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**THE STATE OF NEW JERSEY**  
**GUIDELINES GOVERNING SCHOOL DESEGREGATION/  
INTEGRATION**

*9/11/01*  
*10/11/01*

## STATEWIDE TASKFORCE ON SCHOOL DESEGREGATION

Sincere appreciation is expressed to the following persons for the generous contribution for their time and energy, for their enthusiasm and encouragement, and above all, for their insight and advice which had profound affect upon the formulation of these Guidelines:

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**SCHOOL DESEGREGATION IS A STATE PRIORITY**

by Saul Cooperman

Equal educational opportunity for all people has long been the policy of the State of New Jersey. The beginnings of our state's rich history of efforts prohibiting segregation and other forms of discrimination in the public schools began more than a century ago and continues today in a significantly strengthened form.

A substantial body of research has proven beyond reasonable doubt that policies, practices or conditions that separate or discriminate against human beings on the basis of race, color, national origin or gender distort the self-perceptions of those persons and create other hurdles to the realization of their full potential. Tomorrow's society will be shaped by the students whom we prepare in our schools today.

School desegregation constitutes a necessary first step whenever students or staff are separated or otherwise discriminated against on the basis of race, color, or national origin in the schools of a district. Equal educational opportunity cannot exist where segregation or other forms of discrimination exist, whether de facto or de jure in origin. And equal educational opportunity for everyone is a fundamental principle supporting the Constitution of the great State of New Jersey.

**PURPOSE OF THE GUIDELINES**

by Walter J. McCarroll

School desegregation is the required process for correcting policies, practices, and conditions that inhibit or prevent equal educational opportunity in public schools. Compliance with the requirements of school desegregation is mandatory for all districts that have identified racial/national origin imbalances in their schools. Such districts are required to develop and implement a desegregation plan. This requirement is incorporated into the state's Manual for the Evaluation of Local School District's Pursuant to the Public School Education Act of 1975 and codified as Monitoring Element #9, Indicator #9.1. Compliance with Indicator #9.1 is necessary for the district to obtain certification as meeting the provisions of a thorough and efficient system of education.

These Guideline requirements are not new. Many laws, policies, executive orders, court decisions, and regulations bear upon desegregation, racial imbalance, integration, and other requirements of equal educational opportunity. The Guidelines simplify the compliance process for school districts by incorporating all relevant requirements and prohibitions regarding desegregation into one document. They specify the approval criteria and performance standards, and provide uniform procedure and format for organizing the desegregation plan and documenting its results.

By incorporating all desegregation requirements into a single document, the Guidelines enable school districts to go beyond mere desegregation (meaning the correction of policies, practices, or conditions that separate, limit or otherwise discriminate against students or staff on the basis of race, color, or national origin; and the reduction of negative effects of past discrimination). The Guidelines will enable districts to pursue the original intent of the law -- equal educational opportunity (meaning integration, and the realization of personal potential). Moreover, use of the Guidelines will enable all school districts to address the provision of equal educational opportunity for students and staff regardless of size, relative wealth, complexity of problems, or extent of current segregation.

Questions related to the use of these Guidelines should be directed to the Office of Equal Educational Opportunity, Division of County and Regional Services.

## HOW TO USE THE GUIDELINES

by Barbara Anderson

Every effort has been made to make these Guidelines self-explanatory. Illustrations and examples are provided when needed to clarify complex requirements or procedures.

Simplification and familiarity have also been emphasized. Most desegregation plan components and strategies included in these Guidelines will be familiar to district personnel who have developed desegregation plans or revisions since 1980. There are also some more recent strategies to address specific desegregation problems. Plan approval criteria and performance standards, in use for years but previously unpublished, have been included in the Guidelines to assist districts to determine the adequacy of their plans before submission and during implementation.

### Recommended Procedure

1. Read the entire document first. Be sure to read the appendices, as they provide additional, detailed information that should broaden your understanding of the desegregation requirements, processes, and strategies described in the Guidelines.
2. Re-read Sections IV, V, and VIII, in that order. Complete those components of your district's desegregation plan according to the instructions. Use the forms provided whenever possible, or you may develop and use your own, if similarly designed. Technical assistance that may be obtained through OEE0, as needed.
3. Decide which desegregation strategies will provide greater benefit to the students and staff of your district. Determine which will have the broader appeal to, and elicit more substantial support from, your district's constituent communities (including district personnel, parents, and community/civic/municipal leaders). Consider which strategies can be used as vehicles to enhance instructional effectiveness and increase student achievement and growth in affective and cognitive areas.
4. Integrated curricular and instructional practices are also required. Refer to Section VII for a detailed description of Multicultural Curriculum Infusion.

5. Refer to Section III to assess the adequacy of the desegregation plan draft that you have developed.
  - a. When your review shows that the plan draft seems to satisfy state approval criteria, submit the document to OEE0 for a preliminary review. Address your submission to the OEE0 Compliance Unit. Within 30 days, you will receive from OEE0 a written advisory containing one of three statements, along with a date for final submission:
    - 1) the plan draft is approvable, if adopted by the (district) Board of Education as submitted;
    - 2) the plan draft requires modification, as specified herein, and adoption by the (district) Board of Education; or
    - 3) the plan draft, as submitted, is not approvable and will require major restructuring.

As necessary, OEE0 staff will contact the district superintendent and arrange a meeting to provide the necessary technical assistance. The name and telephone number of the OEE0 Compliance Coordinator, as well as the proposed time frame for the technical assistance meeting will also be provided.
  - b. The district will have 45 days from the date of the advisory to finalize the plan, obtain the local board's adoption by resolution, and submit the adopted plan to OEE0 for formal review and approval.
  - c. Within 30 days, OEE0 will evaluate the plan for adequacy and either:
    - 1) recommend full plan approval;
    - 2) approve and authorize the implementation of adequate plan components, while notifying the district of components requiring further revision by a specified date; or
    - 3) reject the plan and provide direction for making the necessary corrections by a specified date.

The Commissioner of Education shall maintain jurisdiction until full achievement of the goals and objectives of the school desegregation plan, as approved, has been documented. The state's implementation process will be followed, as described in Section II of these Guidelines. OEE0 will provide or otherwise make available to desegregating school districts technical assistance required to accomplish the district's compliance with these Guidelines, according to need. To contact OEE0, call (609) 984-0889 or write:

Office of Equal Educational Opportunity  
New Jersey Department of Education  
240 West State Street CN 500  
Trenton, New Jersey 08625-0500

## **SECTION I. OVERVIEW**

- A. LEGAL BASES FOR DESEGREGATION/INTEGRATION**
- B. PURPOSE OF SCHOOL DESEGREGATION/INTEGRATION**
- C. NEGATIVE EFFECTS OF SEGREGATION/DISCRIMINATION**



## I. OVERVIEW

The purpose of these Guidelines is to establish a set of uniform criteria for school desegregation in New Jersey public schools. The Guidelines include the legal bases, rationale and procedures for implementing desegregation remedies and related corrective action plans. They assist districts to comply with State regulations (NJAC 6:4) implementing law and public policy regarding desegregation. The requirements are not new, but consolidated and coordinated into uniform guidelines governing the comprehensive desegregation of public schools in New Jersey.

### A. LEGAL BASES FOR DESEGREGATION/INTEGRATION

The legal bases for desegregation are grounded in the following citations of constitutional, statutory, administrative and case law: (See Appendix 2)

- Fourteenth Amendment to the U.S. Constitution
- New Jersey State Constitution
- U.S. Supreme Court: Brown v. Topeka Board of Education
- N.J. Supreme Court: Booker v. Plainfield Board of Education
- Civil Rights Act of 1964
- N.J.S.A. 18A:38-5.1 et seq.
- N.J.S.A. 10:5-1 et seq. and 10:2-1 et seq.
- N.J.A.C. 6:4-1.1 et seq.

Racial, ancestral, and religious discrimination have been illegal in the State of New Jersey for more than a hundred years. A public law enacted in 1881 (L 1881, c. 149) prohibited the exclusion of children from schools on the basis of race, creed, color, national origin, or ancestry. This appears in broadened form in our current statutes (R.S. 18:14-2), codified in 18A:38-5.1.

New Jersey's strong policy against racial discrimination and segregation in the public schools finds further expression in Article I, paragraph 5 of the State Constitution which prohibits discrimination and/or segregation based on religion, race, color, ancestry, or national origin in the public schools of the state. In 1949, the Legislature broadened its earlier law against discrimination to embody provisions against discrimination in places of public accommodation (L. 1949, c. 169). As thus broadened, the law provides that all persons shall have the opportunity to obtain "all the accommodations, advantages, facilities and privileges of any place of public accommodation, including any public school, without discrimination because of race."<sup>1</sup> The Attorney General advanced the contention before the Commissioner of Education, that this law precludes a board of education "from permitting the existence of segregation when, in fact, it could reasonably be eliminated."<sup>2</sup>

Past judicial pronouncements and legislative policy have established that segregated enrollments are impermissible. It has also been determined by past Commissioners of Education and the courts that de facto segregation is as harmful to students as de jure segregation (see Glossary of Terms, Appendix 1) and when called upon, the courts have not hesitated to strike down direct and indirect efforts to circumvent the Commissioner's directives.<sup>3</sup> Decisions by federal courts in cases heard around the nation indicate that segregation is unconstitutional even when less than complete and even when accomplished by inaction rather than by action.

The neighborhood school policy is valid only insofar as it is operated within the confines established by the Constitution. It cannot be used as an instrument to confine minorities within an area artificially delineated in the first instance by official acts. If it is so used, the Constitution has been violated and the courts must intervene.<sup>3</sup>

**The New Jersey Administrative Code** is explicit in its procedures for eliminating discrimination on the basis of race, color, creed, religion, sex, ancestry, national origin, or social or economic status; and for establishing Equality in Educational Programs. It states, in part:

- "Public school students shall not be segregated --." (NJAC 6:4-1.5d)
- "All persons -- shall have equal access to all categories of employment --." (NJAC 6:4-1.6a)
- "Each -- district shall arrange for or provide continuous inservice training to identify and resolve problems arising from prejudice --." (NJAC 6:4-1.3d)
- "Each Board of Education shall adopt and approve courses of study, instructional materials, and programs designed to eliminate discrimination and promote understanding and mutual respect between children of different races (etc.). Community involvement in this process shall be encouraged." (NJAC 6:4-1.3e)
- "No student shall be denied access to or benefit from any educational program or activity --." (NJAC 6:4-1.5a)
- "There shall be no differential requirements for completion of course offerings or courses of study --." (NJAC 6:4-1.5b)
- "School personnel shall not use (differentiated or stereotyped) tests, procedures or other guidance and counseling materials. They shall in no way restrict or limit the options presented to students (regarding) possible career, professional and/or vocational opportunities." (NJAC 6:4-1.5g)

## **B. PURPOSE OF SCHOOL DESEGREGATION/INTEGRATION**

An approved School Desegregation/Integration Plan must provide a systematic and comprehensive approach to resolve problems of discrimination, promote respect for human and civil rights, and produce equal educational opportunity for all students in New Jersey public schools, as defined in these Guidelines.

### **GOALS**

1. Mitigate and correct or prevent racial/national original isolation or imbalance.
2. Balance staff at all levels of responsibility, areas of assignment, educational programs and facilities, by race and national origin.
3. Infuse the curriculum with multicultural content and instructional strategies which enable students to:
  - (a) critically analyze historical and contemporary racial, cultural, and ethnic issues in society,
  - (b) make intelligent decisions about the affect of those issues upon their lives, and
  - (c) interact effectively within schools, communities, and jobs that are integrated by race, national origin, ethnicity, culture, and gender.
4. Foster public understanding of and support for desegregation/ integration and the elimination of bias.
5. Avoid resegregation.

## **C. NEGATIVE EFFECTS OF SEGREGATION/DISCRIMINATION**

Segregation is unacceptable for two basic reasons: (1) it is illegal in the United States; (2) it harms all groups caught in the segregation phenomenon. To separate (minority) children from others of similar age and qualifications solely because of their race (or national origin) generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.<sup>4</sup> Substantial research, as well as practical experience, have demonstrated that segregation, whether de jure or de facto, produces the following effects which are not in the best interest of society:<sup>5</sup>

- subdivides and thereby weakens society
- lowers the self-esteem of minority students and distorts the perceptions of self-worth of all students
- denies minority group students access to the resources they need to break out of the stereotype in which they are placed

- denies all students the opportunity to experience (during their formative years) the benefits and realities of American pluralism, thereby, failing to prepare them to function effectively as responsible adults in a democratic society.

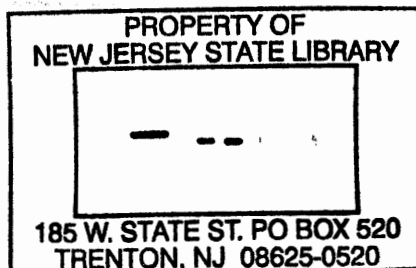
To be sure, school desegregation does not represent the total solution to the separation of Americans within the society. Employment, income, and housing are other important causes of stratification. However, desegregation dispels the ignorance and reduces the mistrust that keeps groups at arms length. At the same time it enhances aspirations and provides opportunities for those trapped at the bottom rungs of society. School desegregation is fundamental to equal educational opportunity which, in turn, is a priority of the New Jersey public schools. To teach about the American democratic ideals of freedom and justice while students observe and experience the realities of inequality, prejudice, and racism is hypocritical. In its 1965 Booker v. Plainfield ruling, the New Jersey State Supreme Court made the following observation:

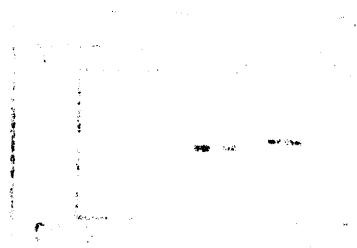
In a society such as ours, it is not enough that the 3 Rs are being taught properly, for there are other vital considerations. The children must learn to respect and live with one another in multiracial, multicultural communities -- and the earlier they do so, the better. It is during their formative school years that firm foundations may be laid for good citizenship and broad participation in the mainstream of affairs.<sup>6</sup>

Footnotes:

1. L. 1949, c. 11. See Levitt & Sons, Inc. v. Division Against Discrimination, etc. 31 N.J. 514, appeal dismissed, 363 U.S. 418, 4 L. Ed. 2d 1515 (1960); Jones v. Haridor Realty Corp., 37 N.J. 384 (1962).
2. R.S. 18:25-4; R.S. 18:25-5. In Walker v. Board of Education of the City of Englewood (decided May 19, 1955).
3. See Pierce v. Union District School Trustees, 46 N.J.L. 76 (Sup. Ct. 1884), aff'd, 47 N.J.L. 348 (E. & A. 1885); Raison v. Board of Education, Berkeley, 103 N.J.L. 5-7 (Sup. Ct. 1927); Paterson v. Board of Education, 11 N.J. Misc. 179 (Sup. Ct. 1923), aff'd, 112 N.J.L. 99 (E. & A. 1934); Hedgepeth v. Board of Education of Trenton, 131 N.J.L. 153 (Supt. Ct. 1944) for examples of early court rulings against unequal treatment in New Jersey.
4. Brown v. Topeka Board of Education (347 U.S. 483; 1954)
5. See: Meyer Weinberg, Desegregation Research: An Appraisal (Bloomington, IN: Phi Delta Kappa, 1970) see also: Assessment of Current Knowledge About the Effectiveness of School Desegregation Strategies (Nashville: Vanderbilt University, Institute for Public Policy Studies, Center for Education and Human Development Policy, 1981) IX Volumes.
6. Booker v. Plainfield (1963 S.L.D. 136 & 45 N.J. 161-178, 1965)

**SECTION II. THE PROCESS FOR DEVELOPING AND IMPLEMENTING SCHOOL  
DESEGREGATION/INTEGRATION PLANS IN NEW JERSEY PUBLIC SCHOOLS**





2. A desegregation/integration plan is prepared, adopted by the local school board, and submitted to the Commissioner of Education through the OEE0 Director for approval. OEE0 reviews the plan on behalf of the Commissioner and recommends appropriate action. The plan is reviewed for its likelihood of success in meeting its goals and objectives. Criteria for approval include a clear articulation of the problem, feasible solutions, realistic timetables, delineation of responsibilities, and evidence of the school board's commitment to full implementation of the plan and maintenance of compliance.
3. If the plan is unacceptable, the OEE0 Director returns it to the district with suggestions for modification. A new date for the submittal of a modified plan is set and technical assistance is again offered. The district is in non-compliance but remains free of sanctions as long as it is making substantial progress toward a solution.
4. If the plan is acceptable, it is approved by the Commissioner or designee and becomes the blueprint for the district's desegregation program. OEE0 will offer additional technical assistance for the implementation of the desegregation program.
5. If implementation of the district's approval plan requires transportation, this requirement alone will not trigger the transportation of non-public school students. Consistent with State requirements, the district may be reimbursed for the transportation of students whose residences are remote to their assigned schools.
6. The Department of Education maintains jurisdiction throughout the desegregation program and monitors the process through OEE0 and the county offices, both on-site and by means of progress reports required from the local district. This is done on a periodic basis, at least annually, and shall include the standard pupil enrollment reports submitted by the local district each fall.

#### Non-Compliant Districts

1. The development and implementation of approved school desegregation/integration plans, as directed by the Commissioner, are necessary for certification of the district as meeting the provisions of a thorough and efficient system of public education. Every effort will be made by Department of Education personnel to persuade non-compliant districts to comply with the Commissioner's request. These efforts may include, but are not limited to, meeting with higher level administrators and/or members of the school board to explain the state's policy and address their concerns. OEE0 will offer to help the district gather community support for desegregation, provide training and materials, and help identify potential funding sources for desegregation activities.
2. A district which manifests blatant or subtle resistance to the desegregation directives, continues to submit unacceptable plans,

## II. THE PROCESS FOR DEVELOPING AND IMPLEMENTING SCHOOL DESEGREGATION/ INTEGRATION PLANS IN NEW JERSEY PUBLIC SCHOOLS

The State Department of Education has developed the following procedure to ensure compliance with desegregation requirements in New Jersey:

### Review, Identification, and Notification

1. Enrollment figures and other data collected by county offices of education, processed by the Department's Management Information Services are reviewed by the Office of Equal Educational Opportunity.
2. Districts showing schools with imbalanced enrollments on the basis of race, national origin or both -- and districts within which some other form of discrimination is alleged to exist -- are "flagged" and examined closer for other factors as well. Those may include the district's affirmative action efforts, the quality of services provided to students who are limited English proficient, the extent of student and staff stratification, grouping and discipline practices, dropout patterns, and other indicators of unequal treatment as described in Section VIII, of these Guidelines. Data is re-checked in conference with county staff. If pupil imbalance or other infringement on civil rights is confirmed, the Director of the Office of Equal Educational Opportunity (OEEO) will do the following:
  - a. Meet with the respective county superintendent to review the problem, assess local conditions, and consider other mitigating information, if any.
  - b. Meet, in conjunction with the county superintendent, with the local district superintendent and board of education to discuss the need for a desegregation plan.
  - c. Request that the local district submit to the department by a specified date a formal desegregation plan describing in specific terms the approach the district will take to correct the impermissible conditions.
  - d. Offer technical assistance in the development and adoption of the plan.

