Merchantville Board of Education 130 South Centre Street Merchantville, NJ 08109	File Code : 2224 Adopted : 05/09/00 Revised : 10/25/2016 Reviewed : 03/18/2024

Nondiscrimination/Affirmative Action

State and federal statutes and regulations prohibit school districts from discriminatory practices in employment or educational opportunity against any person by reason of race, color, national origin, ancestry, age, sex, affectional or sexual orientation, marital status, domestic partnership status, familial status, liability for service in the Armed Forces of the United States, atypical hereditary cellular or blood trait of any individual, genetic information, pregnancy in employment or refusal to submit to a genetic test or make the results of a genetic test known, in employment or in educational opportunities. Further state and federal protection is extended on account of disabilities, social or economic status, pregnancy, childbirth, pregnancy-related disabilities, actual or potential parenthood, or family status.

The Merchantville Board of Education will continue to support its Affirmative Action Resolution and to implement the district's equal educational opportunity policy, school and classroom practices plan and contract/employment practices plan in accordance with law and regulation.

The board authorizes the chief school administrator to develop and implement a multi-year equity plan to ensure that the district provides equality in educational programs and to identify and correct, or assess and prevent, all bias, discrimination and impermissible isolation in policies, practices and facilities of the district. Upon approval of this plan by the state department of education, the board shall adopt it by resolution. The chief school administrator shall report to the board annually on progress toward goals established in the plan. A copy of the district's affirmative action/equity plans and self-evaluation of their achievement shall be available in the district office.

Affirmative Action Officer and Team

The board shall annually appoint a member of the staff as the affirmative action officer and form an affirmative action team, of whom the affirmative action officer is a member. The affirmative action officer shall serve as affirmative action/504 officer and/or desegregation coordinator. The affirmative action officer must have New Jersey certification with an administrative, instructional, or education services endorsement. The board shall ensure that all members of the school community know who the affirmative action officer is and how to access him/her.

The affirmative action officer shall:

A. Coordinate the required professional development training for certificated and non-certificated staff;
B. Notify all students and employees of district grievance procedures for handling discrimination complaints; and
C. Ensure that the district grievance procedures, including investigative responsibilities and reporting information, are followed.

The affirmative action team shall:

A. Develop the comprehensive equity plan in compliance with administrative code;

B. Oversee the implementation of the district's comprehensive equity plan;
C. Collaborate with the affirmative action office in coordinating the required professional development training;
D. Monitor the implementation of the comprehensive equity plan; and
E. Conduct the annual district internal monitoring to ensure continuing compliance with state and federal law and code.

Comprehensive Equity Plan

The board directs the affirmative action team to develop a comprehensive equity plan once every three years. The comprehensive equity plan shall identify and correct all discriminatory and inequitable educational and hiring policies, patterns, programs, and practices affecting its facilities, programs, students, and staff.

Prior to developing the comprehensive equity plan, the district's needs for achieving equity and equality in educational programs shall be assessed. The purpose of the needs assessment is to identify and eliminate discriminatory practices and other barriers to achieving equity in educational programs.

A. The needs assessment shall include an analysis of:

1. Student performance data such as National Assessment of Educational Progress and State assessment results;
2. Preschool through grade 8 promotion/retention data;
3. Preschool through grade 8 completion rates; and
4. Re-examination and re-evaluation of classification and placement of students in special education programs if there is over representation within certain groups;
5. Staffing practices;
6. Student demographic and behavioral data;
7. Quality of program data; and
8. Stakeholder satisfaction data.

B. The comprehensive equity plan shall address:

1. Professional development;
2. Equality in school and classroom practices;
3. Equality in employment and contract practices.

C. The comprehensive equity plan shall include:

1. An assessment of the school district's needs for achieving equity in educational programs. The assessment shall include staffing practices, quality-of-program data, stakeholder-satisfaction data, and student assessment and behavioral data disaggregated by gender, race, ethnicity, limited English proficiency, special education, migrant, date of enrollment, student suspension, expulsion, child

study team referrals, preschool through grade 8 promotion/retention data, preschool through grade 8 completion rates, and re-examination and re-evaluation of classification and placement of students in special education programs if there is overrepresentation within certain group;

2. A description of how other Federal, State, and school district policies, programs, and practices are aligned to the comprehensive equity plan;

3. Progress targets for closing the achievement gap;

4. Professional development targets regarding the knowledge and skills needed to provide a thorough and efficient education as defined by the New Jersey Student Learning Standards, differentiated instruction, and formative assessments aligned to the New Jersey Student Learning Standards and high expectations for teaching and learning; and

5. Annual targets that address school district needs in equity in school and classroom practices and are aligned to professional development targets.

