Merchantville Board of Education 130 South Centre Street Merchantville, NJ 08109	File Code : 5145.4 Adopted : 09/27/1988 Revised : 08/28/2018 Reviewed : 06/03/2024

Equal Educational Opportunity

The district shall provide equal and bias-free access for all pupils to all school facilities, courses, programs, activities and services and give them maximum opportunity to achieve their potential regardless of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, marital status, liability for service in the Armed Forces of the United States, nationality, place of residence within the district, pregnancy, socioeconomic status, or disability. Enforcement of other district affirmative action/equity policies (2224, 4111.1, 4211.1 and 6121) contribute to this legally required equality of educational opportunity.

Staff members shall maintain professional relationships with pupils at all times and develop wholesome and constructive relationships with them. Staff members shall be expected to regard each pupil as an individual and to accord each pupil the rights and respect that are his/her due.

Staff members shall promote a learning environment that encourages fulfillment of each pupil's potential in regard to his/her program, consistent with district goals and with optimal opportunities for pupils. This goal may be reached by adapting instruction to individual needs, by:

A. Insisting on reasonable standards of scholastic accomplishment for all pupils;

B. Creating a positive atmosphere in and out of the classroom;

C. Extending the same courtesy and respect that is expected of pupils;

D. Treating all pupils with consistent fairness.

The board of education guarantees all pupils equal access to all academic programs within the learning environment.

Pupils shall respect the rights of other pupils to receive an education in an environment that is conducive to learning and personal growth. No pupil shall have the right to abridge another pupil's right to privacy or right to hold personal beliefs which are different from those of the mainstream.

Service Animals

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the school facilities where members of the community, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

Harassment

The district's affirmative action program is part of each academic program regarding all pupils. No one--including pupils, staff members, vendors, volunteers, or visitors--shall commit an act of harassment/discrimination of any kind against any member of the school community on any of the grounds prohibited by law.

"Harassment, intimidation or bullying" is defined as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated either by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic, that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds, in accordance with law, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students, and that:

A. A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or

B. Has the effect of insulting or demeaning any student or group of students; or

C. Creates a hostile educational environment for the student by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.

All reported incidents of harassment, intimidation or bullying shall be handled according to law and board policy 5131.1 Harassment, Intimidation and Bullying. Harassment may be claimed by a third party. That is, individuals who are not directly involved in the behavior may experience a hostile environment. They shall have the same legal rights to act under this policy as those directly victimized.

Any member of the student body may file a formal grievance related to harassment. The chief school administrator will receive all complaints and initiate a thorough investigation and will protect the rights of both the pupil making the complaint and the alleged harasser. Filing of a grievance or otherwise reporting harassment of any kind will not reflect upon the pupil's status nor affect future grades or class assignments.

The administration will inform all pupils that sexual harassment is prohibited in the educational setting. Specifically, no person employed by the district or by a vendor, or acting in a voluntary capacity, shall threaten or insinuate, either directly or indirectly, that a pupil's refusal to submit to sexual advances will adversely affect the pupils standing in the school setting. Pupils are forbidden to harass other pupils or staff members or vendors or volunteers through conduct or communications of a sexual nature within the school setting.

Findings of discrimination in the form of harassment will result in appropriate disciplinary action.

Equity in School

The board of education shall maintain an academic environment that is free from harassment and provide equal and bias free access for all students 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, religion, disability or socioeconomic status. The board shall ensure that:

A. School classrooms and facilities will be barrier free;

B. Attention will be directed at attaining minority representation within each school that approximates the district's overall minority representation;

C. 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;

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

E. The district curriculum will be aligned with the New Jersey Learning Standards and address the elimination of discrimination by narrowing the achievement gap by:

