

**CHAPTER 7**

**MANAGING FOR EQUALITY AND EQUITY IN EDUCATION**

**Authority**

N.J.S.A. 18A:36-20.

**Source and Effective Date**

R.2008 d.305, effective September 16, 2008.  
See: 40 N.J.R. 2160(a), 40 N.J.R. 6200(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 7, Managing for Equality and Equity in Education, expires on September 16, 2015. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 7, Managing for Equality and Equity in Education, was adopted as new rules by R.2003 d.229, effective June 2, 2003. See: 35 N.J.R. 537(a), 35 N.J.R. 2503(a).

Chapter 7, Managing for Equality and Equity in Education, was readopted as R.2008 d.305, effective September 16, 2008. See: Source and Effective Date.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**6A:7-1.1 Purpose**

The purpose of this chapter is to ensure that all students regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status are provided equal access to educational programs and services by district boards of education. These educational programs and services include the teaching of challenging curriculum based on the New Jersey State Core Curriculum Content Standards, differentiated instruction, formative assessments aligned to the Core Curriculum Content Standards, qualified teachers, and high teacher expectations for student learning. These rules specify standards for district boards of education in establishing policies and procedures for the provision of educational programs and services for all students, pursuant to: Article I, Paragraph 5 of the New Jersey State Constitution, the New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 et seq.); N.J.S.A. 18A:35-1; 18A:36-20; 18A:38-5.1; Titles

VI and VII of the Civil Rights Act of 1964 (P.L. 88-352); the Equal Employment Opportunity Act of 1972 (42 U.S.C. § 2000e); Title IX of Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.); the Equal Pay Act of 1973 (P.L. 88-38); Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112); the Individuals with Disabilities Act of 1990 (P.L. 103-336); and the Individuals with Disabilities Education Act (IDEA) of 1997 (P.L. 105-17).

**6A:7-1.2 Scope**

These rules specify standards that apply to district boards of education providing general education services to students in grades preschool through 12, special education services to students ages three through 21, or adult education programs, and to charter schools.

**6A:7-1.3 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“Achievement gap” means the difference in academic performance among student groups within a district defined at minimum by race, ethnicity, social and economic status and student status, for example, limited English proficient or students with disabilities and other significant student populations which may include gender, national origin, affectional or sexual orientation, religion and marital status.

“Affectional or sexual orientation” means male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, having a history thereof, or being perceived, presumed or identified by others as having such an orientation.

“African American history curriculum” means instructional content, materials and methods infused into the State’s Core Curriculum Content Standards designed to enable students to learn and develop an understanding of the persecution, emancipation, discrimination, achievements and contributions by people of African descent and how these experiences helped to transform America and continue to contribute toward the emergence of a global society.

“Comprehensive equity plan” means a plan designed specifically to ensure that an equal educational opportunity is available to all students through the identification and correction of discriminatory and inequitable practices prohibited by State and Federal law.

“Disability” means any physical limitation, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device. “Disability” also means any mental, psychological

or developmental limitation resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques.

“Discriminatory practices” means a policy, action, or failure to act that limits or denies equal access to or benefits from the educational activities or programs of a school, or that generates or permits injustice or unfair or otherwise inequitable treatment of students or staff on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status.

“Diversity” means unique differences among individuals, groups and cultures.

“Educational activities and programs” means all activities and programs conducted, sponsored or permitted by the school during the school day, after regular school hours, on weekends, or during the summer months.

“Employment and contract practices” means all policies and practices governing the recruitment, hiring, assignment, evaluation, retention and promotion of the employees of a school, the solicitation and awarding of contracts and the purchasing of materials and services.

“Equal educational opportunity” means the creation of environments that enable the provision of a thorough and efficient education as defined by the State’s Core Curriculum Content Standards, differentiated instruction, formative assessments aligned to Core Curriculum Content Standards and high expectations for teaching and learning in a public school district; and when prejudice and other forms of discrimination have been eliminated in the policies, practices and curricula of the district as evidenced through the narrowing of the achievement gap; and when all students and staff enjoy equal access to all programs and benefits provided by or offered within the public schools of the district.

“Equality” means sameness, uniformity, and equivalence. Equality focuses on a student’s access to educational resources.

“Educational equity” means a cohesive set of policies, programs and practices that ensure high expectations and positive achievement patterns and equal access to educational opportunity for all learners, including students and teachers.

“Equity” means when all groups of students master the goals of the curriculum to approximately the same degree. Equity focuses on students’ access to knowledge.

“Formative assessments” means classroom assessments aligned to the State’s Core Curriculum Content Standards administered on an ongoing basis in order to inform instruction and monitor student progress.

“Holocaust and genocide curriculum” means instructional content, materials and methods that are infused into the

State’s Core Curriculum Content Standards that meet the Holocaust/genocide mandate. Materials and curricula are designed to enable students to understand that genocide is a consequence of prejudice, bias, intolerance and discrimination, that issues of moral dilemma and conscience have a profound effect upon a society, and that all citizens share a responsibility to oppose prejudice and discrimination in all facets of their lives.

“Multicultural curriculum” means to incorporate throughout the curriculum the experiences, perspectives, and accomplishments of men and women of diverse racial and cultural backgrounds, ethnicities and national origin that comprise the American society, and to develop among students a respect for self and others, an appreciation of diversity, the acquisition of attitudes, skills and knowledge needed to function effectively with persons of diverse cultures.

“Multiculturalism” means the ability of an individual, group or organization to acknowledge, adapt and operate within more than one culture.

“National origin” means ethnic groups consisting of persons from countries other than the United States of America and reflects a category established by the Federal government that includes persons of the following minority groups: Alaskan Native, Asian, Haitian, Hispanic or Latino, Native American or Pacific Islander.

“Prejudice” means feelings, opinions, attitudes, or perceptions that produce disparate educational or hiring treatment of or have adverse educational or hiring impact upon any person or group of persons on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status.

“School and classroom practices” means all policies and practices governing curricular and extracurricular objectives, content, methods, materials, media, facilities and services provided by a district board of education.

“School desegregation” means the plan and process for correcting the impermissible segregation, separation or isolation of students in the schools, programs or courses of a district on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status. “School desegregation” also means the requirement to neutralize or reduce the negative effects of segregation, separation or isolation upon students.

#### **6A:7-1.4 Responsibilities of the district board of education**

(a) Each district board of education shall adopt and implement written educational equity policies that:

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,