B. Staff training

The affirmative action officer shall suggest a program of inservice training for school personnel designed to identify and solve problems of bias in all aspects of the school program. An equity inservice program shall be held annually for all staff and for parents and community members as needed to facilitate participation and support.

C. Student access

The team shall review all school facilities, courses, programs, activities and services to ensure that all

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students are provided equal and bias-free access to them. Particular attention shall be paid to the following:

1. Ensuring equal access and barrier-free to all school and classroom facilities;
2. Assigning students in such a way that the racial/national origin composition of each school's enrollment reflects the composition of the districtwide enrollment at each grade level;
3. Refraining from locating new facilities in areas that will contribute to imbalanced, isolated or racially identifiable school enrollments;
4. Assigning students so that school and classroom enrollments are not identifiable on the basis of race, creed, color, national origin, nationality, ancestry, age, marital status, affectional or sexual orientation, gender identity or expression, gender, religion, disability or socioeconomic status;
5. Ensuring that students are not separated or isolated within schools, courses, classes, programs or extracurricular activities;
6. Ensuring that minority and male students are not over-represented in detentions, suspensions, dropouts or special needs classifications;
7. Ensuring equal and bias-free access for all students to computers, computer classes and other technologically-advanced instructional assistance;
8. Ensuring that all limited English-proficient students and students with disabilities have equal and bias-free access to all school programs and activities;
9. Ensuring equal and bias-free access for language-minority students and students with disabilities to multiple measures for determining special needs;
10. Ensuring that student support services (such as school-based youth services, health care, tutoring and mentoring) are available to all students, including LEP students;
11. Ensuring that all pregnant students are permitted to remain in the regular school program and activities.

D. District support

The team shall ensure that like aspects of the school program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters and that all grades within the district are comparable in those areas.

The superintendent will report to the board annually on continuing compliance.

Adopted: March 26, 2008
 NJSBA Review/Update: July 2014
 Readopted: October 27, 2014

Key Words

Affirmative Action, Nondiscrimination, Curriculum, Instructional Materials, Textbooks

Legal References:

<u>N.J.S.A.</u> 10:5-1 <u>et seq.</u>	Law Against Discrimination
<u>N.J.S.A.</u> 18A:4A-1 <u>et seq.</u>	New Jersey Commission on Holocaust Education
<u>N.J.S.A.</u> 18A:18A-17	Facilities for handicapped persons
<u>N.J.S.A.</u> 18A:35-1	Course in history of the United States in high school
<u>N.J.S.A.</u> 18A:36-20	Discrimination; prohibition
<u>N.J.A.C.</u> 6A:7-1.1 <u>et seq.</u>	Managing for Equality and Equity in Education
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:7-1.1,-1.4,-1.7,-1.9	
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-12.1	Reporting requirements
<u>N.J.A.C.</u> 6A:32-14.1	Review of mandated programs and services

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20 U.S.C.A. 1681 et seq. - Title IX of the Education Amendments of 1972

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

20 U.S.C.A. 1401 et seq. - Individuals with Disabilities Education Act (IDEA)

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Gebser v. Lago Vista Indep. School Dist. 524 U.S. 274 (1998)

Davis v. Monroe County Bd. of Ed. 526 U.S. 629 (1999)

The Comprehensive Equity Plan, New Jersey State Department of Education

Possible

Cross References:

*2224	Nondiscrimination/affirmative action
*4111.1/4211.1	Nondiscrimination/affirmative action
*4131/4131.1	Staff development; inservice education/visitations/conferences
*4231/4231.1	Staff development; inservice education/visitations/conferences
*5131.1	Harassment, intimidation and bullying
*5134	Married/pregnant students
*5145.4	Equal educational opportunity
*6140	Curriculum adoption
*6141	Curriculum design/development
*6142.4	Physical education and health
*6145	Extracurricular activities
*6161.1	Guidelines for evaluation and selection of instructional materials
*6163.1	Media center/library
*6164.2	Guidance services
*6171.4	Special education

*Indicates policy is included in the Critical Policy Reference Manual.