

NONDISCRIMINATION/AFFIRMATIVE ACTION

No pupil 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, affectional or sexual orientation, genetic information, sex, disability or atypical hereditary cellular or blood trait of any individual, or because of nationality. 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. 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

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

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 pupils.

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.

C. Pupil access

The team shall review all school facilities, courses, programs, activities and services to ensure that all pupils 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 pupils 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 pupils so that school and classroom enrollments are not identifiable on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status;
5. Ensuring that pupils are not separated or isolated within schools, courses, classes, programs or extracurricular activities;
6. Ensuring that minority and male pupils are not over-represented in detentions, suspensions, dropouts or special needs classifications;
7. Ensuring equal and bias-free access for all pupils to computers, computer classes and other technologically-advanced instructional assistance;
8. Ensuring that all limited English-proficient pupils and pupils with disabilities have equal and bias-free access to all school programs and activities;
9. Ensuring equal and bias-free access for language-minority pupils and pupils with disabilities to multiple measures for determining special needs;
10. Ensuring that pupil support services (such as school-based youth services, health care, tutoring and mentoring) are available to all pupils, including LEP pupils;
11. Ensuring that all pregnant pupils are permitted to remain in the regular school program and activities.

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

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 chief school administrator will report to the board annually on continuing compliance.

Date: Reviewed: January 16, 2008
Adopted: March 19, 2008

Legal References: Use legal reference sheet.

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

Key Words

Affirmative Action, Nondiscrimination, Curriculum, Instructional Materials, Textbooks

Legal References

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Monitored:

Indicators 1.1, 8.1

Mandated:

N.J.A.C. 6A:7-1.4 requires districts to adopt and implement written educational equity policies.

The board is responsible a comprehensive equity plan that includes the adoption of policies that address equality in school and classroom practices. These equity policies should, among other requirements, ensure equal access to all educational programs for all students and identify and correct prejudice, discrimination in all curricula, instructional materials, practices, assessments and programs of the district.

Other Reasons:

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 and other Federal law.

N.J.A.C. 6A:7-1.7 specifies actions districts must take to be in compliance with affirmative action regulations on curricular and classroom practices.

N.J.A.C. 6A:7-1.9 demands accountability by requiring that the equity plan include a needs assessment that disaggregates student data by gender, race, ethnicity, limited English proficiency, special education, migrant, date of enrollment, student suspensions, expulsions, child study team referrals, pre-k-12 promotion/retention data, pre-k-12 completion rates, and re-examination and re-evaluation of classification and placement of students in special education programs if there is overrepresentation within certain groups. This is to help with compliance with No Child Left Behind.

Recommendation:

A policy directing the chief school administrator to ensure that all aspects of the instructional program are in compliance. Policy should cite 2224 as the major affirmative action/equity statement for the district.

Legal References: N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:4A-1 et seq. New Jersey Commission on Holocaust Education

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Legal References (continued)

<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

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)

Manual for the Evaluation of Local School Districts

The Comprehensive Equity Plan, New Jersey State Department of Education

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*4111.1	Nondiscrimination/affirmative action
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*4211.1	Nondiscrimination/affirmative action
	*4231/4231.1	Staff development; inservice education/visitations/conferences
	*5134	Married/pregnant pupils
	*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.