

1. Recognize and value the diversity of persons and groups within the society and promote the acceptance of persons of diverse backgrounds regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status; and

2. Promote equal educational opportunity and foster a learning environment that is free from all forms of prejudice, discrimination and harassment based upon race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status in the policies, programs and practices of the district board of education.

(b) The district board of education shall inform the school community it serves of these policies in a manner including, but not limited to, the district's customary methods of information dissemination.

(c) Each district board of education shall develop a comprehensive equity plan once every three years, which shall identify and correct all discriminatory and inequitable educational and hiring policies, patterns, programs and practices affecting its facilities, programs, students and staff.

1. The district board of education shall assess the district's needs for achieving equity and equality in educational programs based on an analysis of student performance data such as: National Assessment of Educational Progress and State assessment results, 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 over representation within certain groups; staffing practices; student demographic and behavioral data; quality of program data; and stakeholder satisfaction data prior to developing the comprehensive equity plan. The purpose of the needs assessment is to identify and eliminate discriminatory practices and other barriers to achieving equity in educational programs.

2. The comprehensive equity plan shall address:

i. Professional development pursuant to N.J.A.C. 6A:7-1.6;

ii. Equality in school and classroom practices pursuant to N.J.A.C. 6A:7-1.7; and

iii. Equality in employment and contract practices pursuant to N.J.A.C. 6A:7-1.8.

3. The comprehensive equity plan shall include goals, objectives, timelines and benchmarks for measuring progress.

4. The district board of education shall submit the comprehensive equity plan to the county superintendent of schools for approval and a copy of the comprehensive equity plan to the Department.

i. If the comprehensive equity plan is not approved by the county superintendent of schools, the district board of education shall revise the plan in accordance with the instructions of the county superintendent of schools and shall submit the revised plan to the county superintendent of schools within 30 days of the notification of non-approval.

(d) Each district board of education shall, at the end of each school year, report on their annual progress in the Quality Annual Assurance Report on achieving the objectives of the comprehensive equity plan. The district Chief School Administrator shall also provide to the Department:

1. A statement of assurances and certification that:

i. The district will continue to maintain compliance with N.J.A.C. 6A:7; Titles VI and VII of the Civil Rights Act of 1964; the Guidelines for the Desegregation of Public Schools in New Jersey; and the Rehabilitation Act of 1973 (29 U.S.C. § 794);

ii. The district will perform all required activities as provided for in this chapter and report such assurances to the district's board of education annually;

iii. The district will continue the implementation of its approved comprehensive equity plan; and

iv. The district's board of education will provide a resolution approving the affirmative action officer for each school year of the three-year comprehensive plan.

6A:7-1.5 Affirmative action officer

(a) Each district board of education shall annually designate a member of its staff as the affirmative action officer and form an affirmative action team, of whom the affirmative action officer is a member, to coordinate and implement the requirements of this chapter. Each district board of education shall assure that all stakeholders know who the affirmative action officer is and how to access him or her.

1. The affirmative action officer must have a New Jersey standard certification with an administrative, instructional, or educational services endorsement, pursuant to N.J.A.C. 6:11.

2. The affirmative action officer shall:

i. Coordinate the required professional development training for certificated and non-certificated staff pursuant to N.J.A.C. 6A:7-1.6;

ii. Notify all students and employees of district grievance procedures for handling discrimination complaints; and

iii. Ensure that the district grievance procedures, which include investigative responsibilities and reporting information, are followed.

3. The affirmative action team shall:

- i. Develop the comprehensive equity plan pursuant to N.J.A.C. 6A:7-1.4(c);
- ii. Oversee the implementation of the district's comprehensive equity plan pursuant to N.J.A.C. 6A:7-1.4(c);
- iii. Collaborate with the affirmative action office on coordination of the required professional development training for certificated and non-certificated staff pursuant to N.J.A.C. 6A:7-1.6;
- iv. Monitor the implementation of the comprehensive equity plan; and
- v. Conduct the annual district internal monitoring to ensure continuing compliance with State and Federal statutes governing educational equity, pursuant to N.J.A.C. 6A:7-1.4(d).

6A:7-1.6 Professional development

(a) Each district board of education shall provide professional development training for all school personnel on a continuing basis to identify and resolve problems associated with the student achievement gap and other inequities arising from prejudice on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status.

1. The professional development training shall be provided to all certificated and non-certificated staff.
2. The district board of education shall invite parents and other community members to participate in the professional development training.
3. The district board of education shall ensure that all new certificated and non-certificated staff are provided with professional development training on educational equity issues within the first year of employment.

(b) The Commissioner or his or her designee shall provide technical assistance to local school districts for the development of policy guidelines, procedures and in-service training for affirmative action officers so as to aid in the elimination of prejudice on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status.