The comprehensive equity plan shall include goals, objectives, timelines, and benchmarks for measuring progress. The board shall submit the comprehensive equity plan to the executive county superintendent for approval and a copy of the comprehensive equity plan to the New Jersey Department of Education. The board shall initiate the comprehensive equity plan within 60 days of its approval, and shall implement the plan in accordance with the timelines approved by the Department.

Harassment

The board of education shall maintain an instructional and working environment that is free from harassment of any kind. Administrators and supervisors will make it clear to all staff, pupils and vendors that harassment is prohibited. Sexual harassment shall be specifically addressed in the affirmative action inservice programs required by law for all staff.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

A. Submission to the conduct or communication is made a term or condition of employment or education;

B. Submission to, or rejection of, the conduct or communication is the basis for decisions affecting employment and assignment or education;

C. The conduct or communication has the purpose or effect of substantially interfering with an individual's work performance or education;

D. The conduct or communication has the effect of creating an intimidating, hostile or offensive working or educational environment.

Sexual harassment of staff or children interferes with the learning process and will not be tolerated in the school. Harassment by board members, employees, parents, students,

vendors and others doing business with the district is prohibited. Any child or staff member who has knowledge of or feels victimized by sexual harassment should immediately report his/her allegation to the affirmative action officer or chief school administrator. Anyone else who has knowledge of or feels victimized by sexual harassment should immediately report his/her allegation to the chief school administrator or board president. Employees whose behavior is found to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including dismissal. Other individuals whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the chief school administrator/board. Law enforcement shall be summoned when appropriate. This policy statement on sexual harassment shall be distributed to all staff members.

Staff or pupils may file a formal grievance related to harassment on any of the grounds addressed in this policy. The affirmative action officer will receive all complaints and carry out a prompt and thorough investigation, and will protect the rights of both the person making the complaint and the alleged harasser.

Findings of discrimination or harassment will result in appropriate disciplinary action.

School and Classroom Practices

A. In implementing affirmative action, the district shall:

1. Identify and correct the denial of equality of educational opportunities for pupils solely on the basis of any classification protected by law;

2. Continually reexamine and modify, as may be necessary, its school and classroom programs; location and use of facilities; its curriculum development program and its instructional materials; availability of programs for children; and equal access of all eligible pupils to all extracurricular programs.

B. The board shall provide all students with equal and bias-free access to all school facilities, courses, programs, activities, and services, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status, by:

1. Ensuring equal and barrier-free access to all school and classroom facilities;

2. Attaining within each school minority representation that approximates the school district's overall minority representation. Exact apportionment is not required; the ultimate goal is a reasonable plan achieving the greatest degree of racial balance that is feasible and consistent with sound educational values and procedures;

3. Utilizing on an annual basis a State-approved English language proficiency measure for determining the special needs of English language learners and their progress in learning English;

4. Utilizing bias-free multiple measures for determining the special needs of students with disabilities;

5. Ensuring support services, including intervention and referral services and school health services; and

6. Ensuring a student is not discriminated against because of a medical condition. A student shall not be excluded from any education program or activity because of a long-term medical condition unless a physician certifies such exclusion is necessary. If excluded, the student shall be provided with equivalent and timely instruction that may include home instruction, without prejudice or penalty.

These topics are included in the pupil and instruction policies of the district at 5145.4 Equal Educational Opportunity, 6121 Nondiscrimination/Affirmative Action, and 6145 Extracurricular Activities.

Contract/Employment Practices

The district directs the chief school administrator to ensure that appropriate administrators implement the district's affirmative action policies by:

A. Adhering to the administrative code in selection of vendors and suppliers; informing vendors and suppliers that their employees are bound by the district's affirmative action policies in their contacts with district staff and pupils;

B. Continuing implementation and refinement of existing practices and affirmative action plans, making certain that all recruitment, hiring, evaluation, training, promotion, personnel-management practices and collective bargaining agreements are structured and administered in a manner that furthers equal employment opportunity principles and eliminates discrimination on any basis protected by law, holding inservice programs on affirmative action for all staff in accordance with law.

