

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, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status. 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 is 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:

- Insisting on reasonable standards of scholastic accomplishment for all pupils;
- Creating a positive atmosphere in and out of the classroom;
- Extending the same courtesy and respect that is expected of pupils;
- Treating all pupils with consistent fairness.

The board of education guarantees to 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.

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 is defined as a repeated pattern of unprovoked aggressive behaviors of a physical and/or psychological nature carried out by an individual or a group against an individual or group with the effect of causing harm or hurt. Harassing behaviors are all those behaviors that are unwelcome, unwanted, and uncomfortable in the view of the recipient. They all have the effect of creating a hostile environment. 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.

Sexual Harassment

Particularly, the board of education shall maintain an academic environment that is free from sexual harassment.

Sexual harassment shall consist of unwanted and unwelcome sexual advances, requests for sexual favors, and other inappropriate conduct or communication of a sexual nature when made by any staff member to a pupil, by any pupil to another pupil, or by any pupil to a staff member when:

Submission to such conduct is made either explicitly or implicitly a term or condition of a pupil's evaluation, promotion, opportunities, privileges, and other benefits of education;

Submission to or rejection of such conduct by a pupil is used as a basis for decisions affecting the pupil;

Such conduct has the purpose or effect of interfering with a pupil's academic performance or creating an intimidating or hostile educational environment.

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 pupil's 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.

Any member of the student body may file a formal grievance related to sexual harassment. The affirmative action officer or superintendent 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 sexual harassment will not reflect upon the individual's status nor affect future grades or class assignments.

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

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:

School classrooms and facilities will be barrier free;

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

The district curriculum will be aligned with the Common Core Curriculum Content Standards and address the elimination of discrimination by narrowing the achievement gap;

All students have access to counseling services;

Physical education program is equitable and co-educational.

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 hate crime or is about to commit one shall immediately inform the building principal and chief school administrator. All incidents of hate/bias shall be reported whether they occur during school hours on school grounds or otherwise.

Implementation

The superintendent 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 superintendent 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(s) and how they may be contacted.

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

Date Reviewed: March 19, 2014, April 16, 2014

Date Adopted: May 21, 2014

Legal References: Use legal reference sheet.

Cross References: List your appropriate policies. See legal reference sheet for possibilities.

Key Words: Nondiscrimination, Affirmative Action, Equal Educational Opportunity, Harassment, Sexual Harassment

Legal References

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Monitored:

Indicators 1.1, 8.1

Mandated:

N.J.A.C. 6A:7-1.4 requires the board to have educational equity policies in place.

The required comprehensive equity plan must include policy statements that ensure the identification and correction or assessment and prevention of all bias, discrimination and impermissible isolation in the policies, programs, practices and facilities of the district. Policies that assure equality in school and classroom practices should address the elimination of sexual harassment and harassment on every other basis.

Other Reasons:

Federal law requires provision of comparable restroom, locker room and shower facilities for both sexes.

The Americans with Disabilities Act (ADA) imposes obligations on boards of education both as employers and providers of education. Many of these obligations duplicate or expand existing obligations under Section 504 of the Rehabilitation Act of 1973 and other federal law.

No Child Left Behind requires that homeless and migrant children be granted considerations to ensure that they receive a free public education.

N.J.S.A. 2C:16-1 makes a person guilty of the crime of bias intimidation if he commits, attempts to commit, conspires with another to commit, or threatens the immediate commission of an offense specified in chapters 11 through 18 of Title 2C of the New Jersey Statutes; N.J.S.A. 2C:33-4; N.J.S.A. 2C:39-3;

N.J.S.A. 2C:39-4 or N.J.S.A. 2C:39-5, with a purpose to intimidate an individual or group of individuals because of race, color, religion, gender, handicap, sexual orientation, or ethnicity;

N.J.S.A. 10:5-3 forbids discriminatory practices against any person or that person's spouse by reason of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, or nationality.

N.J.S.A. 10:5-4.1 applies all provisions of the statutes against discrimination to the disabled.

N.J.S.A. 10:5-27 reads: "With respect only to affectional or sexual orientation, nothing contained herein shall be construed to require the imposition of affirmative action plans or quotas as specific relief from an unlawful employment practice or unlawful discrimination."

N.J.A.C. 6A:7-1.4(b) requires the board to inform the community of its policies on educational equity.

N.J.A.C. 6A:16-6.3(e) requires school employees to inform the building principal and chief school administrator if they believe a hate crime has been committed or is about to be committed on school property.

Recommendation:

A policy as described above.

<u>Legal References:</u>	<u>N.J.S.A.</u> 2C:16-1	Bias Intimidation
	<u>N.J.S.A.</u> 10:5-1 <u>et seq.</u>	Law Against Discrimination
	<u>N.J.S.A.</u> 18A:36-20	Discrimination; prohibition
	<u>N.J.S.A.</u> 18A:38-5.1	No child to be excluded from school because of race, etc.
	<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:7-1.4,-1.7	
	<u>N.J.A.C.</u> 6A:16-6.3(e)	Reporting students or staff members to law enforcement Authorities
	<u>N.J.A.C.</u> 6A:17-1.1 <u>et seq.</u>	Students At-Risk of Not Receiving a Public Education
	<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

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

State v. Mortimer, 135 N.J. 517 (1994)

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

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

20 U.S.C.A. 1400 et seq. - Individuals with Disabilities Education Act (formerly Education for All Handicapped Children Act)--Part B

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

Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297)

Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)

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

Manual for the Evaluation of Local School Districts

Comprehensive Equity Plan, New Jersey State Department of Education

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*4111.1	Nondiscrimination/affirmative action
	*4211.1	Nondiscrimination/affirmative action
	*5134	Married/pregnant pupils
	*6121	Nondiscrimination/affirmative action
	*6141	Curriculum design/development
	*6145	Extracurricular activities
	*6161.1	Guidelines for evaluation and selection of instructional materials
	*6171.4	Special education

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