### Cooperating Districts

1. In most cases, the local district requests technical assistance. OEEO provides on-site consultation, training, and other advisory services to enable the district to develop its own process for the elimination of impermissible practices.

misses deadlines, undermines public confidence in school desegregation, or otherwise challenges the Commissioner's authority in this regard, will be directed to appear before an Administrative Law Judge to show cause why the Commissioner should not impose a plan -- or take other enforcement measures -- to bring the district into compliance with state policy. The local district may be represented by its attorney; the Department of Education is represented by the Attorney General's Office. The Administrative Law Judge's decision may be affirmed, modified, or rejected by the Commissioner, who is empowered to issue the final decision. If the Commissioner does not act within 45 days, unless time is extended, the Administrative Law Judge's decision becomes official in accordance with N.J.S.A. 52:14B-10. Conceivably, the district may be able to show cause why sanctions should not be imposed against it, in which case the district remains in non-compliance but is given additional time and assistance to comply. The local district may also agree to develop a plan in earnest, in which case the necessary assistance will be provided by OEE0 and the county office of education.

3. If the local district fails to show cause indicating why it should be exempt from sanctions, the Commissioner has no alternative but to apply any number of measures authorized by law. These could include refusing to certify the district, disapproving the local budget, ruling the local district ineligible for state aid, assessing fines, imposing the department's own desegregation remedy upon the district, or assuming control over the administration of the district. The Commissioner's orders carry the force of law. They may be appealed through the state's courts but must be obeyed unless overturned by the courts.
4. On occasion, a district will challenge in court the Commissioner's authority to order a desegregation remedy. If the court rules in favor of the local district, the Department will abide by the court's decision and instructions.
5. If it rules in favor of the state's position, the court in some cases may have a desegregation program developed by experts and order the local district to implement it. In such cases, the court may either retain jurisdiction over the desegregation process or assign to the Commissioner the responsibility of overseeing implementation of the court's mandate.
6. In most cases, however, the court remands the matter to the Commissioner for disposition. To date, the courts have not only confirmed the Commissioner's authority to correct segregation but have reminded the Commissioner of the duty to do so.



**SECTION III. APPROVAL STANDARDS FOR  
SCHOOL DESEGREGATION/INTEGRATION PLANS**



### III. APPROVAL STANDARDS FOR SCHOOL DESEGREGATION/INTEGRATION PLANS

#### Official Desegregation Classifications

##### 1. Approved

The district is implementing a School Desegregation/Integration Plan that has been approved by the Commissioner of Education through the Director of the Office of Equal Educational Opportunity (Commissioner's designee).

Explanation: A plan that satisfies all the review criteria shall be approved for implementation to begin not later than the first day of the school year (in September) immediately following the date of approval. Plans must attain and maintain district compliance with desegregation requirements to continue their "Approved" status.

##### 2. Unapproved

- a. The district failed to submit a plan in accordance with timelines established by the Department of Education.

Explanation: A district that fails to submit an acceptable School Desegregation/Integration Plan within the time allotted in the directive from the New Jersey Commissioner of Education or designee shall be classified as unapproved. Compliance enforcement action shall be initiated.

- b. The School Desegregation/Integration Plan submitted by the local board of education does not meet the requirements of the New Jersey Department of Education.

Explanation: A plan that is substantially deficient shall be classified unapproved. Appropriate modification of the plan shall be required.

Also, a district's plan that becomes inadequate to maintain lawful levels of correction and/or fails to produce the requisite equal educational opportunity shall be unapproved. Corrective action shall be required.

- c. The district is not implementing its plan as approved by the Commissioner or designee.

Explanation: Districts that fail to implement their plans in a timely and efficient manner in accordance with the plan's schedule and action plans, shall be unapproved. Effective implementation shall be required. Technical assistance will be provided by the New Jersey Education Department's Office of Equal Educational Opportunity.

### 3. Conditionally Approved

- a. The district's plan does not meet all the requirements established by the New Jersey Department of Education. It has been authorized to proceed with implementation of those elements in the plan that meet the Department's criteria. The district is in the process of modifying the Plan, which will then be submitted for approval by the Commissioner of Education. The terms of the conditional approval will be specified by OEEEO.

Explanation: A plan with missing or unacceptable elements or one which fails to satisfy all of the established criteria must be corrected or supplemented within a time period allotted by OEEEO. During the revision period, the acceptable parts of the plan shall be implemented. Technical assistance shall be provided by OEEEO.

- b. The district's plan is being developed, approved, and implemented in phases. Completed phases are being implemented, as approved. Additional phases required to satisfy state Guidelines governing school desegregation are being developed and implemented consistent with criteria and timelines authorized by OEEEO.

Explanation: Should the development and implementation of a comprehensive plan, require more than one year to become fully operational, the district may petition the OEEEO Director for permission to develop and implement its plan in predetermined phases. Conditional approvals may be granted for periods of one school year provided all desegregation plan phases:

- satisfy the requirements of these Guidelines.
- are completed consistent with authorized criteria and timelines.

Technical assistance shall be provided by OEEEO.

**SECTION IV. SEGREGATED/IMBALANCED SCHOOL ENROLLMENTS  
REQUIRING CORRECTIVE ACTION**



e. Compute the permissible deviation limits for each group of students, separately:

- (1) Upper deviation Limit - add the deviation percentage to the districtwide percentage for that group
- (2) Lower deviation Limit - subtract the deviation percentage from the districtwide percentage for that group

f. **EXAMPLES**

(1) **Computation of Permissible Deviation Percentages**

Given: Districtwide percentages in grades 6-8:

<u>BLACK</u>	<u>WHITE</u>	<u>NAT. ORIG.</u>
10%	20%	70%

.10 x .3 = .03 Permissible deviation for black students = 3%

.20 x .3 = .06 Permissible deviation for white students = 6%

.03 + .06 =  $\frac{.09}{2}$  = .045 Permissible deviation for national origin students = 4.5%

(2) **Computation of Permissible Deviation Limits**

Formula: Districtwide percentage plus deviation = Upper Limit  
Districtwide percentage minus deviation = Lower Limit

Permissible Deviation Limits

		<u>BLACK</u>	<u>WHITE</u>	<u>N.O.</u>
HIGH LIMIT	=	13%	26%	74.5%
DIST.%	=	10%	20%	70.0%
LOW LIMIT	=	07%	14%	65.5%

In all schools serving the same grade levels student enrollments must conform to the permissible deviation limits, or they will be imbalanced.

**EXCEPTIONS APPLICABLE TO ELEMENTARY SCHOOL ENROLLMENTS**

Districts claiming inability to reassign students, either voluntarily or involuntarily, to correct imbalanced school enrollments or otherwise eliminate segregated schools, must make their case to OEE0 in writing. OEE0 will review the district's claim. If substantiated, the district may be permitted to use an Integrated Quality Education (IQE) strategy especially designed to fit its specific situation. The requirements governing IQE are described in Section VI of these Guidelines.

## IV. SEGREGATED/IMBALANCED SCHOOL ENROLLMENTS REQUIRING CORRECTIVE ACTION

### Correction Standards:

A variety of strategies may be used to reassign students to balance school enrollments by race and national origin. The district may adapt one or more of the traditional strategies listed in Appendix 4 of these Guidelines, or may create its own. Some strategies may create better balance than others in different schools or at different grade organization levels. Therefore, the district may opt to use one strategy, for example, in its K-5 schools, another to balance the schools serving grades 6-8, and another at the 9-12 high school level.

The important thing is that the strategy be adequate to correct the imbalanced enrollments without creating or sustaining other discrimination in the process.

1. Within each school, the enrollment of students should reflect their districtwide percentages, by race/national origin minority group, as defined in #2, following.
2. Enrollments in all schools serving the same grade organization levels may deviate within permissible limits and still be considered to be in balance (desegregated). Schools with enrollments outside of the permissible deviation limits are segregated, and not in compliance.

The permissible deviation range for white, black, and national origin minority students should be computed separately for each grade organization level: elementary, middle or junior high, high school. This is necessary because the racial/national origin percentages may vary by grade organization level. The permissible deviation limits are computed as follows:

### Process for Computing Permissible Deviations:

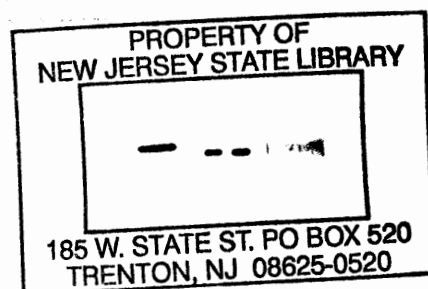
- a. Identify the grade organization level being assessed.
- b. Determine the districtwide percentage at that level for white, black, and national origin students.
- c. Compute the deviation for the two smaller groups of students first. Multiply the districtwide percentage of each group by (.3). **This becomes the percent of permissible deviation for each of the two smaller groups.**
- d. Add together the permissible deviation percentages of the two smaller groups, and then divide that sum by (2). **This becomes the percent of permissible deviation for the largest group of students.**





## SECTION V. SCHOOL DESEGREGATION/INTEGRATION PLAN COMPONENTS

- A. Essential Elements of the Twelve (12) Required Components
- B. Checklist of Required Desegregation/Integration Plan Components
- C. School Desegregation Action Plan Forms





## V. SCHOOL DESEGREGATION/INTEGRATION PLAN COMPONENTS

### A. ESSENTIAL ELEMENTS OF 12 REQUIRED COMPONENTS:

#### 1. Board Policy Statements, that

- a. Commit the district and its personnel to comply with all federal and state law and public policy governing civil rights, school desegregation, discrimination elimination, and equal educational opportunity.
- b. Commit the district to identify and eliminate discriminatory practices and conditions, wherever they exist.

Documentation: The Board adopted policy statement.

#### 2. Board Resolution, that

- a. Adopts and directs the full implementation of the district's desegregation/integration plan, and its submission to the Commissioner, for approval.
- b. Authorizes the necessary budget allocations, and required periodic program and fiscal reports.

Documentation: The adopted Board Resolution.

#### 3. School Desegregation Coordinator

The district must appoint a school desegregation coordinator from its professional or administrative staff who reports to the Superintendent. The duties must include:

- a. Responsibility for the effective and timely development and implementation of the desegregation/integration plan, and
- b. Management of the interface with the district's affirmative action and bilingual education plans.

Documentation:

- Name, title and phone number of the Desegregation Coordinator
- Copy of the table of organization, duties, and staff reporting relationships
- Copies of the Desegregation Coordinator's reports or directives.

#### 4. STUDENT REASSIGNMENT CORRECTIVE ACTION PROCEDURE

Furnish a detailed account of the district's plans to bring about a racial/national origin balance in the affected schools without creating imbalances in the balanced schools. Describe strategies to be implemented, i.e., re-zoning/ redistricting of school attendance areas, pairing of schools, magnet programs, etc. (See Appendix 4 for illustrated descriptions of traditional desegregation models. See Section IV for the criteria governing racial/rational origin balance.)

Provide an accurate count of the number of students, identified by race/national origin, in each school involved in the desegregation effort. Clearly defined demographic information should be placed upon a map of the district, showing the schools and their respective attendance areas, and the student population distribution within those areas, by race/national origin.

##### Documentation

- Detailed description of district's plan to balance and maintain integrated school enrollments. (Copy and use the forms on pages 31-33.)
- A student count based upon race/national origin, showing imbalanced schools and grades. (Use the most recent Fall Report data.)
- A district map showing all schools, attendance areas, and student distributions by race/national origin group.
- Pre and post student distribution chart. (Use form on page 34)

#### INTEGRATED QUALITY EDUCATION (IQE) CORRECTIVE ACTION PROCEDURE

(See Section VI of these Guidelines)

#### OTHER DISCRIMINATION PROBLEMS REQUIRING CORRECTION

Detailed plans of action to correct discrimination and other factors that limit or deny equal educational opportunity must be included in the district's school desegregation/integration plan. A separate Corrective Action Plan must be developed to address each discrimination problem identified in the OEEQ letter of findings to the district, or as a result of an annual self-assessment. (Use forms on pages 31-34.)

The assessment should ascertain district compliance with concerns listed on the Self-Assessment of School Desegregation/Integration Plan Requirements checklist (Use page 30), and as defined in Section VIII, Discrimination Problems Requiring Corrective Action. (Use pages 68a and 68b.). The annual self-assessment will become a part of the Plan for Maintenance of Compliance, described in Component 12 on page 27.

Documentation capability must be made a part of each Corrective Action Plan. The Corrective Action Plan forms at the end of this section (pages 31-34) may be duplicated for use.

5. **STAFF DEVELOPMENT**

a. Describe the specific approach the district will employ to assess the inservice training needs of staff personnel to enhance their roles in the district's desegregation process, as listed in 5b through e, following.

b. **For Administrators and Principals**

**Scope:** The attitudes and perceptions of principals and other administrators are critical to the successful implementation of any desegregation or IQE program. Educators should seek the respect and cooperation of racial/national origin communities, and must demonstrate a willingness to learn about and respond appropriately to their needs and aspirations. Train administrators to enable them to carry out successfully the following tasks.

- Tasks:**
- 1) Solicit and incorporate the concerns and priorities of community members and organizations regarding school desegregation in general and integration specifically.
  - 2) Identify and resolve racial/national origin prejudice and disrespect among school personnel and within the student body.
  - 3) Communicate strong support for the school desegregation program, and provide effective leadership to achieve outcomes of the desegregation plan, as approved.
  - 4) Eliminate and avoid statements, actions or failures to act that cast aspersions about, confuse or undermine public confidence in, or enthusiasm for, the desegregation plan or effort.

c. **For Instructional Personnel**

**Scope:** To enhance knowledge and provide information for teachers about the basic facts of race and the psychology of being a minority group member, as well as the legal, historical and educational precedents for school desegregation. Teachers should have the opportunity to learn and practice skills and techniques that lead to better intergroup relations in the classrooms and schools.

Tasks:

- 1) Train teachers to recognize, obtain, and use research materials, local role models, and other available resources to develop and/or enhance the pluralistic curriculum in their classrooms.
- 2) Provide a forum for teachers to exchange ideas and strategies and collectively resolve problems of incorporating pluralistic content and resources into their lesson plans and classroom presentations, and deal with the responses they receive from students and/or parents.
- 3) Enable teachers to learn about and recognize racial and cultural prejudices, acquire the skill to constructively confront themselves and their students, and provide effective, low-risk, uniform strategies to correct behavior and attitudes reflecting such prejudice in the classroom or school.
- 4) Enhance teachers' interpersonal and pedagogical skills to:
  - improve cross-cultural communication with each other, with students and with parents;
  - match their teaching methods and materials to the diverse learning styles of their multiracial, multicultural students;
  - neutralize the bias and stereotypes in texts and instructional materials;
  - raise teacher expectations of low-achieving minority group students;
  - ensure uniformity and fairness in the application of discipline procedures;
  - develop effective classroom management techniques for non-discriminatory grouping in instructional areas;
  - review implications of equity in test selection, application and interpretation, and in the appropriate use of results;
  - promote the active participation of LEP and special needs students and parents within and throughout the school desegregation process;

- provide realistic opportunities for advancement for minority teacher role models, especially males in the elementary grades.

d. **For Guidance and Counseling Personnel**

**Scope:** To increase the counselor's ability to serve as a bridge between the demands of the desegregated school and the needs of the individual student. Serious attention must be given to preparing guidance counselors for helping male and female students of diverse racial/national origin groups to succeed in the public schools, and to desire and pursue post-secondary educational opportunities. Increase the ability of guidance personnel to carry out the following tasks effectively.

- Tasks:**
- 1) Identify, assess and meet the needs of minority and non-minority students.
  - 2) Guide students to make enlightened vocational/career choices and requisite educational decisions consistent with their innate abilities and potentials. The need is to overcome the diminished perceptions and aspirations imposed by limited experiences, culturally-restrictive influences and past discrimination.
  - 3) Discuss openly with students and assist them in resolving, without prejudice, their concerns involving racial/national origin school desegregation and discrimination.
  - 4) Seek out and counsel potential dropouts. Identify available non-school resources to improve students' attendance and achievement. Help students adjust and thrive within the integrated learning environment.
  - 5) Seek out and make available to students timely information on sources of assistance, post-secondary educational opportunities including Black and specialized colleges, and on student aid for minority and female students without regard to traditional cultural/socioeconomic status limitations.

e. **For Support Staff**

**Scope:** The district shall hire, train, and deploy throughout its support services units, personnel who reflect the racial/national origin diversity of the geographical area. They can serve as role models for students, promote positive human relations, and contribute to a pleasant school environment that supports integration.

- Tasks:**
- 1) Train all support services personnel in their roles in promoting and providing integrated education, emphasizing its benefits to students and to themselves.
  - 2) Inservice all personnel in effective human relations and communication skills to prepare them to interact with a pluralistic student population.
  - 3) Provide instructions and create awareness to insure that the food services department respects the food choices of minority students and provides popular menu items reflecting the preferences of diverse races and cultures.
  - 4) Train bus drivers, secretaries, custodians, teacher aides, and cafeteria workers to work effectively and respectfully with students and parents of diverse racial/national origin cultures.

**Documentation** (For #5a-e)

- Copies of staff inservice plans, including objectives, agendas, handouts, and sign-in sheets.
- Evidence of training and its impact upon the attitudes and practices of staff.
- Evidence of additional steps to promote equal treatment of staff and improve minority staff morale.
- Evidence of promotion of minority staff, including the placement of minority males in the elementary schools.

**6. SERVICES FOR LIMITED ENGLISH PROFICIENT STUDENTS**

Describe the district's provisions to meet the educational needs of national origin students who are limited English proficient.

Describe strategies to be implemented to avoid the disruption of bilingual services or the isolation of bilingual programs in the desegregation process. Involve the bilingual program administrator(s) and key bilingual staff in the desegregation process.

**Documentation**

- State-approved bilingual program
- Process for resolving conflicts between the desegregation plan and the bilingual program
- Roles and responsibilities of key bilingual program personnel in the desegregation process.

