

Policy

NONDISCRIMINATION/AFFIRMATIVE ACTION

No student 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, marital status, domestic partnership status, affectional or sexual orientation, gender identity and expression, 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, 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, or pregnancy. 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 superintendent/principal, 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
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 students.

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

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. An equity inservice program shall be held annually for all staff and for parents and community members as needed to facilitate participation and support.

C. Student access

The team shall review all school facilities, courses, programs, activities and services to ensure that all students 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 students 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 students 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 students are not separated or isolated within schools, courses, classes, programs or extracurricular activities;
6. Ensuring that minority and male students are not over-represented in detentions, suspensions, dropouts or special needs classifications;
7. Ensuring equal and bias-free access for all students to computers, computer classes and other technologically-advanced instructional assistance;
8. Ensuring that all limited English-proficient students and students with disabilities have equal and bias-free access to all school programs and activities;
9. Ensuring equal and bias-free access for language-minority students and students with disabilities to multiple measures for determining special needs;
10. Ensuring that student support services (such as school-based youth services, health care, tutoring and mentoring) are available to all students, including LEP students;
11. Ensuring that all pregnant students are permitted to remain in the regular school program and activities.

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.

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

E. Labeling of Students

The board of education of the Morris County Vocational School District, in an effort to protect the mental well-being of all students, does hereby direct its superintendent/principal to ensure that no person shall be referred to as educationally disabled unless the resident district Child Study Team has formally classified the student and has provided classification materials and records to the Supervisor of Special Services. No disabled student shall be needlessly identified or publicly labeled.

The board directs that the names and other personal identity data concerning educationally disabled children shall be kept confidential and shall not be included in the public acts and records of this district. Such names and data shall be reduced to code for inclusion in the public record. A special confidential file shall be maintained listing the names of educationally disabled students on whose behalf the board of education must take public action. Motions concerning handicapped students made at public meetings shall be anonymous and/or heard in private sessions of the board and referred to this confidential file. Access to this file, as to all other records of disabled students, shall be given only to authorized school employees and officials of the State Department of Education. Any further access to this information will be governed by law.

Further, the board, administrators, faculty, and other personnel shall avoid unnecessary and needless public labeling of such students. This shall include avoidance of public address announcements so designating students, any open identification of classroom with signs so designation, or any item of open or general circulation which so designates an individual student or class.

Implementation

The superintendent/principal will report to the board annually on continuing compliance to the district's Nondiscrimination/Affirmative Action policies and procedures.

Adopted: July 12, 1988
Revised/Adopted: September 18, 1990
NJSBA Review/Update: January 2009, July 2011
Readopted: August 11, 2009
Revised: August 10, 2011
Revised: July 22, 2014

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 et seq. New Jersey Commission on Holocaust Education
N.J.S.A. 18A:18A-17 Facilities for handicapped persons
N.J.S.A. 18A:35-1 Course in history of the United States in high school
N.J.S.A. 18A:36-20 Discrimination; prohibition
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
See particularly:
N.J.A.C. 6A:7-1.1,-1.4,-1.7,-1.9
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
N.J.A.C. 6A:32-12.1 Reporting requirements
N.J.A.C. 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

NONDISCRIMINATION/AFFIRMATIVE ACTION (continued)

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)

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 students
	*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.