1. Providing equity in educational programs and by providing opportunities for students to interact with others proactively regardless of status:
2. Ensuring there are no differential requirements for completion of course offerings or programs of study solely on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status;
3. Ensuring courses shall not be offered separately on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status;
4. Reducing or preventing the underrepresentation of minority, female, and male students in all classes and programs, including gifted and talented, accelerated, and advanced classes;
5. Ensuring school(s) demonstrate the inclusion of a multicultural curriculum in its instructional content, materials, and methods, and ensuring students understand the basic tenets of multiculturalism;
6. Ensuring African-American history, as well as the history of other cultures, is infused into the curriculum and taught as part of U.S. history;
7. Ensuring instruction on the Holocaust and other acts of genocide is included in the curriculum of all elementary and secondary school(s), as developmentally appropriate.
8. Ensuring that students are not discriminated against because of a medical condition.

F. All students shall have support services, including intervention and referral services, school health services and counseling services; and

G. Physical education program and athletic programs shall be equitable and co-educational and do not discriminate based on protected class status.

Procedures shall be made available for pupils and/or parents/guardians who wish to file a grievance protesting alleged discriminatory or sexually (or other) harassing action. An immediate report of the allegation should be made to the affirmative action officer or chief school administrator. Violations of this policy or its related procedures shall be cause for appropriate disciplinary action.

Hate Crimes/Bias Incidents

An employee of the board who becomes aware in the course of his/her employment that a student or other staff person has committed a bias-related act (hate crime) or is about to commit one shall immediately inform the building principal and chief school administrator. All incidents of bias-related act shall be reported whether they occur during school hours on school grounds or otherwise. The principal or his or her designee shall promptly notify the local police department and the bias investigation officer for the county prosecutor's office.

The principal or his or her designee shall immediately notify the local police department and the bias investigation officer for the county prosecutor's office where there is reason to believe a bias-related act that involves an act of violence has been or is about to be physically committed against a student, or there is otherwise reason to believe a life has been or will be threatened.

All incidents shall be reported utilizing the School Safety Data System (SSDS) according to board policy 5131.5 Violence and Vandalism.

Appeals

Grievances related to equity in school and classroom shall be submitted to the affirmative action officer. Any individual may petition the Commissioner in writing to resolve a dispute arising related to equity in school and classroom.

Implementation

The chief school administrator shall direct development of procedures regarding the implementation of this policy to include sanctions, protection of individual rights to confidentiality and due process, and notification procedures. The chief school administrator shall ensure that, annually, all staff and all pupils (in means and terms that are age-appropriate) be thoroughly informed of this policy, their right to file grievances under this policy and the law and the procedures relative to filing. Further, all staff and pupils shall be informed annually of the identity of the district's affirmative action officer and how he/she may be contacted.

The chief school administrator shall also ensure that staff and pupils participate in educational programs relating to this policy and the maintenance of a safe and nurturing educational environment.

The chief school administrator shall use all customary methods of information dissemination to ensure that the community is informed of its policies on educational equity.

Key Words

Nondiscrimination, Affirmative Action, Equal Educational Opportunity, Harassment, Sexual Harassment

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 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 38-5.1 No child to be excluded from school because of race, etc.
N.J.A.C. 6A 16-6.3 Reporting students or staff members to law enforcement authorities
N.J.A.C. 6A 17-1.1 Purpose
N.J.A.C. 6A 30-1.1 Purpose and scope
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 7-1.7 Equality in school and classroom practices
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. 794 et seq Rehabilitation Act of 1973
42 U.S.C. 12101 et seq Americans with Disabilities Act

Cross References

2224 - Sample Policy: Nondiscrimination, Affirmative Action
4111.1 - Sample Policy: Nondiscrimination Affirmative Action
4211.1 - Sample Policy: Nondiscrimination_ Affirmative Action
5134 - Sample Policy: Married Pregnant Students
6121 - Sample Policy: Nondiscrimination, Affirmative Action
6141 - Sample Policy: Curriculum Design, Development
6145 - Sample Policy: Extracurricular Activities
6161.1 - Sample Policy: Guidelines for the Evaluation and Selection of Instructional Materials and Resources
6171.4 - Sample Policy: Special Education