7. MODIFICATION OF CURRICULUM, INSTRUCTIONAL MATERIALS, MEASURING INSTRUMENTS AND TEACHING STRATEGIES

- a. Develop and implement culturally pluralistic curricula and instructional practices in desegregating schools. Identify the steps by which the district will incorporate the experiences, perspectives, and insights of men and women of diverse racial/national origin groups throughout the district's curriculum and within recommended instructional practices. (Also, see Section VI., Multicultural Curriculum Infusion.)
- b. Student assessment practices must be screened for cultural bias, and to prevent the misuse of test results.
  - 1) Tests and test scores are not to be used to discriminate against any student in grouping for instructional purposes. Instructional groups may be neither isolated nor identifiable by race or national origin, except as defined within these guidelines. (See Glossary of Terms.)
  - 2) Assessment procedures should employ methods such as differentiated questions, which take into consideration the racial/national origin differences of the students.
- c. Instruction shall encompass the history of African-Americans, as well as other protected class minority groups, incorporated throughout the entire K-12 curriculum. The desegregation plan requires that Black History, as well as the history of protected class minority groups, be taught K-12. Such instruction is to be neither additive nor supplementary, but should constitute an integral part of all curricula at all grade levels. This includes science, math, and literature, as well as non-academic and extracurricular courses. [See N.J.A.C. 6:4-1.5(d); 6:8-2.1(b) and (c).]
- d. The relationship of the teaching styles of the district staff to the diverse learning styles of students shall be addressed. Strategies must describe how any mismatch between teaching and learning styles will be identified and resolved, and the learning predispositions of students accommodated.
- e. Detect and remove or neutralize bias and stereotypes based on race, national origin, or gender in instructional materials and curriculum. The following information should be included in this plan of action:
  - 1) District's policy and procedure for evaluating the treatment of race/national origin groups (males and females) in textbooks before they are adopted for use.

- 2) The process by which the district systematically replaces biased texts and instructional materials with those which include the accomplishments, experiences and perspectives of racial and national origin groups; and which depict men and women in non-traditional roles. Include the process for involving teachers, administrators, and parents/community.
  - 3) Description of how texts and instructional materials found to be biased or inaccurate are supplemented to include multiracial/multicultural information of a positive nature.
  - 4) Description of the extent to which positive information about the experiences, perspectives and insights of racial/national origin groups and women are included in all of the courses in the school, including social studies, English, literature, physical education, home economics, science, etc. Include the district's policy in this regard.
- f. Describe how the school library includes books, magazines, and other materials which reflect diverse racial/national origin groups and women for all grade levels. Tell when and how those materials will be evaluated for sensitivity to the concerns and aspirations of race/national origin groups and women.
- g. Attach the school district's listing of recent films, filmstrips, records, and other multimedia resources on racial/national origin groups, and women. Describe how to access such A-V through a city, county, or state library.

#### **Documentation**

- Copy of the multiculturally infused curriculum and sample lesson plans.
  - Sample textbook evaluations reflecting accurate representations of minority groups and females, and copy of criteria for selection.
  - Test instruments and copy of bias evaluation criteria.
  - Copy of the district's process for evaluating instructional materials and tests.
  - Evidence of supplementing or replacing biased materials and tests.
8. **Human Relations Training** must be provided for all students at all grade levels in all schools throughout the district. (See Appendix 5) This training must be designed to facilitate student interaction through activities that:
- a. produce pragmatic understanding and acceptance of one's self and the ability to work cooperatively with people of one's own race or national origin;

- b. develop understanding and skills, enabling students to interact effectively with people of other races and national origins;
- c. examine the ideals and perceptions of reality among racial/national origin groups;
- d. teach the concept of integration as a positive, constructive phenomenon vital to the needs of American society.
- e. Teach appreciation for the value of diversity and pluralism among racial/national origin groups.
- f. Reduce the negative effects of bias upon minority students, including:
  - Poor self-motivation and low expectations/aspirations
  - Poor self-confidence and a perception of unacceptance/rejection
  - Low self-esteem, marginal self-respect, and defensiveness
  - Disruptive, aggressive, or self-destructive behavior
  - Over-participation in dead end educational tracks
  - Under-development of academic and social potential
  - Learned helplessness and ignorance of self and potential
  - Poor test-taking and study skills

**Documentation**

- Course descriptions, teacher lesson plans and student materials
- Course schedules and class attendance sheets
- Copies of assessment procedures, instruments and results
- Evidence of increased student understanding of self and others, and improved interpersonal skills

9. **STUDENT AND PARENT NOTIFICATION/PREPARATION**

- a. Indicate how affected students will be prepared for changes in their learning environment. Explain the orientation process to be utilized for imparting information to students and parents. Indicate when and how students and parents will be notified and what the district will do to minimize any anxieties related to the process of desegregation. (See Appendix 6)

**Documentation**

- List of the environmental changes affecting students, along with copies of preparatory strategies
- Procedure for the effective notification of parents/students
- Strategy for dispelling anxiety

- b. Describe the roles and responsibilities of community members in the planning, implementation and evaluation of the desegregation process. Describe the related training activities, strategies for developing community support for the desegregation process, and if applicable, the role and responsibilities of a school/community Ombudsman.

In the case of a national origin minority community, this effort may necessitate establishing viable liaisons across linguistic and cultural lines.

Include information about the district's plan to work with the media in providing ongoing, timely, relevant and accurate information to all constituent communities. Indicate the contact person(s) who will be able to impart information about this activity. (See Appendix 6)

#### Documentation

- Copy of a plan to facilitate two-way information exchange with parents and the community.
- Evidence of community participation in desegregation planning, implementation and evaluation.
- District plan for facilitating community input, participation and support of the plan
- Name and responsibilities of a school/community Ombudsman, if any.

#### 10. BUDGET

State the provisions being made in the district's budget to cover all additional cost factors required by the district's desegregation process.

#### 11. TECHNICAL ASSISTANCE NEEDS

Identify the district's specific needs associated with implementation of this section. Estimate the scope and nature of any technical assistance required for effective plan implementation (or modification). Reflect estimated costs thereof in the district's budget.

#### Documentation

- List of district needs for technical assistance from OEEEO and other sources, by category, amount, priority, and relative timelines.

#### 12. PLAN FOR MAINTENANCE OF COMPLIANCE - ANNUAL REPORT

By May 15th of each year, the district must report on the progress it has made in meeting the objectives of its approved plan, explanations for objectives not achieved, and action plans for their correction. Objectives and implementing action plans for the next school shall be included in that annual report. (Use pages 31-34.)



The original desegregation plan and each subsequent annual report shall include a copy of the district's self-assessment and corrective action plans formulated to maintain compliance with all desegregation requirements as listed in these Guidelines. Specific strategies to keep the district's pupil enrollments desegregated/integrated must be monitored by the district on an ongoing basis, to accommodate student transfers and enrollment shifts.

### Documentation

- Annual Review of Progress Report on School Desegregation, including:
  - Survey of Existing Desegregation Programs and Activities forms, completed; (page 29a and b)
  - District Self-Assessment of School Desegregation Integration Plan Requirements form completed; (page 30)
  - School Desegregation Corrective Action Plans, as needed; (pages 31 - 33)
  - Reassignment Plan form showing the number of students to be reassigned to correct any segregated/imbalanced student enrollments; (page 34)
  - Observations of Potential Discrimination Problems form, completed. (Use pages 68a and 68b to facilitate this review.)









# EQUALITY IN EDUCATIONAL PROGRAMS

## SECTION III - ANNUAL REVIEW OF PROGRESS PART C - DISTRICT SELF-ASSESSMENT OF SCHOOL DESEGREGATION/INTEGRATION PLAN REQUIREMENTS REPORT AND RELATED CORRECTIVE ACTION PLANS

District \_\_\_\_\_ County \_\_\_\_\_

Desegregation Coordinator \_\_\_\_\_ Telephone Number \_\_\_\_\_

Address \_\_\_\_\_

**Instructions:** Indicate whether the district is in compliance with the State Guidelines Governing School Desegregation/Integration by marking **YES** or **NO** before each item below. Make sure your answers can be documented. IQE districts must answer all 24 items. Districts not using the IQE approach need not answer Section 6 (items 13-16). Return this form to OEE0 with a School Desegregation Corrective Action Plan for each **NO** answer.

**YES/NO**      **SCHOOL DESEGREGATION/INTEGRATION PLAN REQUIREMENTS - (GGSD:5)**

- \_\_\_\_\_ 1. Board Policy Statement on School Desegregation/Integration
- \_\_\_\_\_ 2. Board Resolution Adopting Plan and Requiring Implementation
- \_\_\_\_\_ 3. Name and Duties of School Desegregation Coordinator
- \_\_\_\_\_ 4. Correction of Segregated/Imbalanced School Enrollments
- \_\_\_\_\_ 5. Staff Development (Inservice)
- \_\_\_\_\_ 6. Services for Limited English Proficient Students
- \_\_\_\_\_ 7. Modification of Curriculum, Materials, Test Assessment Instruments, and Teaching Strategies
- \_\_\_\_\_ 8. Human Relations Training
- \_\_\_\_\_ 9. Parent and Student Notification and Preparation
- \_\_\_\_\_ 10. Budget
- \_\_\_\_\_ 11. Identification of Needed Technical Assistance (if any)
- \_\_\_\_\_ 12. Plan for Maintenance of Compliance (Annual Report)

**ADDITIONAL REQUIREMENTS FOR PLANS USING IQE STRATEGIES - (GGSD:6)**

- \_\_\_\_\_ 13. Integrated Instructional Activities
- \_\_\_\_\_ 14. Multicultural Curriculum Infusion - (GGSD:7)
- \_\_\_\_\_ 15. Parent/Community Involvement
- \_\_\_\_\_ 16. Student Preparation for Integrated Learning

**DISCRIMINATION PROBLEMS REQUIRING CORRECTIVE ACTION - (GGSD:8)**

- \_\_\_\_\_ 17. Staff Segregation/Imbalance
- \_\_\_\_\_ 18. Student/Separation/Isolation Within Courses, Classes, Programs, or Extracurricular Activities
- \_\_\_\_\_ 19. Underrepresentation of Minorities in Gifted/Talented and Accelerated Classes
- \_\_\_\_\_ 20. Overrepresentation of Minorities in Special Education, Detentions, Suspensions, Dropouts
- \_\_\_\_\_ 21. Student Disruptions Based on Race or National Origin
- \_\_\_\_\_ 22. Child Study Team Insensitivity
- \_\_\_\_\_ 23. Facilities that Contribute to Imbalance/Separation of Students
- \_\_\_\_\_ 24. Citizen's Complaints



School District: \_\_\_\_\_ County: \_\_\_\_\_ School Year: \_\_\_\_\_

Superintendent: \_\_\_\_\_ Deseg. Coordinator: \_\_\_\_\_ Phone: \_\_\_\_\_

Title of this Desegregation Plan Component: \_\_\_\_\_

Program/Activity Objective: *(State succinctly what result(s) will be accomplished, by what date, and the evidence (data, measured change, et al) that will document accomplishment of the results.)*

***LIST PARTICIPATING SCHOOLS BY GRADE RANGE (eg. K-3) AND NUMBER OF PARTICIPATING CLASSES (eg. 10 OF 14): Attach sheet if needed.***

SCHOOL NAME <i>(*Asterisk activity site)</i>	GRADE RANGE	CLASSES # of total	SCHOOL NAME <i>(*Asterisk activity site)</i>	GRADE RANGE	CLASSES # of total

***PROCESS FOR TRAINING/INVOLVING/INFORMING PARENTS AND COMMUNITY PERSONS:***





11/11









## **SECTION VI. THE INTEGRATED QUALITY EDUCATION STRATEGY (IQE)**

- A. Limitation on the Use of IQE**
- B. Components of IQE**
- C. IQE Action Plan Forms**



## VI. THE INTEGRATED QUALITY EDUCATION STRATEGY (IQE)

### A. LIMITATION ON THE USE OF IQE:

A district that **cannot** reassign students to achieve racial/national origin balance in its school enrollments may petition the Office of Equal Educational Opportunity for permission to use IQE instead. The IQE strategy produces integrated instructional activities through scheduled quality programming and deliberate groupings of staff and students. The IQE strategy permits students to remain segregated for a substantial portion of the instructional year, and requires a greater commitment of resources and staff energies to be successful. Hence, OEEO approval to use IQE will be contingent upon the requesting district's commitment and provisions for effectively implementing the IQE process in its schools.

### PROCESS:

For a predetermined portion of the school year, students are organized into instructional groups that reflect the district's makeup with regard to race and national origin. In addition, a pluralistic and enriched learning environment is created through the integration and inservice of staff, multicultural curricula, infusion, student training, parental involvement, and strategies to maximize interpersonal growth.

Plans using this approach must incorporate all the essential elements and requirements specified in Section V, and correct all discriminatory practices and conditions described in Section IV of these Guidelines. An Integrated Quality Education Strategy (IQE) will also include plans of action for implementing each of **four required IQE Components:**

- Integrated Instructional Groups for IQE
- Multicultural Curriculum Infusion (See Section VI of these Guidelines)
- Parent/Community Involvement
- Student Preparation for Integrated Learning

(IQE Action Plan forms are provided at the end of this section of the Guidelines (pages 41 through 44))

**B. COMPONENTS OF IQE ACTION PLANS**

**1. INTEGRATED INSTRUCTIONAL GROUPS**

**a. Standards for Participating Schools**

All district schools serving grades K-12 in which students are imbalanced by race or national origin, must integrate all enrolled students for 36 days of instruction per school year. All grade levels in each participating school must be included.

**b. IQE Grouping Methods**

Group schools with extremes of imbalance (i.e., Black with Hispanic) that serve the same grade levels. Include schools with the highest percentages of the smallest racial/national origin group of students in the district. The goal is to create pairs or clusters of schools with a cross-section of students that approximates the districtwide racial/national origin percentages.

**Example**

Given: A district has five imbalanced K-8 elementary schools with enrollments of unequal size.

SCHOOL NAME	STUDENT ENROLLMENTS AND PERCENTAGES					SCHOOL N.O.%	SCHOOL TOTAL
	WHITE #	SCHOOL W%	BLACK #	SCHOOL B%	NAT. O #		
A	17	4.3	375	93.8	8	2.0	400
B	25	6.7	293	78.1	57	15.2	375
C	289	80.3	3	0.8	68	18.9	360
D	195	95.1	9	4.4	1	0.5	205
E	11	5.5	150	75.0	39	19.5	200
	<u>537</u>		<u>830</u>		<u>173</u>		<u>1,540</u>
DISTRICT AVERAGE PERCENTAGE		34.9% WHITE		53.9% BLACK		11.2% NAT. ORIGIN	

STRATEGY FOR IQE GROUPING

Three of the schools can be clustered and the others paired to create two groups that reflect the districtwide student percentages by race and national origin, within a 5% range:

SCHOOL NAME	WHITE #	CLUSTER W%	BLACK #	CLUSTER B%	NAT. O. #	CLUSTER N.O.%	CLUSTER TOTALS	% of TOTAL
A.	17	5.3	375	71.0	8	7.0	400	41.7
C	289	91.2	3	0.6	68	59.1	360	37.5
E	<u>11</u> 317	3.5	<u>150</u> 528	28.4	<u>39</u> 115	33.9	<u>200</u> 960	20.8
% OF CLUSTER		33.0% WHITE		55.0% BLACK		12.0% NAT. OR.		
B	25	11.4	293	97.0	57	98.3	375	64.7
D	<u>195</u> 220	88.6	<u>9</u> 302	3.0	<u>1</u> 58	1.7	<u>205</u> 580	35.3
% OF PAIR		38.0% WHITE		52.0% BLACK		10.0% NAT. OR.		

**C. Integrated Instructional Activities**

Students may be integrated for instruction within any subject area currently offered by the district, or new programs or activities may be designed. Care must be exercised to maximize quality and to prevent a loss of instructional time-on-task. The learning environment must reflect and support positive cultural diversity, regardless of subject area. Opportunities for subject-related student interaction, cooperation and human relations must be provided within each integrated instructional activity.

The course offerings in which students are to be integrated must be fully articulated across participating schools and grade levels. The courses must also be fully delineated within district-approved course objectives, outlines, and sample lesson plans that show how and when the students will be integrated, how grading and attendance will be managed, how performance of the activity will be assessed, and all costs and budget sources.

The integrated instructional activities should take place during the regular school day. Integrated activities after school or in the summer are certainly encouraged, but may not count toward the required 36 days of integrated instructional time, per year. Human relations training as a part of these program activities should be included.

Grouping students to provide integrated instruction may be done in a variety of ways. Districts will have a great deal of latitude in this aspect of I.Q.E. Students may be brought together in a participating school or a neutral site where a particular program is offered. They may report directly to a participating school in their pair or cluster, or they may report first to their home school and then travel to the participating school.

The integrated instruction can involve a half or a whole school day per activity, for two or three days per week; one, two or three weeks per month; two or three months per year; one semester; or any combination thereof. These or other time configurations may be acceptable, as long as they satisfy the district's instructional and desegregation goals, and provide students with the required 36 days of integrated classroom interaction. The constraints of scheduling, budget, and travel time between instructional stations must also be considered.

## 2. PARENT/COMMUNITY INVOLVEMENT

In addition to the Parent and Student Notification and Preparation requirements specified in Section V, a district's IQE strategy must include the following:

- a. Detail how information will be made available to the public. Identify the district's efforts that are in addition to the standard procedures for dissemination of public information.
- b. Delineate the district's strategy and mechanism for dispelling rumors and correcting misinformation. Involve representative community persons in this effort to enhance its credibility. Be sure some of the task force members speak the language(s) of non-English speaking residents.
- c. Specify roles and strategies for the continued positive involvement of representative racial/national origin parents and "key communicators" in the desegregation planning and implementation process.
- d. Describe the plan for communicating the benefits of IQE to all communities affected by the plan.  
(See Appendix 6, Community Involvement, for more details.)

### 3. STUDENT PREPARATION FOR INTEGRATED LEARNING

A conscious, proactive effort must be made by the district to prepare students to function in an integrated learning environment.

The IQE strategy should:

- a. Inform students and respond to their questions about school desegregation in general, i.e., goals and objectives of the local plan. Describe their involvement in and benefits from a quality integrated learning experience. This information should be disseminated district-wide and shall include all sending and receiving schools affected by the desegregation effort.
- b. Make available to students and encourage their use of counseling and support services with appropriate racial/national origin role models to facilitate their participation in the school desegregation process, where appropriate.
- c. Involve students of all races and national origins in efforts to improve school attendance and increase their participation in all curricular and extracurricular programs of the school.
- d. Provide equal access to leadership and status opportunities for students of all races, national origins, gender, and socio-economic backgrounds.
- e. Motivate and involve actively a racially diverse cross-section of students in human relations and peer leadership training programs.
- f. Provide students with skills to assist their parents and peers to accept the students' changing attitudes toward school mates of different races and national origins.
- g. Assist students to support academically their newly integrated classmates through organized peer counseling and tutoring activities, as possible.
- h. Train all students in effective study skills and test-taking techniques.
- i. Survey a cross-section of minority and majority students to assess their recreational and social interests and involve them in the development and implementation of extracurricular responses to those interests, as appropriate.



