Merchantville Board of Education 130 South Centre Street Merchantville, NJ 08109	File Code : 6121 Adopted : 9/27/1988 Revised : 10/25/2016 Reviewed : 07/15/2024

Nondiscrimination/Affirmative Action

No pupil enrolled in the district school(s) 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, 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, pregnancy, 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. 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 chief school administrator, 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. Access

The district provides equal and bias-free access to all school facilities, courses, programs, activities, and services by:

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

2. Implementing a reasonable plan for achieving the greatest degree of racial balance that is feasible and consistent with sound educational values and procedures. The goal of the plan shall be to attain within each school, minority representation that approximates the school district's overall minority representation. Exact apportionment is not required;

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 are available to all students;

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 (see board policy 6173 Home instruction); and

7. Ensuring that pregnant students are not excluded from the access to the educational programs, activities and services.

B. Curriculum

The district's curriculum and instruction shall be aligned to the New Jersey Learning Standards. The curriculum and instruction shall address the elimination of discrimination by narrowing the achievement gap, by providing equity in educational programs, and by providing opportunities for students to interact positively with others regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status. The district shall:

1. Ensure 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;

2. Ensure 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. Portions of classes that deal exclusively with human sexuality may be conducted in separate developmentally appropriate sessions for male and female students, provided the course content for such separately conducted sessions is the same;

3. Reduce or prevent the underrepresentation of minority, female, and male students in all classes and programs, including gifted and talented, accelerated, and advanced classes;

4. Ensure 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;

5. Ensure African-American history, as well as the history of other cultures, is infused into the curriculum and taught as part of U.S. history;

6. Ensure instruction on the Holocaust and other acts of genocide is included in the curriculum of all elementary and secondary school(s), as developmentally appropriate.

C. Counseling Services

Students shall have access to adequate and appropriate counseling services:

1. When informing students about possible careers or professional or vocational opportunities options presented shall not be restricted or limited on the basis race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status;

2. Tests or guidance or counseling materials that are biased or stereotyped shall not be used.

D. Physical Education, Athletic Programs, Extracurricular Activities

The district's physical education and athletic programs shall be equitable and co-educational and shall not discriminate on the basis of protected class status including:

1. Separate restroom, locker room, and shower facilities on the basis of gender, but such facilities provided for students of each gender shall be provided and shall be comparable;

2. Separate teams for the two sexes may be operated in one or more sports or single teams open competitively to members of both sexes, as long as the athletic program as a whole provides equal opportunities for students of both sexes to participate in sports at comparable levels of difficulty and competency; and

3. The activities comprising the school athletic programs shall receive equitable treatment, including, but not limited to, staff salaries, purchase and maintenance of equipment, quality and availability of facilities, scheduling of practice and game time, length of season, and all other related areas or matters.

E. 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 on a continuing basis for all staff and for parents and community members as needed to facilitate participation and support.

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.

Key Words

Affirmative Action, Nondiscrimination, Curriculum, Instructional Materials, Textbooks

Legal References:

N.J.S.A. 10 5-1 et seq Law Against Discrimination
N.J.S.A. 18A 4A-1: Findings, declarations
N.J.S.A. 18A 18A-17: Facilities for handicapped persons
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.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
4131 - Sample Policy: Staff Development, Inservice Education, Visitation, Conferences
4211.1 - Legal References: Nondiscrimination Affirmative Action
4231/4231.1 - Sample Policy: Staff Development, Inservice Education, Visitation, Conferences
5134 - Sample Policy: Married Pregnant Students
5145. 4 - Sample Policy: Equal Educational Opportunity
6140 - Sample Policy: Curriculum Adoption
6141 - Sample Policy: Curriculum Design, Development
6142. 4 - Sample Policy: Physical Education and Health
6145 - Sample Policy: Extracurricular Activities
6161.1 - Sample Policy: Guidelines for the Evaluation and Selection of Instructional Materials and Resources
6163.1 - Sample Policy: Media Center, Library
6164.2 - Sample Policy: Guidance Services

6171.4 - Sample Policy: Special Education