These topics are included in the business and noninstructional operations, and the personnel policies of the district at #3320, #3327, #4111.1 and #4211.1.

Disabled

In addition to prohibiting educational and employment decisions based on nonapplicable disabling condition, the district shall, as much as feasible, make facilities accessible to disabled pupils, employees and members of the community as intended by Section 504 and as specified in the administrative code.

Report on Implementation

The chief school administrator shall devise regulations, including grievance forms and procedures to implement the district's affirmative action policies. He/she shall report to the board annually on the effectiveness of this policy and the implementing procedures.

Key Words

Affirmative Action, Discrimination, Americans With Disabilities Act, Access, Nondiscrimination, Sexual Harassment, Harassment, Equal Educational Opportunity, Domestic Partnership Act

Legal References:

N.J.S.A. 2C 16-1: Bias intimidation
N.J.S.A. 2C 33-4: Harassment
N.J.S.A. 10 5-1 et seq Law Against Discrimination
N.J.S.A. 18A 6-5: Inquiry as to religion and religious tests prohibited
N.J.S.A. 18A 6-6: No sex discrimination
N.J.S.A. 18A 18A-17: Facilities for handicapped persons
N.J.S.A. 18A 26-1: Citizenship requirement for teachers, exceptions
N.J.S.A. 18A 26-1.1 Residence requirements prohibited
N.J.S.A. 18A 29-2: Equality of compensation for male and female teachers
N.J.S.A. 18A 35-1 et seq. Curriculum and courses
N.J.S.A. 18A 36-20 Discrimination; prohibition
N.J.S.A. 18A 37-14 Definitions relative to adoption of harassment and bullying prevention policies
N.J.S.A. 18A 37-15 Adoption of policy concerning harassment, intimidating or bullying by each school district
N.J.S.A. 18A 37-17 Establishment of bullying prevention programs or approaches
N.J.S.A. 18A 38-5.1 No child to be excluded from school because of race, etc.
N.J.S.A. 26 8A-1 et seq: Domestic Partnership Act
N.J.A.C. 5 23-7.1 et seq. Barrier free subcode of the uniform construction code
N.J.A.C. 6A 7-1.1 Purpose
N.J.A.C. 6A 7-1.4 Responsibilities of the district board of education
N.J.A.C. 6A 7-1.5 Affirmative action officer
N.J.A.C. 6A 7-1.6 Professional development
N.J.A.C. 6A 7-1.7 Equality in school and classroom practices
N.J.A.C. 6A 7-1.8 Equality in employment and contract practices
N.J.A.C. 6A 30-1.1 Purpose and scope
20 U.S.C. 1401 et seq Individuals with Disabilities Education Act
20 U.S.C. 1681 et seq Title IX of the Education Amendments of 1972
29 U.S.C. 201 Equal Pay Act of 1963 as amended
29 U.S.C. 794 et seq Rehabilitation Act of 1973
42 U.S.C. 12101 et seq Americans with Disabilities Act
42 U.S.C. 2000e et seq Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Opportunities Act of 1972
Davis v. Monroe County Board of Education
Meritor Savings Bank v. Vinson
School Board of Nassau County v. Arline
Taxman v. Piscataway Bd. of Ed., 91 F. 3d 1547 (3d Cir. 1996)
Executive Order 11246 Equal Employment Opportunityas amended

Cross References

3320 - Sample Policy: Purchasing Procedures
4111 - Sample Policy: Recruitment, Selection and Hiring
4111.1 - Sample Policy: Nondiscrimination Affirmative Action
4131 - Sample Policy: Staff Development, Inservice Education, Visitation, Conferences
4211 - Sample Policy: Recruitment, Selection and Hiring
4211.1 - Sample Policy: Nondiscrimination Affirmative Action

4231/4231.1 - Sample Policy: Staff Development, Inservice Education, Visitation, Conferences
5131 - Sample Policy: Conduct and Discipline
5145. 4 - Sample Policy: Equal Educational Opportunity
6121 - Sample Policy: Nondiscrimination, Affirmative Action
6145 - Sample Policy: Extracurricular Activities