School District: \_\_\_\_\_ County: \_\_\_\_\_ School Year: \_\_\_\_\_

Title of this I.Q.E. Plan Component: \_\_\_\_\_

**Description of the Segregation, Discrimination, or Isolation to be Corrected by this Action Plan:**

**Objective(s) of the Integrated Instructional Activity to be Implemented:** *(state succinctly what result(s) will be accomplished by what date, and the evidence (data, measured change, et al) that will document accomplishment of the results.)*

**Evaluation Process:** *(state briefly how and by what means the results will be measured.)*

**Process for Training/Involving/Informing Parents and Community Persons:**















## **SECTION VII. MULTICULTURAL CURRICULUM INFUSION (MCI)**

- A. MCI Purpose**
- B. MCI Implementation Process**
- C. MCI Indicators, Outcomes, Course Content**



## VII. MULTICULTURAL CURRICULUM INFUSION (MCI)

### A. MCI PURPOSE

#### 1. MCI DEFINITIONS

Multicultural Curriculum Infusion (MCI) incorporates throughout the curriculum, experiences, perspectives, and accomplishments of men and women of diverse racial/national origin groups of society. It provides a vehicle to enable school staff, students, parents, and community to do the following:

- understand the concept of culture
- develop a strong self-concept
- develop positive attitudes towards people of diverse racial, ethnic, and national origin groups and the handicapped
- interact effectively with others
- develop analytical decision-making skills on personal and public issues.

#### CULTURE:

The ways of living of a group of human beings that are perpetuated from one generation to another

#### ETHNIC GROUPS:

Types of microcultural groups within the United States that have unique characteristics setting them apart from other cultural groups. An ethnic group has a historic origin and a shared heritage and tradition

#### RACIAL GROUPS:

Persons related by common descent or heredity, resulting in varyingly distinctive physical characteristics. Included are

1. White (not of Hispanic origin): Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East
2. Black (not of Hispanic origin): Persons having origins in any of the Black racial groups of Africa

**NATIONAL ORIGIN GROUPS:** Ethnic minority groups consisting of persons from environments in which the dominant language is other than English and who, as a result of linguistic and cultural differences, do not have an equal educational opportunity. These include

1. Hispanic: Persons of Puerto Rican, Cuban, Mexican, Central, or South American ancestry, or other native Spanish-speakers regardless of race
2. Asian or Pacific Islander: Persons having origins in the original peoples of the Far East, Southeast Asia, the Indian Sub-continent, or the Pacific Islands
3. American Indian or Alaskan Native: Persons having origins in the original people of North America
4. Haitian: Persons having origins in the original people of Haiti

**PROTECTED CLASS:**

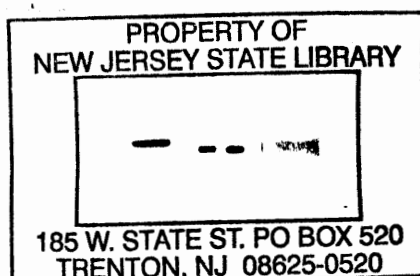
Any racial/national origin group (or member of that group) that is protected by anti-discrimination laws. . Individuals are protected by law from discrimination on the basis of, but not limited to, race, color, sex, and national origin.

The following groups are included in the "Protected Class" category:

- American Indian or Alaskan Native
- Asian or Pacific Islander
- Black
- Haitian
- Hispanic

2. MCI GOALS

- To have instructional staff and students recognize that New Jersey is comprised of individuals of diverse racial, cultural, and ethnic backgrounds and is therefore, a microcosm of most cultures worldwide.
- To have all curriculum content areas include ideas and perspectives of men and women of Black, Hispanic, and other protected minority groups
- To have instructional staff re-explore and revise, (if necessary) their teaching approaches within content areas to address the teaching/learning styles of students of diverse cultural backgrounds
- To increase the students' knowledge of diverse cultural attitudes toward and treatment of age, creed, ethnicity, gender, handicap, language, race, religion, and socioeconomic status
- To enable students to transcend their ethnocentrism and overcome their stereotypes of ethnic groups
- To improve intergroup/interpersonal relations through increased, unbiased knowledge of cultures
- To assist students to develop positive images of self and the racial/national origin/gender groups to which they belong
- To provide students with a multicultural knowledge base to enable them to interact more effectively in a pluralistic society and a globally interdependent world
- To increase students' knowledge of historical and social aspects of American society and how current problems could be solved
- To develop students' ability to recognize, critically analyze, and make intelligent decisions about complex problems and issues in contemporary society
- To enable students to recognize the need to eradicate inter-ethnic conflicts which result in racism, sexism, and low economic status and strive for equity and unity in a diverse society.



3. MCI OBJECTIVES

1. The MCI Committee(s) should identify areas of the curriculum which are already non-biased and multiculturally infused.
2. Within each subject at each grade level, the extent of multicultural content should be examined in order to determine the need for additional infusion.
3. Teachers should develop a philosophical and instructional rationale for implementing MCI.
4. Teachers should acquire knowledge and skills in identifying, utilizing, and evaluating multicultural resources.
5. Teachers should question, respond to, and treat in an equitable manner, girls and boys of different racial, national origin, religious, or socioeconomic groups, and the physically handicapped.
6. In planning and presenting lessons, teachers should show increased sensitivity to different student learning styles by diversifying teaching strategies to meet both cognitive and affective needs of students.
7. Teachers should be trained to evaluate and correct the curriculum for any distortions and biases based on race, sex, national origin, religion, ancestry or handicapped.
8. Students and teachers should be trained to identify and avoid the use of disparaging language, based on gender, race, national origin, religion, or handicap.
9. Teachers should be trained in identifying how their attitudes, expectations, and values affect the achievement of female and male students of diverse sociocultural backgrounds.
10. Teachers should be trained to mediate equitably interethnic conflicts in the classroom.
11. Teachers should be encouraged and motivated to use the skills and concepts in which they have been trained in all interactions with students.

4. **STANDARDS FOR MCI** (Documentation is required)

1. Studies of protected class groups must be throughout the curriculum.
2. Lessons in all subjects and grades must incorporate studies of at least one protected class group. This will be on a rotating basis so that several lessons in each subject will focus on each of the protected class groups.
3. The experiences of other ethnic groups should be incorporated throughout the curriculum.
4. Teacher-made tests and other evaluative measures reflect the implementation of MCI.
5. In order for a lesson to be multicultural, it must be non-biased and non-stereotypical by including:
  - Varying perspectives
  - Cultural similarities and differences
  - Varying religions
  - Varying standard languages and dialects
  - A discussion of interpersonal, intergroup relations between peoples of different gender, culture, race, ethnicity, national origin, religion, language, and socioeconomic status.

**B. MCI IMPLEMENTATION PROCESS**

**1. FORMATION OF MCI COMMITTEE(S)**

The superintendent should appoint an MCI Committee in the LEA to develop and implement MCI.

**2. MCI COMMITTEE(S) COMPOSITION**

Members of the MCI Committee should include the following:

- At least one teacher per discipline from the three grade organizational levels (elementary, middle, and high school)
- At least one building principal
- The curriculum supervisor
- A central office person
- A librarian
- A guidance counselor

**3. FUNCTIONS OF MCI COMMITTEE(S)**

Assessment of MCI should conduct a needs assessment of all curricular and instructional materials districtwide, as follows:

- Conduct a needs assessment to detect bias and stereotyping, and to determine if materials are culture fair.
- Examine the entire curriculum to detect bias and exclusions in materials and correct or supplement as needed
- Examine for multicultural content the media center materials ordered in the last two years including AV, books, magazines and other publications
- Examine for bias and stereotyping computer software, guidance materials and materials for all subject areas, including special education, compensatory education, vocational education, bilingual/ESL programs, and gifted/talented programs.
- Examine testing materials and procedures to detect biases and exclusions.
- Ascertain whether the district's constituent communities as well as other racial, ethnic groups are represented in the curriculum .



- |  | <u>75% or<br/>more</u> | <u>50% or<br/>more</u> | <u>25%<br/>or less</u> |
|--|------------------------|------------------------|------------------------|
| 11. Are students provided with field trips to the various local ethnic communities?  |                        |                        |                        |
| 12. Does the district provide for all staff on-going, mandatory staff training in fostering positive relationships among different racial/ethnic groups?                                     |                        |                        |                        |
| 13. Are all staff trained in the use of MCI?   |                        |                        |                        |
| 14. Do the staff training programs encourage participants to explore their attitudes and feelings about their own race, culture, and ethnicity, as well as the race and ethnicity of others? |                        |                        |                        |
| 15. Do the instructional methods accommodate the diverse learning styles of students within the school?  |                        |                        |                        |
| 16. Is the curriculum designed to enable students to learn how to function in disparate cultural environments?   |                        |                        |                        |
| 17. Is the curriculum designed to foster positive student self-concept?  |                        |                        |                        |
| 18. Do the teachers create a classroom atmosphere that reflects acceptance of racial/ethnic differences?   |                        |                        |                        |
| 19. Does the school consider ethnic group language varieties as valuable and respected communication systems?  |                        |                        |                        |
| 20. Do the assessment procedures appropriate for students with diverse learning and test-taking experiences?   |                        |                        |                        |
| 21. Does the school systematically evaluate MCI goals, methods, and instructional materials to determine their effectiveness?  |                        |                        |                        |
| 22. Are the results of evaluation used to improve the school program?  |                        |                        |                        |

5. MCI CONTENT DEVELOPMENT

District committees should develop identifiable multiculturally infused lessons in these areas:

Science  
Social Studies  
Communication and Language Arts  
Music/Art/Drama  
Physical Education/Health  
Mathematics  
Reading  
Home Economics and Family Living  
Industrial Arts  
Vocational Subjects

- (a) Provide through multicultural lessons that develop awareness of equity and critical thinking skills.
- (b) Enrich lessons with the following:
- multicultural AV materials
  - computer software that present racial, gender, national origin groups equitably
  - minority authors
  - multicultural content and activities
- (c) Increase awareness of:
- diverse racial and ethnic cultures
  - global interdependence
  - ways to interact positively with students/people from diverse racial and ethnic groups
- (d) Establish a multicultural school climate
- Incorporate visible multicultural themes throughout the school on bulletin boards, halls, displays, assembly programs, and cafeteria menu selection.
  - Provide equal access to extra-curricular activities for all students.
- (e) Provide guidance counselors with non-biased/stereotyped information on traditional and non-traditional career options for all students.

(f) Establish positive parent/home/school/community relations

- Send announcements of MCI to the students' homes in the primary language of the parents.
- Encourage men and women of diverse racial, national origin and religious groups to participate in their child's classroom activities, attend school functions, and provide input into the curriculum.

(g) Provide training in implementing MCI, in revising curriculum/materials, and in teaching from biased books through the use of supplemental materials.

6. DOCUMENTATION of MCI

Documentation of MCI Committee efforts should include the following:

- Results of the needs assessment
- The list of all meeting dates and staff training
- Agendas and sign-up sheet(s)
- Tallies of training evaluations
- Samples of materials that were found to be biased or exclusionary, and materials used to supplement them
- Samples of the district's training packets.
- Checklists/forms for teachers to report multicultural lessons.
- Multicultural lesson plans for all subjects and grades including Title I, special education, bilingual/ESL, gifted/talented programs and vocational education programs.

C. MCI INDICATORS, OUTCOMES, COURSE CONTENT

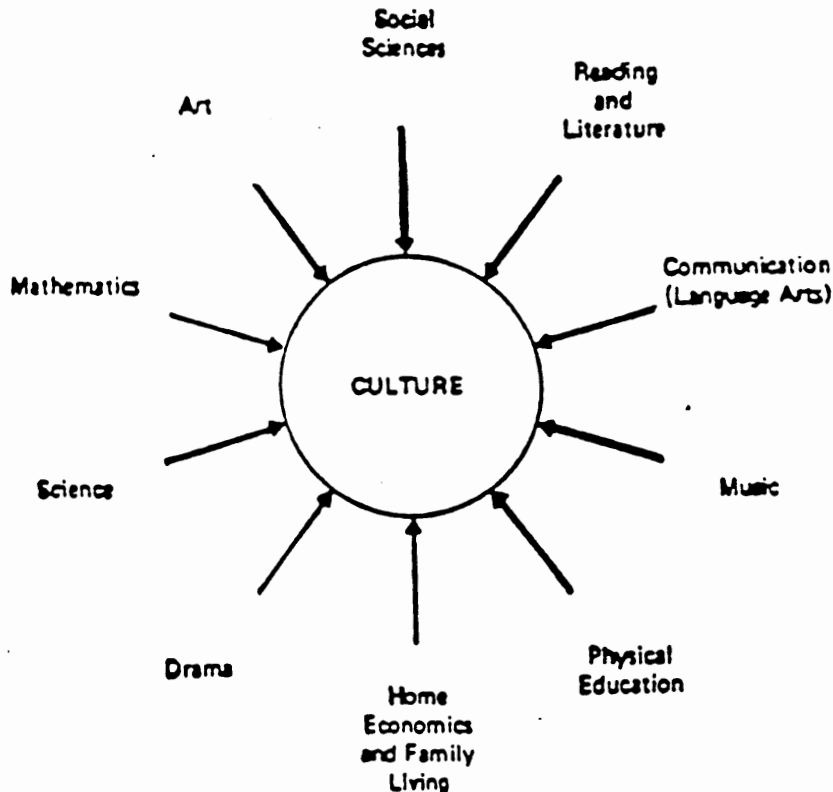
1. INDICATORS

CULTURE AS INTERDISCIPLINARY STUDY\*

In organizing multiethnic lessons, the teacher should present significant aspects of the history, culture, and contemporary experiences of a range of ethnic groups in American society and throughout the world.

Through MCI, the study of culture is best viewed from an interdisciplinary perspective which includes the core courses, the social sciences, art, communication, dance, drama, literature, and music. Ethnic studies, therefore, extend beyond disciplinary boundaries.

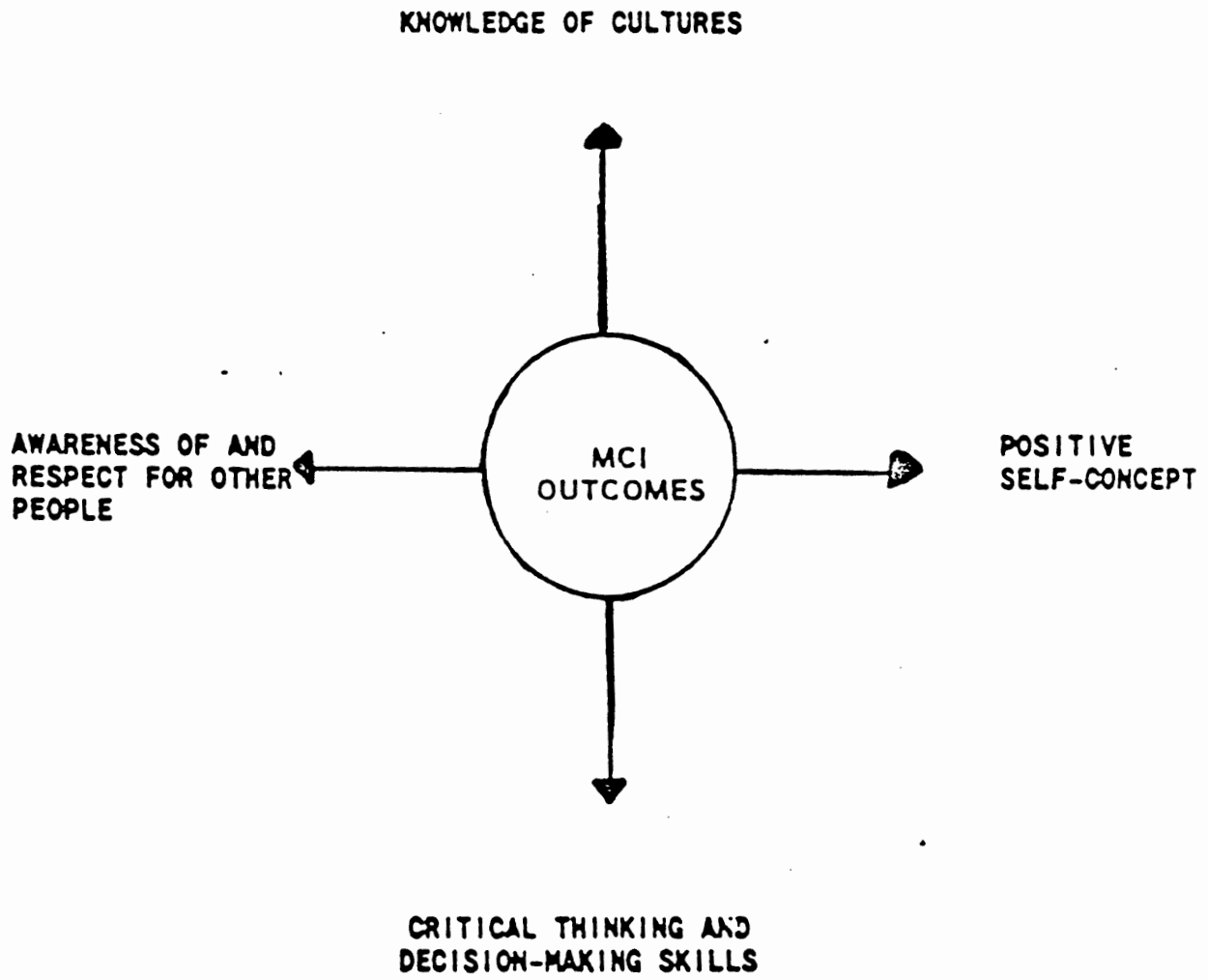
Within an interdisciplinary approach for example, the African-American protest of the 1960s would be studied in social studies, history, political science, literature, songs, dances, art, and language arts.



\* Adapted from James A. Banks  
Teaching Strategies for Ethnic Studies  
Boston, MA: Allyn and Bacon, Inc. 1984, p.32.

2. MCI OUTCOMES

Infusing the curriculum with equitable multicultural origin content enables students to comprehend and analyze events, concepts, and issues from diverse cultural perspectives. Outcomes of MCI are illustrated below:



3. MCI COURSE CONTENT.

ELEMENTARY LEVEL, LANGUAGE ARTS K-5. SCOPE & SEQUENCE

KINDERGARTEN

- \* Students will create stories and story endings from pictures with multicultural themes.
- \* Students will listen to stories on multicultural themes.
- \* Students will explore multicultural materials in the Media Center.

FIRST GRADE

LISTENING

Students will be exposed to poems/riddles and fairy tales that are non-sexist and multicultural.

SPEAKING

ORAL EXPRESSION

Students will recite nursery rhymes, interpret picture stories, and create simple stories and story endings that are non-sexist and multicultural.

VOCABULARY ENRICHMENT

Students will increase their vocabulary by learning foreign borrowings from other languages e.g.

- |                     |                        |                        |
|---------------------|------------------------|------------------------|
| *biscuit (French)   | *jazz (African Tongue) | *algebra (Arabic)      |
| *mozquito (Spanish) | *shampoo (Hindi)       | *lagoon (Italian)      |
| *lasso (Spanish)    | *pajamas (Hindi)       | *telephone (Greek)     |
| *jungle (Hindi)     | *coffee (Turkish)      | *okra (African Tongue) |

SECOND GRADE

LISTENING/SPEAKING

Students will comprehend and relate the facts of stories and poetry that are non-sexist and multicultural.

LIBRARY SKILLS

Students will read, share, and summarize material that is non-sexist and multicultural.

THIRD GRADE

LISTENING/SPEAKING

- \* Students will listen to and report on stories, book reports, discussions, current events, and role-play dramatizations that are multicultural.