6A:7-1.7 Equality in school and classroom practices

(a) Each district board of education shall 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, by:

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

2. Attaining minority representation within each school which approximates the district's overall minority representation. Exact apportionment is not required, however, and the ultimate goal is a reasonable plan achieving the greatest degree of racial balance which is feasible and consistent with sound educational values and procedures;

3. Utilizing a State approved English language proficiency measure on an annual basis for determining the special needs and progress in learning English of language-minority students pursuant to N.J.A.C. 6A:15-1.3(c);

4. Utilizing bias-free multiple measures for determining the special needs of students with disabilities, pursuant to N.J.A.C. 6A:14-3.4;

5. Ensuring that support services, including intervention and referral services pursuant to N.J.A.C. 6:26, and school health services pursuant to N.J.A.C. 6:29, are available to all students; and

6. Ensuring that 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 that such exclusion is necessary.

- i. If excluded, the student shall be provided with equivalent and timely instruction, that may include home instruction, without prejudice or penalty.

(b) Each district board of education shall ensure that the district's curriculum and instruction are aligned to the State's Core Curriculum Content Standards and 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, by:

1. Ensuring that 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. Ensuring that 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;

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

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

4. Ensuring that schools demonstrate the inclusion of a multicultural curriculum in its instructional content, materials and methods, and that students understand the basic tenet of multiculturalism;

5. Ensuring that African American history, as well as the history of other cultures, is infused into the curriculum and taught as part of the history of the United States, pursuant to N.J.S.A. 18A:35-1 and the New Jersey Core Curriculum Content Standards; and

6. Ensuring that instruction on the Holocaust and other acts of genocide is included in the curriculum of all elementary and secondary schools, as developmentally appropriate, pursuant to N.J.S.A. 18A:35-28.

(c) The district board of education shall ensure that all students have access to adequate and appropriate counseling services.

1. When informing students about possible careers, professional or vocational opportunities, the district board of education shall not restrict or limit the options presented to students on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status.

2. The district board of education shall not use tests, guidance or counseling materials which are biased or stereotyped on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status.

(d) The district board of education shall ensure that the district's physical education program and its athletic programs are equitable, co-educational and do not discriminate on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status, as follows:

1. The district board of education shall provide separate restroom, locker room and shower facilities on the basis of gender, but such facilities provided for students of each gender shall be comparable;

2. A school may choose to operate separate teams for the two sexes in one or more sports or single teams open competitively to members of both sexes, so 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 such athletic programs shall receive equitable treatment, including, but not limited to, staff salaries, purchase and maintenance of equip-

ment, quality and availability of facilities, scheduling of practice and game time, length of season and all other related areas or matters.

6A:7-1.8 Equality in employment and contract practices

(a) Each district board of education shall ensure that all persons regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status shall have equal and bias free access to all categories of employment in the public educational system of New Jersey, pursuant to N.J.A.C. 6A:7-1.1.

(b) A district board of education shall not enter into any contract with a person, agency, or organization that discriminates on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status, either in employment practices or in the provision of benefits or services to students or employees, pursuant to N.J.A.C. 6A:7-1.1.

(c) A district board of education shall not assign, transfer, promote or retain staff, or fail to assign, transfer, promote or retain staff, on the sole basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status, pursuant to N.J.A.C. 6A:7-1.1.

(d) The district board of education shall ensure equal pay for equal work among members of the district's staff, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status, pursuant to N.J.A.C. 6A:7-1.1.

6A:7-1.9 Accountability

(a) The district board of education's obligation to be accountable for the requirements of this chapter is not precluded or alleviated by any rule or regulation of any organization, club, athletic association or other league or group.

(b) Each school district shall, by September 30, 2003, submit its comprehensive equity plan based on an assessment of the district's needs for achieving equity in educational programs that includes a cohesive set of policies, programs and practices that ensure high expectations and positive achievement patterns and equal access to education opportunity for all learners, including students and teachers.

(c) A comprehensive equity plan shall include the following:

1. A needs assessment that includes student assessment and behavioral data disaggregated by gender, race, ethnicity, Limited English Proficiency, Special Education, Migrant, date of enrollment, student suspension, expulsion, 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 group; staffing practices; quality of program data; and stakeholder satisfaction data;

2. A description of how other Federal, State and district policies, programs and practices are aligned to the comprehensive equity plan;

3. Adequate yearly progress targets for closing the achievement gap;

4. Professional development targets regarding the knowledge and skills needed to provide a thorough and efficient education as defined by Core Curriculum Content Standards, differentiated instruction, and formative assessments aligned to Core Curriculum Content Standards and high expectations for teaching and learning; and

5. Annual targets addressing district needs in equity in school and classroom practices that are aligned to professional development targets.

(d) The comprehensive equity plan shall be written every three years.

(e) The district board of education shall initiate the comprehensive equity plan within 60 days of its approval, and shall implement the plan in accordance with the timelines approved by the Department.

(f) If the district board of education does not implement the comprehensive equity plan within 180 days of the approval date of the plan, or fails to report its progress annually, sanctions deemed to be appropriate by the Commissioner of Education or his or her designee shall be imposed, and may include action to suspend, terminate or refuse to award continued Federal or State financial assistance, pursuant to N.J.S.A. 18A:55-2.

(g) Annual progress in meeting targets for all equity goals shall be included in the Quality Assurance Annual Report.

6A:7-1.10 Appeals

In accordance with N.J.S.A. 18A:6-9, any individual may petition the Commissioner of Education in writing to resolve a dispute arising under these rules pursuant to procedures set forth in N.J.A.C. 6A:3.