WRITING

- \* Letters, original stories, and book reports will be multicultural.

FOURTH GRADE

LITERATURE

- \* Plays, biographies, and poetry will be multicultural.

ORAL EXPRESSION

- \* Interviews, oral compositions, book reports, demonstrations, current events, and group discussions will have multicultural themes.

WRITING

- \* Letters (business), plays, news stories, diaries and journals, fables, poems, riddles, autobiographies, book reviews, and experience stories will be multicultural.

FIFTH GRADE

LITERATURE

- \* Short stories, poetry, drama, novels, periodicals, and autobiographies will be multicultural.

SPEAKING

- \* Interviews, debates, panel discussions, and book reviews will be multicultural.

CREATIVE WRITING

- \* Poetry, Haiku, Cinquain, Limericks, compositions, book reports, research reports, experience stories, and the school newspaper will reflect multicultural themes.

4. MCI COURSE CONTENT: K-12

Health

1. Research the types of medical treatment provided to people in the United States and other cultures.
2. Identify a typical day's menu in the Middle East, Caribbean, Japan, Mexico, and among American Indians. Discuss socioeconomic factors for menu selection and foods included in the American diet from those countries and ethnic groups.
3. Compare different cooking utensils and eating implements among different cultures.

Physical Education

1. Compare the exercise/fitness regimes of China, India, and the United States.
2. Explain the differences in sports/games played in Europe, South America, and the United States.
3. Research sports and games played by the American Indians that we have adopted.
4. Demonstrate American Indian, Caribbean, and African dances.

Mathematics

1. Compare four basic computational operations found in the United States, Latin America, the Caribbean, and Egypt.
2. Compare the metric system and the abacus to the United States' standards of measurement.
3. Measure the number of kilometers and miles from students' homes to Trenton.
4. Prepare a chart of numbers 1-10 in Swahili, Chinese, and Arabic.
5. Compare the value of currency of the Soviet Union, Germany, Japan, Brazil, and the United States.
6. Analyze monetary fluctuations of currency values of different countries for one month.
7. Contrast and compare the Jewish, Muslim, Chinese, Julian, and Aztec calendars.

### Science

1. Research the use of herbal medicine in the United States and other countries.
2. Compare the weather and climate of the United States with that of other countries.
3. Discuss the differences between alternating current and direct current in the United States and other countries.
4. Compare how the United States and other countries work to conserve the environment and their views on altering it.
5. Compare the measurement of time used by the Egyptians, Chinese, Mayans, and Americans.

### Music

- Students will listen to "Lift Every Voice and Sing" by J. Rosamond Johnson and James Weldon Johnson. They will discuss why this song is considered to be "The Negro National Anthem."
- Students will study music and musical instruments from the Caribbean and Latin America to identify the influences of Europeans, Africans, and Native Americans on national musical genres.
- Students will listen to, and be able to distinguish Western Music (Based largely on Major and Minor Scales) from Eastern Music, (based largely on the Pentatonic Scale), and Mideastern Music, (based largely on Harmonic Minor Scales).

D. EXAMPLE: HISTORY UNIT

1. TOPIC: IMMIGRATION/MIGRATION/DISPLACEMENT

A. REASONS FOR IMMIGRATION-MIGRATION/DISPLACEMENT

Discuss how the majority of immigrants entering the United States sought better economic, political, and social opportunities. Discuss how the movement of individuals and groups to and within this country has been both voluntary and forced.

B. WHEN IMMIGRATION/MIGRATION/DISPLACEMENT OCCURRED

Provide examples of when, how, and the results of, immigration/migration/displacement for the following groups:

- \* American Indians
- \* Mexican Americans
- \* European Americans
- \* African-Americans
- \* Asian-Americans
- \* Puerto Ricans
- \* Indochinese Americans



**SECTION VIII. DISCRIMINATION PROBLEMS  
REQUIRING CORRECTIVE ACTION**



## VIII. DISCRIMINATION PROBLEMS REQUIRING CORRECTIVE ACTION

Constitutional law, policy, and regulation require local school boards to produce and maintain thorough and efficient systems of public education that provide equal educational opportunity for all students. Segregation and other forms of discrimination based on race or national origin violate the requirements of law. Hence, school districts with discriminatory policies, practices or conditions can be neither thorough nor efficient, nor can they provide equal educational opportunity as mandated by the state and federal constitutions.

### DISCRIMINATORY POLICIES, PRACTICES OR CONDITIONS ARE PROHIBITED

When discriminatory policies, practices or conditions, based on race, color, creed, religion, gender, ancestry, national origin, socioeconomic status, or handicapping condition exist within New Jersey public schools, they must be corrected by the development and implementation of a written plan, adopted by the local board of education and approved by the Office of Equal Educational Opportunity.

Discrimination exists in a school district when:

- its policies, practices, activities or conditions directly or indirectly discriminate against, or limit or deny any opportunity or benefit to any student or employee on the basis of his or her race, color, creed, religion, gender, ancestry, national origin, socioeconomic status, handicapping condition, or primary language.
- schools become racially, culturally, or linguistically identifiable.
- The racial or national origin composition of the student enrollment in individual schools, classrooms and programs, where children spend a substantial portion of the school day (more than 25% of instructional time) is disproportionate to the race/national origin student composition of the entire district at the grade levels in the school(s) under review. (See Appendix 1, page 73)

The policies, practices, activities, and conditions, including those listed in the following, are considered to be indicators of potential discrimination problems that require evaluation and possible correction:

#### 1. PROBLEM: STAFF SEGREGATION

##### Correction Standard:

In all job categories and within each educational facility, the composition of professional and support staff shall approximate districtwide percentages, by race, national origin and gender.

- a. Districtwide school, program, and central office staff compositions shall include a number and percentage of minorities and women at all levels reflecting their population in the district.

- b. Appropriate and positive minority and female role models for students across grade levels and throughout schools shall be provided.

**Correction Strategy:**

- Review the district's hiring, promotion, and assignment policies and practices to determine if the staff is proportionately represented (balanced) by race, national origin and gender at all levels of responsibility, and in all schools and programs throughout the district.
- Either (1) attach evidence to verify that all categories of district staff are balanced at all areas of responsibility in all schools and programs, or (2) attach a plan of action for balancing district staff, that spells out the staff reassignment process by assignment location (school/office site), job category, title, race and national origin.

**Documentation**

- Detailed table of organization showing staff assignments, current and projected, at each level of responsibility, in each building and program, by race, national origin and gender.

2. **PROBLEM: SEPARATION/ISOLATION WITHIN COURSES, CLASSROOMS, PROGRAMS OR EXTRA-CURRICULAR ACTIVITIES**

**Correction Standards:**

- a. Enrollments in all courses, classrooms, programs, or extra-curricular activities of the school should approximate the racial/national origin composition of the district.
- b. Access to and/or benefit from the courses, programs, or activities of the school shall not be limited nor denied to any student on the basis of race, national origin or gender.
- c. Significant gaps between the achievement scores of minority and non-minority students which persist over time shall be assessed annually to determine probable cause(s), and appropriate corrective action must be taken.
- d. Courses, classrooms, programs and extra-curricular activities should not be identifiable by race or national origin. (See Appendix 1, Glossary of Terms for definitions of "substantial" isolation and bona fide ability groups.) They should reflect the districtwide racial/national origin student composition at that grade level.

- e. The district's vocational education programs shall comply with the mandated requirements of Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Chapter 6:4 of the New Jersey Administrative Code, and New Jersey Statutes Annotated 10:5 et seq.

3. **PROBLEM: DISPROPORTIONATE (UNDER) REPRESENTATION OF MINORITIES IN GIFTED AND TALENTED AND ACCELERATED COURSES/CLASSES**

**Correction Standards:**

The composition of accelerated and/or Gifted and Talented classes should approximate the districtwide racial/national origin composition of students at the grade level under review.

4. **PROBLEM: DISPROPORTIONATE (OVER) REPRESENTATION OF MINORITIES IN SPECIAL EDUCATION CLASSIFICATIONS, OR IN DETENTIONS, SUSPENSIONS, EXPULSIONS, OR DROPOUTS OF A PARTICULAR GROUP OF MINORITY STUDENTS**

**Correction Standards:**

The representation of minority group students in these categories should not exceed their respective racial/national origin percentages of the districtwide enrollments for the grade levels in the school under review.

5. **PROBLEM: STUDENT DISRUPTIONS BASED ON RACE/NATIONAL ORIGIN**

**Correction Standards:**

The district must act affirmatively to prevent or correct the causes of student disruptions, and remedy their effects upon other students and upon the learning environment in the school. The district must review acts of intolerance, confrontation, or fighting among students of different races or national origins. Human relations instruction and minority staff role models shall be provided.

Discipline procedures and classroom management strategies shall be reviewed and revised, as needed, to ensure equal treatment of all students.

6. **PROBLEM: CHILD STUDY TEAM INSENSITIVITY**

**Correction Standard:**

Child Study Team members should demonstrate consideration of the impact of cultural and socio-economic difference upon the learning and behavior of racial/national origin minority students, and

utilize multicultural and bilingual resources in meeting the needs of all students identified, classified, and served. Ideally, minorities should be represented on Child Study Teams.

7. **PROBLEM: DISTRICT FACILITIES THAT CONTRIBUTE TO THE SEGREGATION/IMBALANCE OR SEPARATION/ISOLATION OF STUDENTS**

**Correction Standard:**

A review of district facilities should not produce a direct correlation between the quality of the facility and the race or national origin of the students housed or served there. Requests for site acquisition, school construction, and facilities usage must be reviewed by the Office of Equal Educational Opportunity to assess impact upon student separation and equal educational opportunity.

8. **PROBLEM: CITIZEN'S COMPLAINTS**

**Correction Standard:**

Written allegations of incidents of racism, segregation or other acts of discrimination against students or personnel, on the basis of race, color, or national origin within or affecting the public schools should be submitted to the Office of Equal Educational Opportunity. These allegations will be reviewed and/or investigated by OEEO in conjunction with the county office.

**GENERAL INSTRUCTIONS FOR DEVELOPING CORRECTIVE ACTION PLANS** (See pages 31-34)

- a. Complete the heading.
- b. Provide a concise statement of the specific discrimination or equity problem being corrected by the plan of action, and the impact of those problems/practices upon the district's students.
- c. The objective of the action plan must correct or ameliorate the factors currently causing or sustaining the stated problem/practice, and must neutralize or diminish the negative effects upon the district's students and constituent communities.

The objective should be stated in observable terms. It should describe the expected outcomes demonstrating that the problem has been solved, and should identify the evaluation criteria, instruments, and documentation procedures that apply.

- d. Describe the process to train parents and other community persons for maximum feasible involvement and participation in the corrective action, and to keep them informed about progress.

e. Specify:

- the corrective action steps (activities) to be taken
- the schedule of implementation (timelines)
- the person responsible for implementation of the action plan (the activity supervisor)
- staff participants
- parent and community participants
- students participating or otherwise benefiting
- budgeted costs

f. Include a copy of the results of the district's study (observation) of factors including potential discrimination problems. Use the form on pages 68a and 69b.



# EQUALITY IN EDUCATIONAL PROGRAMS

## Section II - OBSERVATIONS OF POTENTIAL DISCRIMINATION PROBLEMS

### Instructions

The Observations of Potential Discrimination Problems Form is provided to alert school districts to the areas of potential problems that will be reviewed during monitoring visits. Use of this form for problem identification should assist the district to take preventive or early corrective action, before the problems become serious and difficult to correct.

RETAIN THIS FORM IN THE LOCAL DISTRICT FILE, AND SUBMIT TO OEEC ONLY UPON REQUEST.

District \_\_\_\_\_ County \_\_\_\_\_

### OBSERVATIONS OF PLAN IMPLEMENTATION FOR MONITORING INDICATORS #9.1 & 9.3

#### a) Staff Segregation

In all job categories and within each school, the composition of professional and support staff shall approximate district wide percentages, by race and national origin.

Observations: \_\_\_\_\_ O.K.;      POTENTIAL PROBLEM NOTED AS FOLLOWS:

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#### b) Courses, Classrooms, Programs and Extra-Curricular Activities

Enrollments in all programs, courses, classroom and extra-curricular activities of the school should approximate the racial/national origin composition of the district.

Observations: \_\_\_\_\_ O.K.;      POTENTIAL PROBLEM NOTED AS FOLLOWS:

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# EQUALITY IN EDUCATIONAL PROGRAMS

## OBSERVATIONS OF POTENTIAL DISCRIMINATION PROBLEMS

District \_\_\_\_\_ County \_\_\_\_\_

c) Disproportionate Representation in Detentions, Suspensions, Expulsions or Dropouts of a Particular Group of Students

The representation of racial/national origin students in these categories should not exceed their composition in the district wide enrollment for the grade levels in the school (i.e. elementary, middle, junior, or high school).

Observations: \_\_\_\_\_ O.K.; POTENTIAL PROBLEM NOTED AS FOLLOWS:

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d) Disproportionate Representation of Minorities in Special Education and Gifted and Talented Classes

The composition of Special Education and Gifted and Talented classes should approximate the district wide racial/national origin composition of students at the grade level under review.

Observations: \_\_\_\_\_ O.K.; POTENTIAL PROBLEM NOTED AS FOLLOWS:

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**SECTION IX. APPENDICES**



APPENDIX 1 - GLOSSARY OF TERMS FOR  
EQUAL EDUCATIONAL OPPORTUNITY



APPENDIX 1

**GLOSSARY OF TERMS USED IN THE PROCESS OF PROVIDING  
EQUAL EDUCATIONAL OPPORTUNITY**

**Affirmative Action.** A set of specific and result-oriented policies, guidelines, and procedures that commits an institution to eliminate and prevent discrimination and the current effects of past discrimination (usually in hiring, promotion, and other employment practices).

**Afro-American or African-American.** (See the definition for Black.)

**Americanization.** An appreciation of the institutions of this country and divestiture of all obligations or allegiances with other countries because of descent or birth.

**Anglo-American** (often shortened to "Anglo"). For want of a better term, "Anglo" is used to represent those persons whose language and culture are indigenous to the continental United States.

**Asian** (or Pacific Islander). Persons having origin in any of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Phillipine Islands; and Samoa.

**Bias.** A highly personal and prejudiced outlook, partiality, or tendency to favor (or oppose) an individual or members of a group, without possessing full knowledge of the individual or group.

**Bicultural.** Sociocultural elements that go beyond language, functioning, awareness and participation in two contrasting cultures. (Biculturalism can be attained by a person without being bilingual and bilingualism can be attained without dual acculturation.)

**Bilingual.** As used in this glossary, bilingualism refers to the facility in the use of two languages. Generally, bilingual persons tend to be more proficient in one language than the other, even though they may have attained a high degree of proficiency in each. The term "bilingual" in school settings in New Jersey has been erroneously used to refer to children who are about to begin, or who are in the process of, learning English as a second language. Equally erroneous is the connotation that treats the bilingual as being politically or psychologically outside the limits of mainstream American life.

**Bilingual-Bicultural Education.** A process which uses the primary language of pupils as the principal source of instruction while at the same time systematically and sequentially teaching them the language of the predominant culture. It requires an organized curriculum that includes first language development, second language acquisition, and content area instruction through both first and second languages.

**Black** (not of Hispanic origin). Persons having origins in any of the original peoples of Africa.

**Cultural Awareness.** A recognition of, and sensitivity to, certain aspects of behavior as logical and legitimate expressions of the value system of a particular culture.

**Culture.** Dominant behavioral patterns that are typical for a particular group or class, as determined by such factors as beliefs, traditions, and language.

**De facto Segregation.** Segregation caused by circumstance or practice not required by law, and not resultant from the actions or failures to act as an official governmental agency or public organization with regulatory powers.

**De jure Segregation.** Segregation sanctioned by law or resultant from the actions or failures to act of an official governmental agency or public organization with regulatory powers.

**Desegregation.** The required process by which each local school district board of education shall correct or prevent problems of racial/national origin imbalance and/or isolation, and all policies, practices, or conditions that limit or deny -- or have the effect of limiting or denying -- access to or benefit from any program or activity of the schools.

**Emigrants.** People who leave their country to settle in another country.

**ESL (English as a Second Language).** A structured, systematic approach for teaching English to speakers of other languages. ESL is an essential component of bilingual education but alone should not be mistaken for it. In New Jersey, ESL is used as either a component of required bilingual education programs, or as an alternative to bilingual programs.

**Ethnic Group.** A group whose members share a common descent, national origin, customs, traits, culture, and native language.

**First Language.** A term referring to one's home or native language; the language learned first. The term has nothing to do with language's importance, loyalty, or prestige.

**Heritage.** The history and culture of the learner's ancestry, knowledge of which fosters pride and self-esteem.

**Hispanic.** "Hispanic" is a generic term used to represent all cultural groups (Puerto Rican, Cuban, Dominican, Mexican, Central or South American, and Spaniard) sharing the Spanish language, regardless of race. The term Hispanic is often used synonymously with Spanish-speaking, Spanish-surnamed, Spanish-origin, Boricua (Puerto Rican), or Chicano (Mexican). Although virtually all such people have Spanish as their first language, the term "Hispanic" does not indicate language dominance.

**Immigrants.** People who migrate to a country for permanent residence.

**Integration.** Desegregation is the "undoing" of segregation -- the dismantling of segregated structures. Integration goes a step beyond and is, in fact, the ultimate goal of desegregation: a situation in which people are not simply brought together, but have respect for one another. Desegregation is a physical phenomenon, integration is a psychological phenomenon. Integrated education is quality education. Education that is equally bad for everyone is not "integrated education;" it simply limits educational opportunity in like manner for all. Thus, integrated education of low quality is a contradiction in terms.

**LEP (Limited English Proficient).** In New Jersey, LEP students are pupils whose native language is other than English and who have sufficient difficulty speaking, reading, writing, or understanding the English language to deny the pupil the opportunity to learn successfully in classrooms where the language of instruction is English. This term means the same as "limited English-speaking ability." (N.J.A.C. 6:31-1.1)

**Migrant.** Any person who moves from one part of a country to another part of the same country. As used in this glossary, "migrant" is not intended to mean a seasonal or transient agricultural worker.

**Minority Group.** Any recognizable racial, religious, or ethnic group in a community that suffers disadvantages due to prejudice or discrimination, a category of people who can be identified by a sizeable segment of the population as objects for prejudice or discrimination. As used in this glossary, the term minority group refers to persons who are Black or national origin.

**National Origin Minority.** Language/ethnic groups of persons who are from environments in which the dominant language is other than English and who, as a result of language barriers and cultural differences, do not have access to an equal educational opportunity. U.S. Hispanics (Puerto Ricans, Cubans, Mexican-Americans), Asians, Pacific Islanders, Alaskan Natives, and Native Americans (Indians) are categorized by the federal government as members of a national origin minority -- entitled to civil rights protection because of past patterns of discrimination against them. Haitians were not initially part of the national origin category, but because their native language is not English, and they are subject to discrimination, and they have cultural needs similar to national origin minorities, the New Jersey Department of Education considers Haitians part of the national origin classification.

**Native American (American Indians or Alaskan Natives).** Persons having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.

**Native Language (primary language, natural language, first language, or mother tongue).** The first language learned by children, usually the language of their home; also, the language pupils speak when they come to school. Sometimes referred to as the vernacular of those students.

**Non English-Speaking.** Children who communicate in their home language only. Such children are unable to conduct basic conversations in English or take advantage of classroom instruction in English.

**Polarization.** A separation caused by race/national origin-oriented forces that lead people into homogeneous associations, often to the detriment of those people or others within the same society or community.

**Polycultural (multicultural, intercultural).** Characteristics of a society in which different ethnic groups are able to maintain their respective lifestyles as dictated by their ancestral heritage, cultural traits, and value systems.

**Protected Minorities.** Blacks and national origin groups who have experienced a historical pattern of discrimination in the United States, and are therefore protected from continued discrimination by prevailing federal and state laws, policies, and practices.

**Resegregation.**

- The reversal or erosion of a school's or a district's desegregation status, regardless of cause.
- The racial/national origin separation or isolation of students in classrooms and programs within desegregated schools.

**Segregation, Isolation, Imbalance.** The operation of a school system in which students or staff are wholly or substantially separated or underrepresented among the schools of an educational agency, or within a school, on the basis of race, color, or national origin. A school district is considered to be segregated if:

- educational practices, policies, activities, or conditions directly or indirectly discriminate against students or faculty on the basis of race or national origin (as defined in Section VIII of these Guidelines);
- schools become racially, culturally, or linguistically identifiable (unless the entire district can be so identified);
- the racial or national origin composition of the student enrollment in individual schools, classrooms, and programs -- where children spend 25% or more of the instructional day -- is disproportionate to the race/national origin student composition of the entire district, at any given grade level.
- the hiring, assignment, promotion, or retention practices or policies of a district limit or deny -- or have the effect of limiting or denying -- equal employment opportunity at any or all levels of responsibility within the district.

**Stereotypes**. Fixed ideas, beliefs, or patterns held by a number of people and used repeatedly without re-examination in their relationships with and attitudes toward other individuals or groups, producing distorted or otherwise prejudiced results.

**White (not of Hispanic origin)**. Persons having origins in any of the original peoples of Europe, or the Middle East.



APPENDIX 2 - LEGAL ASPECTS OF DESEGREGATION



APPENDIX 2

**LEGAL AUTHORITY FOR SCHOOL DESEGREGATION**

1. 14TH AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES (1868)

"All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction equal protection of laws.

2. NEW JERSEY CONSTITUTION (as amended, 1947)

"No person shall be denied the enjoyment of any civil or military right, nor be discriminated against in the exercise of any civil or military right....nor be segregated in the militia or in the public schools, because of religious principles, race, color, ancestry or national origin."

3. CIVIL RIGHTS ACT OF 1964 - TITLE VI

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

4. BROWN V. BOARD OF EDUCATION OF TOPEKA, UNITED STATES SUPREME COURT DECISION (1954)

"Today education is perhaps the most important function of the state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. Children cannot be successful in life if they are denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."

5. N.J. ADMINISTRATIVE CODE 6:4-1 EQUALITY IN EDUCATIONAL PROGRAMS

Administrative rules established by the New Jersey State Board of Education to implement the State's policies and statutes prohibiting segregation and other forms of discrimination in public schools and to mandate equality in all educational programs.

6. 35 FED. REG. 11595 (1970) - ALSO KNOWN AS THE HEW MAY 25TH MEMORANDUM

"Any ability grouping or tracking system employed by the school system to deal with special language needs of national origin minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead end or permanent track."

7. EDUCATION AMENDMENTS OF 1972 - TITLE IX

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

8. KEYES V. DENVER, UNITED STATES SUPREME COURT DECISION (1976)

"...Bilingual education..is not a substitute for desegregation. Although bilingual instruction may be required to prevent the isolation of minority students in a predominantly Anglo school system (citing Lau v. Nichols)... such instruction must be subordinate to a plan of school desegregation." (Emphasis added.)

9. CISNEROS V. CORPUS CHRISTI, UNITED STATES SUPREME COURT DECISION (1970)

Held that the principles of Brown apply to Hispanics as well as to Blacks. The Federal district court held that Mexican-Americans were an identifiable ethnic minority with a past pattern of discrimination and were entitled to separate remedies - which could include bilingual education. It also established that the degree of segregation in any given school could no longer depend on the ratio of the number of Whites to the combined number of identified minority pupils (Black and Hispanic) in that school.

10. NEW JERSEY STATUTE 18A:38-51

"No child between the ages of four and 20 years shall be excluded from any public school on account of his race, creed, color, national origin, or ancestry." To do so is a misdemeanor and is punishable by a fine of not less than \$50. nor more than \$250., or by imprisonment for not less than 30 days or more than six months, or by both at the discretion of the court. This is essentially the Law of 1881 which forbade discrimination in N.J.'s public schools (L. 1881, c.149)

11. PIERCE V. UNION DISTRICT 47 NJL 348 (1885)(NEW JERSEY SUPREME COURT DECISION)

A final review in N.J. courts of the Law of 1881, which affirmed that law

12. NEW JERSEY LAW AGAINST DISCRIMINATION (1945) NJSA 10:5 et seq. and 10:2 et seq.

A law which prohibits discrimination against persons because of their race, creed, color, national origin, or ancestry in kindergarten, primary and secondary school, trade or business school, employment or promotion, etc.

13. BOOKER V. PLAINFIELD 45 NJ 187 (1965)(NEW JERSEY SUPREME COURT DECISION)

"The goal (of desegregation) is a reasonable plan for achieving the greatest dispersal consistent with sound educational values and procedures." The Commissioner "must affirmatively determine whether reasonably feasible steps towards desegregation are being taken in proper fulfillment of state policy; if not, he may remand the matter to the local board for further action or may prescribe a plan of his own."

14. JENKINS V. TWP OF MORRIS 58 NJ 483 (1971)(NEW JERSEY SUPREME COURT DECISION)

The State Supreme Court reiterated its ruling in Booker "that the Commissioner has the responsibility and power of correcting de facto segregation or imbalance" as well as "many broad supervisory powers designed to enable him, with the approval of the State Board of Education, to take necessary and appropriate steps for fulfillment of the State's educational and desegregation policies in the public schools." (citations omitted)

15. SWANN V. CHARLOTTE - MECKLENBURG BD. OF ED. 402 US 1 (1971)

The United States Supreme Court ruled that mathematical ratios were useful in the process of shaping a remedy to correct violations. It also recognized bus transportation as a normal and accepted tool of educational policy and that desegregation plans cannot be limited to the walk-in school.



APPENDIX 3 - SAMPLE BOARD OF EDUCATION POLICY/RESOLUTION STATEMENTS



APPENDIX 3

SAMPLE BOARD OF EDUCATION POLICY/RESOLUTION STATEMENTS

SAMPLE #1

This Board acknowledges that segregation, racial imbalance and any other form of discrimination is antithetical to our thinking and to our actions. As Board of Education members, we willingly accept the responsibility to provide equal opportunity for all district children and an educational climate in which they can reach toward and develop their individual potential.

To implement this policy, we hereby instruct the chief school administrator to submit to this Board for adoption, a plan to govern the identification and elimination of all existing segregation imbalances, and other forms of discrimination effecting the students or employees of the \_\_\_\_\_ Public School District, based on race, color, sex, ancestry, or national origin.

We further resolve that said Desegregation Plan shall, upon receipt of approval by the New Jersey Department of Education, be implemented within the district schools, classrooms, and programs identified in the Plan and within the prescribed timelines.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_  
Board Secretary

(Affix the Board's Seal)

SAMPLE #2

WHEREAS the Constitution and laws, resolutions of policy, executive orders, and court decisions of the United States and of the State of New Jersey prohibit segregation, isolation and all other forms of discrimination against any employee or student of any New Jersey public school; now therefore,

BE IT RESOLVED, that the Board of Education hereby affirms its policy of Equal Educational Opportunity that no public school student or employee shall be segregated or isolated within schools, classrooms, or programs, nor by levels of responsibility on the basis of race, color, creed, sex, ancestry, or national origin; and

BE IT FURTHER RESOLVED, that this Board of Education hereby instructs the chief school administrator to take whatever action is necessary to develop a plan to identify and correct all segregation and other forms of discrimination that exist within our public schools; and

BE IT FURTHER RESOLVED, that the chief school administrator shall submit said Desegregation Plan to this Board of Education for adoption by formal resolution, and

BE IT FURTHER RESOLVED, that upon adoption by this Board, the Desegregation Plan shall be submitted to the New Jersey Department of Education for approval, and shall be implemented, as approved, not later than the opening of school, in September of 19\_\_.

DATED: \_\_\_\_\_

SIGNED: \_\_\_\_\_  
(Board Secretary)

(Affix the Board's Seal)

SAMPLE #3

Board of Education Resolution

WHEREAS: The \_\_\_\_\_ Board of Education was informed by the New Jersey State Department of Education that a situation of racial/national origin isolation exists within or among its schools, and

WHEREAS: The Board of Education acknowledges that such a problem does indeed exist, and

WHEREAS: The Board recognizes the social, moral and legal basis for eliminating racial/national origin isolation and all other forms of discrimination by integrating the schools and programs of the District; now

THEREFORE, BE IT RESOLVED: That the Board of Education hereby approves the Desegregation Plan as recommended by the chief school administrator, and authorizes the Desegregation Plan be forwarded to the New Jersey Department of Education for approval for implementation beginning not later than the opening of school in September of '19\_\_.

DATED: \_\_\_\_\_

SIGNED: \_\_\_\_\_  
(Board Secretary)

(Affix the Board's Seal)



APPENDIX 4 - TRADITIONAL STRATEGIES FOR DESEGREGATION



APPENDIX 4

**TRADITIONAL DESEGREGATION STRATEGIES**

Effective desegregation strategies take into account the distinctive social and geographic characteristics of the involved district. Therefore, each plan is unique. However, there is order beneath the apparent diversity of desegregation plans. Computers are used to assign students while taking into consideration racial/national origin balancing, distances from schools, hazards (if any), keeping siblings together and special needs of students. Some districts also balance for social and economic background, and gender. Boards can bring about desegregation by altering attendance zones, grade structures, school facilities, the structure of the district itself or some combination of these factors. The illustrations and descriptions of many common desegregation strategies on the following pages are limited to examples of segregation between Black and White students, for purposes of clarity. They are equally effective for eliminating the segregation of National Origin students.

Open Enrollment

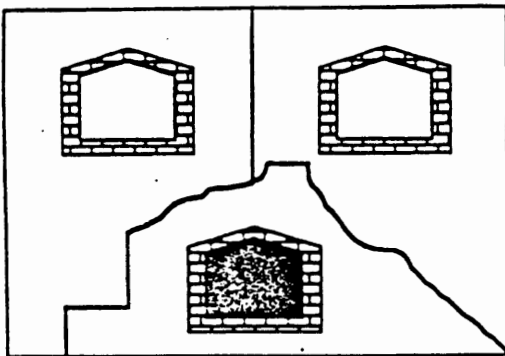
The open enrollment plan is the simplest means of promoting desegregation. Essentially all the school board has to do in order to institute an open enrollment plan is to permit students to enroll in schools outside of their normal attendance zone, if their transfer promotes desegregation. Thus, Minority students are permitted to enroll in predominantly White schools and vice versa.

The problem with open enrollment is that it does not work well. Usually only a few Minority students take advantage of the opportunity and virtually no White students do so. The courts and OEEEO are likely to reject a desegregation plan solely based upon open enrollment as an insufficient remedy to the problem of segregation. A plan based upon open enrollment must be accompanied by a mandatory student reassignment strategy that goes into effect automatically when open enrollment fails to achieve pre-determine levels of desegregation by a specified date.

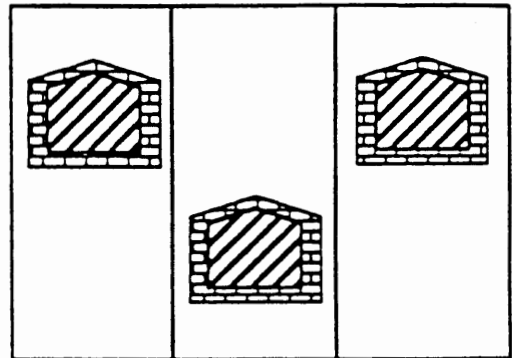
Re-zoning School Attendance Areas

In the past, school attendance zones were often consciously drawn so as to maintain racial and ethnic separation. Attendance boundaries were gerrymandered to insure that Black and White children attended "their own" segregated schools. To draw up attendance zones so as to mix -- by deliberate planning -- children of varied backgrounds, the most natural form of desegregation, racial balance must be included in considerations related to school zoning (distance, hazards, transportation, space utilization, and continuity of instruction). Re-zoning is a very logical approach to desegregation, but requires abandoning the "neighborhood schools" concept when housing patterns are segregated. Complex design may be necessary in some districts but in most districts, the revised attendance zones are less

complicated than the previously segregated zones. One such example is shown in the following diagram:



**BEFORE**

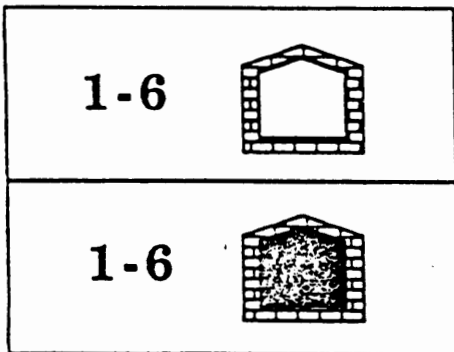


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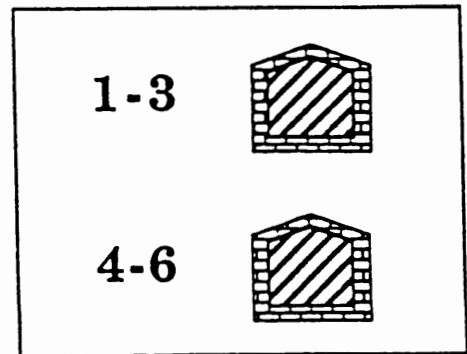
Because the racial composition of a neighborhood can change, it is important that desegregation strategies based on re-zoning be monitored carefully. Boundaries may need to be redrawn periodically in order to maintain racial balance.

Pairing/Princeton Plan

Pairing is a form of re-zoning. It involves the combination of two school attendance zones along with a restructuring of grades within the schools. By consolidating two zones with racially identifiable populations, it is often possible to create a single zone with a population which approximates that of the district as a whole. For example, two 1-6 schools, one White and one Black, might be paired and the grades restructured so that one school housed grades 1-3 while the other housed grades 4-6. Both paired schools would be desegregated because they would serve the entire population of the newly formed racially balanced attendance zone. Pairing is simplest and least expensive when the two school attendance zones are contiguous; that is, when they share a common boundary. But it is possible to pair non-contiguous attendance zones, if distance is not an impediment. Otherwise transportation must be provided.



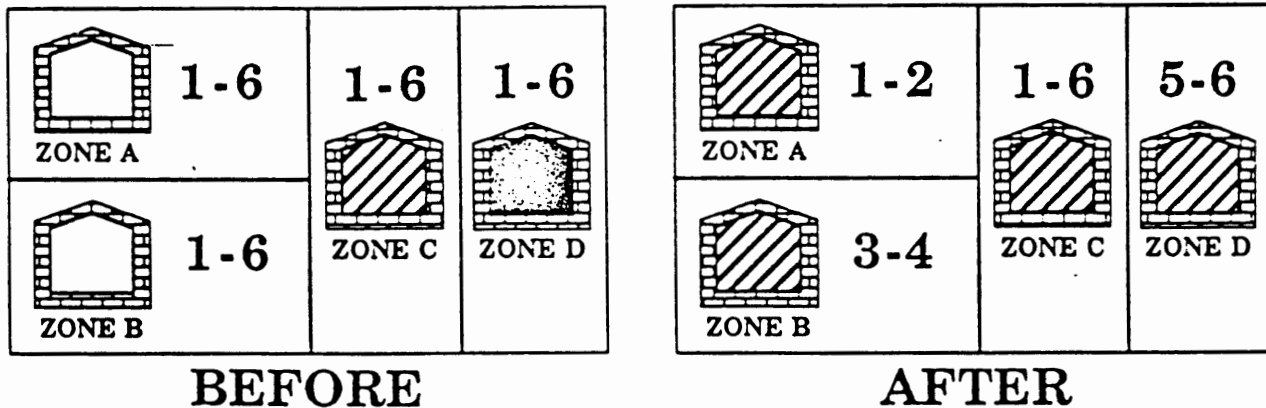
**BEFORE**



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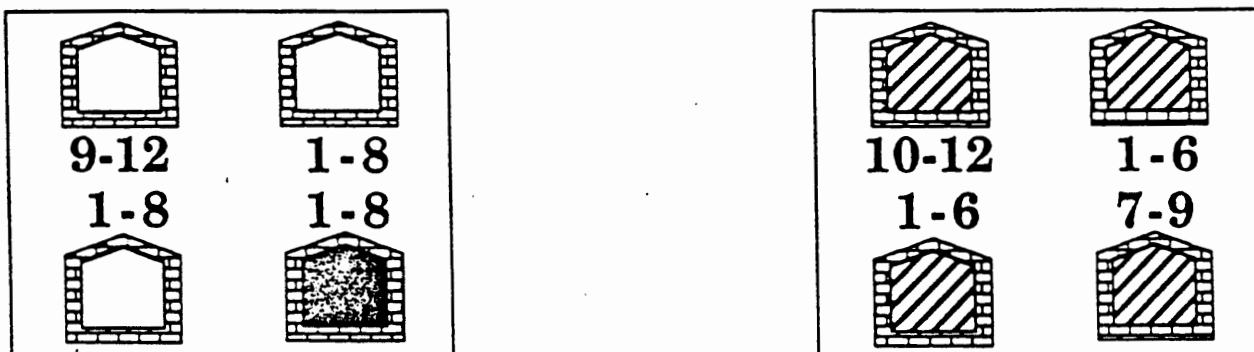
Clustering

Clustering is simply an extension of the pairing concept to include more than two school attendance zones. Again, the basic idea is to consolidate school attendance zones in such a way as to create a racially balanced population overall. Then the number of grades within each school is reduced in order to accommodate all the children within the enlarged attendance area. Clustering, like pairing, can involve either contiguous or non-contiguous school zones. Clustering with non-contiguous attendance zones is illustrated below. Before clustering, the district contained four schools, each housing grades 1-6. Schools A and B were predominantly White, School D was predominantly Black, and School C was racially balanced. Desegregation was achieved by treating Schools A, B and D as a cluster and restructuring grades. In this case, transportation of pupils across the attendance zone of School C, not included in the cluster, may have to be provided.



Re-organization of Grade Structure

When the existing grade structure tends to make one or more schools identifiably Black, White, or National Origin, desegregation may be possible by changing the grade structure in such a way that students are not assigned disproportionately to any school, by race or national origin. This process may also afford more sensible use of the existing plants and facilities.



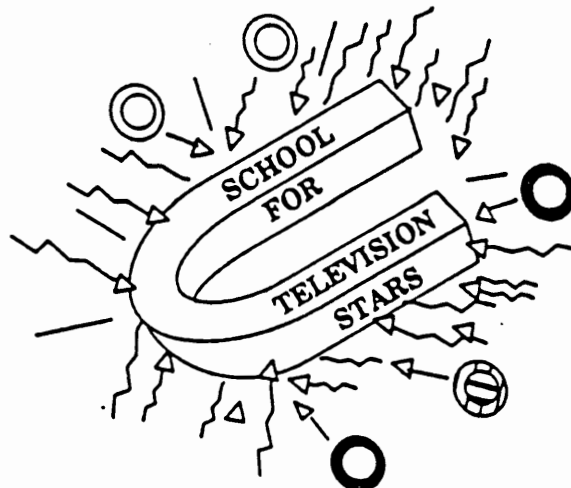
## Magnet Schools

Magnet schools offer especially attractive and enriched programs not available elsewhere in the district. For example, a magnet school might offer distinctive programs for gifted and talented students or for students interested in sports, the arts, science, computers, aviation technology, or foreign languages. Enrollment in magnet schools is on a voluntary basis. However, admissions are controlled to ensure that racial balance is achieved.

Magnet schools in several New Jersey school districts have proven to be very successful at desegregating schools while simultaneously stabilizing the white middle class enrollment, improvement student achievement levels, and building strong community support for the magnet schools and programs.

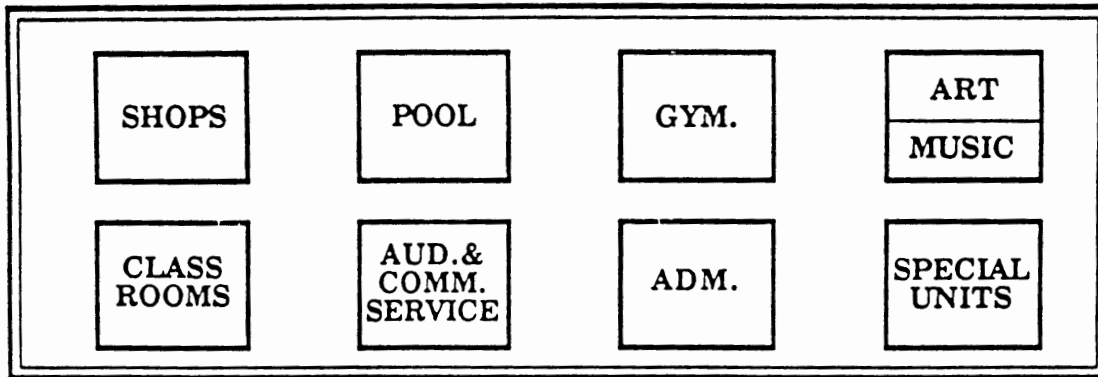
In one district, for example, originally two magnet schools were established, one in the predominantly White section of town and one in the predominantly Black section. The school in the White area emphasized fundamental skills and deportment in a traditional teacher-directed atmosphere and was designed to attract a disproportionate number of minority students. In order to attract a disproportionate number of White students, the magnet school located in the Black area offered a gifted and talented program and a primary unit program. Full or half-day programs for four year olds and all-day programs for five and six year-olds were also included in the primary unit. Currently that district operates nine magnet schools organized around five different programmatic themes, as follows:

- A 3-school cluster (primary, elementary, and middle school) featuring gifted and talented education in grades pre-k through 8th;
- Another 3-school cluster featuring science and technology education, pre-k through 8th;
- A pre-k to 5th grade school featuring Montessori Basics and the Arts;
- Another pre-k to 5th school featuring international studies;
- A third pre-k to 5th school offering fundamental education. At its own initiative, the district has obtained considerable federal and state assistance in the implementation of these programs.



### Educational Parks

Educational Parks are centrally located, campus-like complexes designed to serve as many as several thousand students on a single site. Students take many of their classes in relatively traditional school buildings. However, the park may also include centralized and specialized facilities for dining, physical education, industrial arts, and music, as well as youth-related social and community services. Educational parks could provide financial economies as well as diversified and integrated educational experiences. Educational parks would generally require extensive new construction and/or renovation of existing structures.

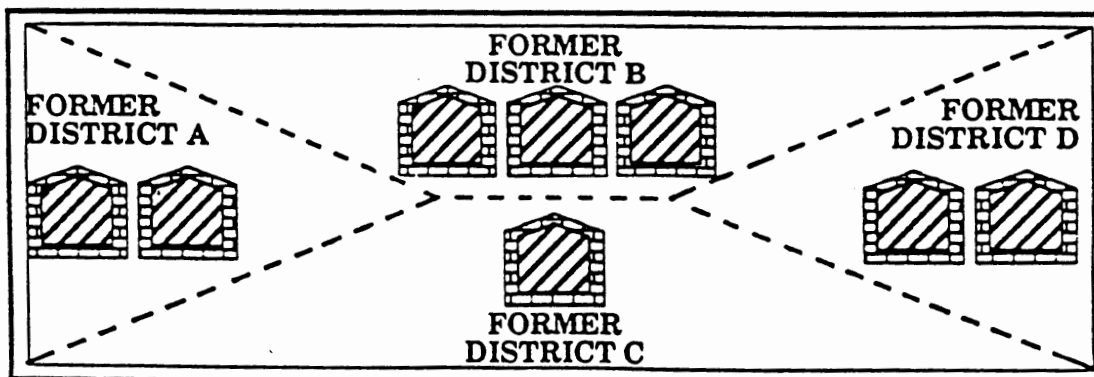


**EDUCATION PARKS**

### Consolidation of Districts

There are many small school districts in New Jersey which are faced with declining enrollments and increasing difficulties in providing a thorough and efficient education for their students. Their plight might be eased thorough consolidation with one or two neighboring districts or on a county-wide basis, as in some states. Consolidated districts would generally have larger and more diverse student bodies and therefore, provide greater opportunities for desegregation and a larger tax base to fund the costs of education.

However, local pride and the tradition of "local control" over education, combine to make district consolidation a difficult solution to implement.

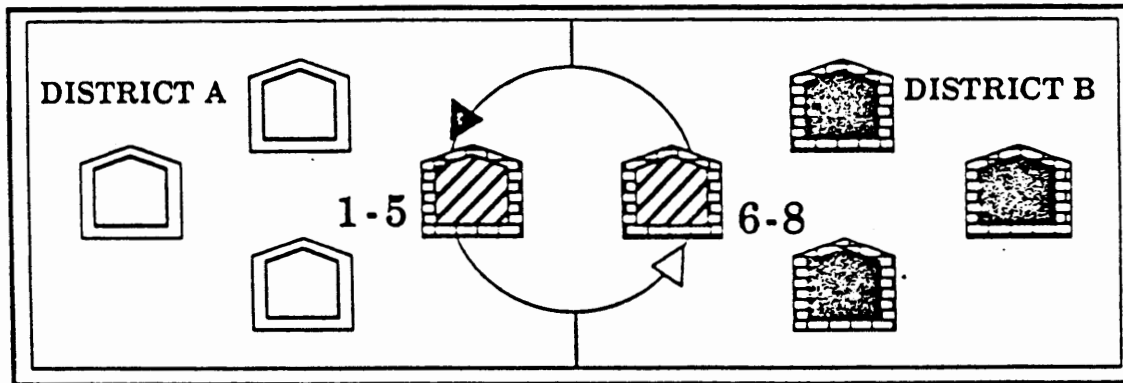


**CONSOLIDATED DISTRICT**

### Metropolitan Plans

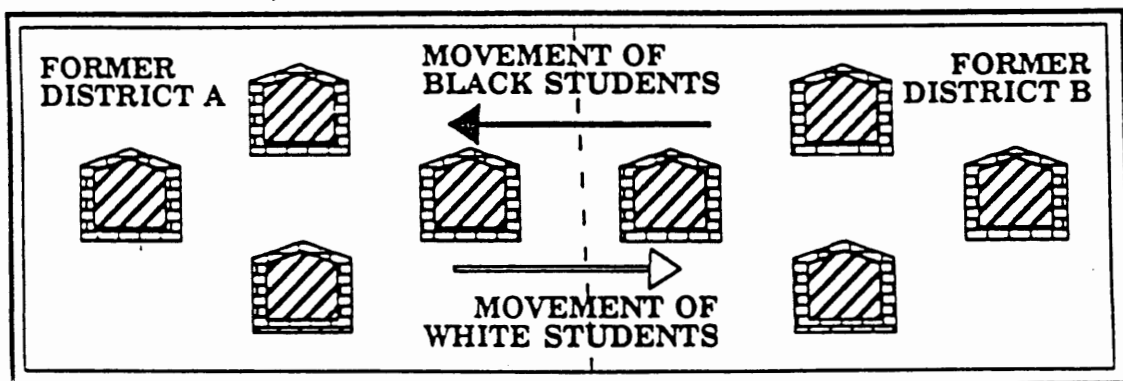
Metropolitan desegregation plans, variations of district consolidations, are often mentioned as the only lasting way to desegregate big city schools. Many of our central cities have overwhelmingly large minority populations. And many of the suburbs which surround those central cities have miniscule minority populations. A metropolitan approach bridges the political boundaries between city and suburb in order to create desegregated school systems. Such an approach often makes sense financially and educationally, but is likely to be politically difficult to achieve. To date, the courts have been reluctant to impose metropolitan solutions except in cases where it can be demonstrated that the suburban districts have actually contributed to the segregation in the city; or where the suburbs surround the city (doughnut/hole) but share essentially the same interests, needs, and services.

Sometimes a simple "sister school" pairing arrangement is possible with an adjacent district or districts.



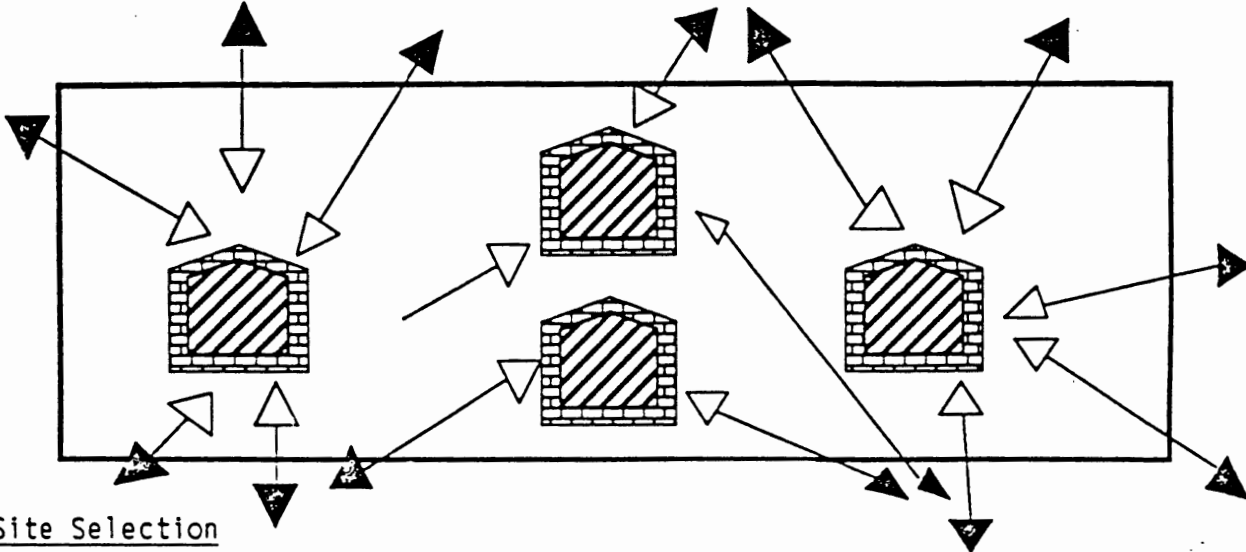
**METROPOLITAN PLANS**

The method used may be more complex than simple pairing of schools. It may involve complete re-zoning of all adjacent school attendance areas of both districts -- or even the possible merger (consolidation) of the two districts.



**CONSOLIDATED DISTRICT**

On the other hand, the city district may become the central location for special services to students in surrounding districts. City district students previously assigned to these converted schools would be re-assigned to the schools of adjacent suburban districts for their regular curriculum.

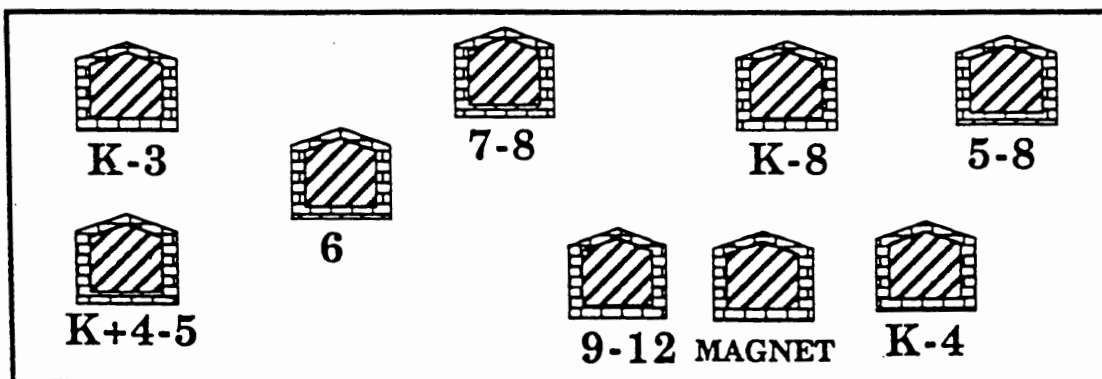


Site Selection

Since schools located in segregated neighborhoods tend to have segregated enrollments, care should be taken that new school buildings are constructed on sites which will facilitate desegregation. OEEEO reviews applications for approval of new building plans and sites, as well as additions and alterations to existing facilities to determine their potential impact upon the desegregation status of the district.

Multiple Methods May Be Used

Many districts find that no single method is sufficient to meet all their traditional desegregation/integration needs alone. However, combining two or more methods, or using one method with some schools and other methods with the remainder works best for them. For example, pairing some schools and converting other to magnets are common and approvable options.



**MULTIPLE METHODS**



**APPENDIX 5 - EXAMPLES OF HUMAN RELATIONS STRATEGIES**



**EXAMPLES OF HUMAN RELATIONS STRATEGIES**

**1. STUDENT TEAM LEARNING (STL)**

Center for Social Organization of Schools  
John Hopkins University, Baltimore, Maryland

This strategy maximizes the achievement of all students through the use of integrated learning teams, interactive teaching/study strategies, and balanced competency-based competition. STL is easily learned, has a strong research base, and makes achievement fun for students. Turnkey teacher training is available at low cost from Johns Hopkins University, or without instructor's fee from OEE0.

**2. TEACHER EXPECTATIONS AND STUDENT ACHIEVEMENT (TESA) (1980)**

Phi Delta Kappa  
Eighth & Union Streets, Box 789  
Bloomington, IN 47402

Teachers learn to use fifteen specific teaching and communication interactions that stimulate high achievement and behavioral expectations and outcomes in all students, regardless of race, national origin, socio-economic status, gender or conjectured ability. Strong research base exists. Teacher training is available at moderate cost from the Los Angeles County Superintendent of Schools, 9300 Imperial Highway, Downey, CA 90242.

**3. GENDER EXPECTATIONS & STUDENT ACHIEVEMENT (GESA) (1984)**

The Los Angeles County Office of Education  
The Educational Equity Center  
9300 E. Imperial Highway  
Downey, CA 90242

GESA strategies expand upon the TESA strategies to stimulate high achievement and behavioral expectations and outcomes among students, and is especially effective at promoting equity. Strong research base exists. Very low cost training is available through the Consortium for Educational Equity, Rutgers University, Kilmer Campus - Building 4090, New Brunswick, New Jersey 08903.

**HUMAN RELATIONS STRATEGIES AVAILABLE FROM THE  
OFFICE OF EQUAL EDUCATIONAL OPPORTUNITY  
NEW JERSEY DEPARTMENT OF EDUCATION  
CN 500  
TRENTON, NEW JERSEY 08625-0500**

4. **DISCIPLINE:** Teacher training that reduces or eliminates racially-motivated student behaviors which disrupt learning in desegregated classrooms. Two strategies are employed; one focusing on prevention and the other on correction of disruptive behavior.
5. **BLACK HISTORY:** Teacher training that identifies and corrects racial stereotypes, distortions and omissions in textbooks and educational materials on the history and contributions of Blacks. Also reviews and provides workshops on Black enrollment in math/computer courses, Blacks in mathematics careers, minorities in engineering programs, and problem solving strategies.
6. **EFFECTIVENESS TRAINING AND COMPONENTS**
  - Teacher Effectiveness Training (T.E.T.)
  - Parent Effectiveness Training (P.E.T.)
  - Leader Effectiveness Training (L.E.T.)
  - Youth Effectiveness Training (Y.E.T.)
  - Values Realization
  - Quality Circles Training

These training areas emphasize skill development in educational goal-setting, interracial relations, communications skills, problem-solving, roadblocks in communication, conflict resolution and similar topics. Administrators, teachers, and support personnel will be provided with the techniques to enable them to accept racial differences, understand each other's points of view, set mutual goals for the schools, and evaluate staff progress toward those goals.

7. **PEER LEADERSHIP:** Training that enables students and staff to influence and model behaviors/attitudes that promote openness and acceptance, interracial cooperation, and positive behavioral norms within their respective schools. This training will equip the staff with specific facilitative, communication and group process skills which enable them to counsel and act as facilitators with their Peer Leadership Teams.

**Behavioral Skill Areas:**

- Understanding of self and others
- Communication skills
- Listening and the helping relationship
- Sharing and feedback
- Decision-making and problem-solving
- Improving interpersonal relationships

8. Opinionnaires are self-quantifying questionnaires designed specifically to measure what people believe or how they feel about integrated education. Rapport is enhanced, the tabulated results are publicized, and observable changes in the decisions and actions of the school are facilitated. The training process includes:
  - identifying areas of concern about which information is desired;
  - determining the specific things to know about each of those areas of concern;
  - developing clearly - worded questions about those specific things;
  - testing the instrument by having respondents provide narrative answers to questions;
  - analyzing responses for frequency and emphasis;
  - developing a retrieval instrument for tabulation purposes;
  - circulating copies of the report to the same population groups from which opinions were solicited;
  - applying the findings to school decisions in ways which are observable;
  - disseminating progress information regularly;
  - being receptive to additional input from the community-at-large.
9. Needs Assessment Techniques provide the means by which large numbers of citizens may be involved directly in the formulation of goals and objectives for the schools. Through their use, schools can overcome major community criticisms.
10. Race Relations and Problem Solving Activities are exceptionally useful tools for reducing interracial conflict and promoting intergroup interactions. Such activities MUST be conducted by sensitive, highly-skilled trainers.



## APPENDIX 6 - COMMUNITY INVOLVEMENT

- A. RESOURCES
- B. SUPPORT SYSTEMS
- C. PROCESS
- D. PROFILE



## Appendix 6

### COMMUNITY INVOLVEMENT

The following suggestions and insights should assist the district in obtaining effective parent-community involvement for school desegregation:

#### Rationale

There can be no credibility gaps in the desegregation process. If so, they will be filled with distortions, exaggerations, and untruths.

In even the smallest towns, there is a diversity of people with varied wants, needs, and aspirations. Each group has its own agenda -- sometimes knowingly and sometimes (very often) unknowingly -- as well as its own character, values, and determination. No group can be taken for granted or otherwise prejudged or stereotyped. For example, in some communities, Blacks and/or national origin families may be upwardly mobile and may want an exclusive (rather than inclusive) learning experience for their children. Consequently, they may not initially show much interest in or concern for the public school's desegregation program. Thus, to invite them to a PTA meeting merely to hear a speech on school desegregation might be for naught. The key, therefore, is to employ strategies which -- with integrity -- correspond to the needs and values of, and advantages to each community. This will enhance participation.

The rationale for the involvement of the community must be sound, credible, able to withstand close scrutiny, and produce results that respond to the priorities of the participants. A group will continue to be involved only so long as the participants experience the results (benefits) of their involvement. Knowledge of the community's cultural patterns is extremely useful in plan formulation. For example, a meeting held at a church after the regular Sunday service may prove productive since many Black churches also serve a social function. Or, the local community center or the senior citizen's building may be seen as suitably neutral places for assembling members of various communities in support of the desegregation plan.

#### Scope

The desegregation of a school system constitutes a significant environmental change requiring concomitant attitudinal adjustments. Resistance to change is a natural phenomenon, and should be expected and not be perceived as informed dissent nor as an indicator of plan unworkability.

What is important is for the community to be involved in the development of a school desegregation plan so that organized resistance can be prevented or defused and individual concerns resolved. Four considerations are important in developing effective community support: resources, support systems, the process, and the community profile.

A. Resources

Identify the stakeholders -- people with influence, and activism. It is important to remember that if they are not formally involved in the school district desegregation effort, many of these groups and individuals will involve themselves anyway. If their involvement comes about as a result of their own initiative, it will likely be in an adversarial capacity. Bring them together at a neutral site, under favorable conditions, in a pleasant atmosphere. Break the ice with appropriate, but brief, opening exercises. Explain the mission in positive terms. Highlight the benefits. Emphasize the importance of their involvement. Be cordial, but firm. Keep the goal in sight. Remember the bottom line is that the district has a serious responsibility. Most members of the district's constituency will cooperatively assist in that task.

The following groups or individuals can be helpful if the district can earn their loyalty:

1. Service organizations such as clubs and civic groups are highly influential and potentially valuable in producing active community support.
2. College students are another resource. Some may be able to satisfy their practicum requirements through services to the community, such as:
  - disseminating flyers
  - coordinating team or task force activities
  - counseling individuals or groups
  - developing and conducting opinion surveys and needs assessments
3. Churches and philanthropic organizations can be of immeasurable assistance in the exchange of information and the development of improved levels of interracial understanding, respect and behavior.
4. Leaders of community advocacy groups with interests in education can be invaluable in assisting the community to understand the school desegregation plan and its related benefits.
5. Civic and political leaders and organizations, such as the League of Women Voters, can be an important link between the school and the community.

## B. Support Systems

These are courses of action taken by the district to produce community support for educational change. The following vehicles have proven effective:

1. Opinionnaires. Respondents to opinionnaires should be broadly representative of all the population groups involved or affected by the issue.
2. Needs Assessment techniques provide the means for large numbers of citizens to be involved directly in the formulation of goals and objectives for the schools.
3. Human Relations and Problem Solving Activities are exceptionally useful tools for enhancing positive interaction among racially and culturally diverse groups, and assuage interracial tensions.
4. Information Exchange Mechanisms are systems or structures, which exist for the purpose of ensuring the flow of timely, relevant information between the school and the community. The types of exchange mechanisms are:
  - a. Speaker's Bureau -- a list of readily available key communicators who can make presentations before groups on the topics of desegregation and handle spontaneous feedback.
  - b. Rumor Control -- clinics and "hot lines" useful for correcting misinformation, receiving input, and gauging the temperament of the constituencies by noting the nature of their inquiries, complaints, and/or suggestions.
  - c. Informal/Social Exchange -- ways to reduce racial and national origin "distance" and cultural isolation by increasing interaction. If this interaction is positive increased public support for educational equity may be expected.
5. Public/Media Relations -- ways to keep the electronic and print media up to date on the desegregation plan and its progress. Some ways are periodic press releases, brochures, fact sheets, and press conferences.
6. Political Linkages -- such as briefings and meetings with the mayor, city council, and other political leaders and elected officials, because their support is vital to the success of a desegregation program, and prevents desegregation from being used as a forum for galvanizing a political constituency.

Note: An important consideration in all the above examples is to involve a racially/culturally representative cross-section of the community's advocacy, civic, religious and service groups. Anyone left out is a potential opponent whom the district will have to confront in the future.

C. Process

The process spells out how to gain support from the community and to effectively use the previously mentioned vehicles. Three areas are essential in the process:

1. Information on requirements and benefits of school desegregation activity should be provided to all segments of the community on a timely, continuous, and consistent basis.
2. The credibility, objectivity, and verifiability of information made available to the community is essential.
3. The roles and responsibilities of all professionals involved in the desegregation process must be widely known and clearly understood. Expected outcomes must be shared.

D. Community Profile

The following questions should be answered and details given when providing information in this section of the desegregation plan.

1. Identify any racial incidents/tensions that have occurred.  
What is (has been or will be) the impact of these on the school system? On the effective implementation of the desegregation plan?
2. Who were/are the key groups?
  - a. What community groups draw attention to issues/problems in the school system?
  - b. Identify community advocates for minority interests.
  - c. Identify community advocates for non-minority interest.
  - d. Describe any current or past interracial, intergroup, or inter-faith activities or efforts to promote community-wide cooperation.
  - e. List active parents' organizations which normally influence and support school policies and practices.
  - f. Provide any additional information about the community that would affect, either positively or negatively, the desegregation effort.

**APPENDIX 7. MULTICULTURAL CURRICULUM INFUSION TEACHER RESOURCES**



APPENDIX 7

MULTICULTURAL CURRICULUM INFUSION TEACHER RESOURCES

1. MCI TRAINING/MATERIALS AVAILABLE FROM OEE0 TO:

- Train LEA Committee(s) in the guidelines, criteria, standards, and implementation of MCI
- Provide guidance in conducting the needs assessment
- Provide guidance in implementation of MCI and related instructional methodologies
- Provide sample multicultural materials and teacher resources to participating LEAs
- Provide sample units, lessons, curricula, etc. for MCI
- Provide instruments and strategies for evaluating district compliance with MCI
- Provide follow-up training to a representative sample of the LEA Committee(s).

## 2. SUGGESTED TEACHER RESOURCES

### AFRICAN-AMERICAN

Church, Vivian, Colors Around Me. (1987). Chicago, IL: African - American Images.

This pre K-3 booklet focuses on the theme that children are beautiful and come in all different colors.

de Lerma, Dominique-Rene, ed. Reflections on Afro-American Music. (1973). Kent, OH: The University Press.

This anthology includes essays on Black music in the curriculum, jazz in the curriculum and an essay on soul music by the "Ebony" magazine critic, Phyl Garland.

Fine, Elsa Honig, The Afro-American Artist: A Search for Identify. (1973). New York: Holt, Rinehart and Winston.

This informative book discusses and illustrates Black art within a historical framework.

Hale-Benson, Janice, Black Children. (1987). Chicago, IL: African - American Images.

This 215 page book provides teachers with an understanding of the relationship between learning styles and culture.

Harper, Michael S., and Stepto, Robert B. Chants of Saints: A Gathering of Afro-American Literature, Art and Scholarship. (1979) Urbana: University of Illinois Press.

This book consists of a rich collection of Black literature, art and scholarly essays.

Hatch, James V., ed., and Shine, Ted, consultant, Black Theater, U.S.A.: Forty-Five Plays by Black Americans. (1974). New York: The Free Press.

This is a rich collection of plays written by Black Americans between 1947 and 1974. It is an ambitious book consisting of 886 pages.

Kunjufu, Jawanza, Lessons from History: A Celebration in Blackness. (1987). Elementary, Jr.-Sr. High Editions. Chicago, IL: African-American Images.

This is a two-part K-12 Black history textbook series which explores the beginnings of African civilization, its contribution, and its historical lessons.

Southern, Eileen, The Music of Black Americans: A History. (1971).  
New York: W.W. Norton.

This research history covers all of the major historical periods and developments in Afro-American music.

Taifa, Nkechi, Shining Legacy, (1987). Chicago, IL: African-American Images.

Story poems and tales about great Black heroes and heroines are highlighted in this 68 page booklet.

#### NATIVE AMERICAN

Bierhorst, John, Songs of the Chippewa. (1974). New York: Farrar, Straus and Giroux, Pictures by Joe Servello.

This is a collection of Chippewa songs that are adapted from the collections of Frances Densmore and Henry Rowe Schoolcraft.

Jones, Jayne Clark, The American Indian in America: Volume 1: Pre-History To the End of the 18th Century. (1978). Minneapolis, Minnesota: Lerner Publications Company.

Jones, Jayne, Clark, The American Indian in America: (1979). Volume 11: Early 19th Century to the Present. Minneapolis, Minnesota: Lerner Publications Company.

Monthan, Gey, Monthan, Doris, Art and Indian Individualists: The Art of Seventeen Contemporary Southwestern Artists and Craftsmen. (1975). Flagstaff, AZ: Northland Press.

This book discusses contemporary Indian artists and craftspeople and shows how they express their individuality and ethnicity in their works. Each biography is followed by color plates showing sample works of the artist or craftsperson.

Niethammer, Carolyn, American Indian Food and Lore. (1974). New York: Collier Books.

This book contains more than 150 authentic recipes, 49 drawings and American Indian lore.

## ASIAN

Understanding Asian Americans: A Curriculum Resource Guide, edited by Peter Li. To be published by Neal-Shumann, New York, New York.

## ASIAN INDIAN

Bosse, Malcolm. Ganesh. (1981) New York: Crowell Junior Books.

Ganesh Jeffrey Moore is the son of Americans who adopted Hinduism as their religion. The death of his father marks the end of his place in the Indian village of his birth. Now he must live with his aunt in the American Midwest and make an adjustment.

Mukharjee, Bharati. Darkness. (1985) New York: Penguin Books.

This is a collection of stories exploring the complicated tensions of the contemporary Indian immigrant experience.

Rushdie, Salman, Midnight's Children. (1981) New York: Alfred A. Knopf.

This modern novel about India is concerned with the author's growing up in Bombay between 1947 and 1977. The title refers to the 1,001 children born during the first hour of India's independence.

Shah, Girdhari. Indian Heritage. (1983) New Delhi: Abhinav Publications/ distributed by Humanities Press, Atlantic Highlands.

Included are Indian culture and civilization through the fine arts, literature, religion, and philosophy.

Spellman, John W. The Beautiful Blue Jay and Other Tales of India. (1967) Boston: Little, Brown & Co.

This contains 25 stories which have been gathered from all over India. Most of them have never appeared in print before. These stories are not based on classical tales, but are stories that mothers tell their children in India today.

## CHINESE

Bunting, Eve. The Happy Funeral. (1982) New York: Harper & Row

This story deals with a Chinese American girl, Laura, whose beloved grandfather has died. The story illustrates Chinese American customs and traditions.

Chu, Louis (1915-1970). Eat A Bowl of Tea. (1982) Seattle, WA: University of Washington Press.

The novel depicts everyday life of an American Chinatown's bachelor society -- an enclave of old men trapped by immigration laws to live out their days in America.

Hwang, David Henry. Broken Promises: Four Plays. (1983) New York: Avon Books.

The author's plays illuminate the conflicts of Chinese Americans in their struggle to integrate two cultures so vastly different from each other. The plays include 1) FOB (fresh-off-the-boat), 2) The Dance and the Railroad, 3) Family Devotions, and 4) The House of Sleeping Beauties.

Ling, Amy. Chinamerican Reflections: Poems and Paintings. (1984) Lewiston, ME: Great Raven Press

The work is a collection of poetry and landscape paintings by an Asian-American poet. She writes, "deep emotion - joy, but more often pain - impells me to write. These poems, then, are the highs and lows of my life, while the paintings reflect the serenity to strive for."

Loru, Bette Bao. In the Year of the Boar and Jackie Robinson. (1984) New York: Harper & Row.

A Chinese girl, Shirley Temple Wong, comes to Brooklyn in 1947, does not know English, and has problems adjusting to a new country. Then a miracle happens; she discovers baseball and the Brooklyn Dodgers.

Telemaque, Eleanor Wong. It is Crazy to Stay Chinese in Minnesota. (1986) Nashville, TN: Thomas Nelson Inc.

This is a fictionalized account of a girl's growing up in a small town in Minnesota where her parents run a Chinese restaurant. They are the only Chinese family in town in the 1950s torn between Eastern and Western cultures.

## FILIPINO

Asian American Studies Center, compiler. Letters in Exile: An Introductory Reader on the History of Filipinos in America. (1976) Los Angeles: University of California, Los Angeles.

This anthology of readings includes both historical and literary sources on the Filipino experience in the United States.

Bulosan, Carlos. America is in the Heart: A Personal History. (1973) Seattle: University of Washington Press.

Through this literary autobiography of a Filipino laborer who came to America as a young man, Bulosan describes firsthand the hardships, despair, and horrors experienced by a large number of Filipino migrant workers.

Pido, Antonio J.A. The Filipinos in America. Macro/Micro Dimensions of Immigration and Integration. (1986) Staten Island, NY: Center for Migration Studies.

This details the growth of the Filipino diaspora, examining a variety of concerns: who the Filipinos were before they migrated to the United States, why they migrated, and how they relate to Americans and Americans to them once in the U.S.

### JAPANESE

Houston, Jeanne Wakatsuki and James. Farewell to Manzanar. (1973) Boston, MA: Houghton-Mifflin.

This recollection of a family's internment in a relocation camp in California is told through the eyes of a seven-year-old who is uprooted from her home and then undergoes an experience she can in no way understand.

Japanese American Anthology Committee, compiler. Ayumi: A Japanese American Anthology. (1980) San Francisco: Japanese American Anthology Committee.

A collection of writings by Japanese American writers.

Ministry of Foreign Affairs, Japa. Yutaka, Tazawa. Japan's Cultural History: A Perspective. (1979) Director-General of the Public Information Bureau, Japan.

This work chronicles life and culture in the Archaic Age in Japan to the Collapse of Feudal Society and Modernization.

Uchida, Yoshiko. The Best Bad Thing. (1983) New York: Atheneum.

A Japanese American girl, Rinko, has to spend the last month of summer vacation helping Mrs. Hata who eats garlic for breakfast and says things that don't make sense. But Rinko soon learns the reasons for the woman's eccentricities and how strong she really is, thus providing a second generation Japanese American's perspective on the "strange ways" of first generation Japanese-Americans.

### KOREAN

Farley, Carol. Korea: A Land Divided. (1983) Minneapolis, Minnesota: Dillon Press, Inc.

This book describes the history, geography, customs, family life, school life, sports, games, and folklore of Korea.

### VIETNAMESE

Henkin, Alan, B. and Nguyen, Liem Thank, Between Two Cultures: The Vietnamese in America. (1981) Saratoga, CA: Century Twenty-One Publishing.

This booklet provides historical and socio-cultural backgrounds of the Vietnamese as well as a contrastive study of American and Vietnamese cultures.

Quyen, Duong Van and Coburn, Jewell Reinhart, Beyond the East Wind: Legends and Folktales of Vietnam (1976). Thousand Oakes, CA: Burn, Hart and Company.\*

### HAITIAN

Auguste, Michaelle and Dejean, Yves. Joli Joli Kont. Cambridge, MA: Evaluation, Dissemination and Assessment Center, 1980.

These are a series of Haitian folktales.

Ecrivains et musiciens haitiens (Haitian Writers and Musicians). Brooklyn: Title VII Project, Regional Bilingual Training Resource Center, n.d.

This is an overview of Haitian writers and musicians that is written in French.

Fomburn, Roy Odette. Documentation pour l'enseignement de l'histoire d'Haiti: Livre du Maitre. Port-au-Prince: Editions de Soleil, 1979.

This is a booklet for teaching Haitian history that is written in French.

Haitian Resource Unit, Kindergarten to 9th Grade -- 37 Guided Lesson Plans Designed to Further Appreciation of Haitian Culture. Brooklyn: New York Board of Education, n.d.

Some Haitian Thoughts Expressed Through Proverbs. Albany: Bureau of Bilingual Education of the New York State Department of Education, n.d.

Timoun Yo Ap Li: Teacher's Guide, Liv. 1, Liv. 2. Albany: Bureau of Bilingual Education of the State University of New York, n.d.

This is a beginning reader in Haitian Creole with an accompanying Teacher's Guide.

Wolkstein, Diane. The Magic Orange Tree and Other Haitian Folktales (1978) New York: Alfred A. Knopf.

This is a collection of Haitian folktales suitable for all age levels.

### HISPANIC

Nava, Julian, Mexican Americans: A Brief Look at their History. (1986). New York, NY: Anti-Dafamation League of B'nai B'rith.

This traces the history of Mexican Americans, examines the distortions and stereotypes that still surround them, and looks at their future.

Ortego, Philip D., Ed., (1973). We are Chicanos: An Anthology of Mexican American Literature. New York: Pocket Books.

Folklore, poetry, drama, fiction, as well as essays of social commentary, are included in this anthology.

The Puerto Ricans: A Brief Look at Their History. (1986). New York, NY: Anti-Defamation League of B'nai B'rith.

A survey of Puerto Rican history is presented with an emphasis on the social, cultural and economic aspects of the island and its relationship to mainland USA.

Puerto Ricans in the Continental United States (1976) A report of the U.S. Commission on Civil Rights.

Puerto Rico: Our Land and Our People: A Photographic Essay. Government Development Bank for Puerto Rico, n.d.

Quirarte, Jacinto, Mexican American Artists. (1973). Austin, TX: University of Texas Press.

Illustrated with color and black and white prints, this book discusses Mexican-American art before and during the twentieth century.

Valldejuli, Carmen Aboy, Puerto Rican Cookery. (1975). South Braintree, MA: The Alpine Press.

The author, a resident of Puerto Rico, tells how to make hundreds of delicious Puerto Rican dishes.

**APPENDIX 8 - MOST FREQUENTLY ASKED QUESTIONS**



APPENDIX 8

**MOST FREQUENTLY ASKED QUESTIONS**

Sometimes people required to develop and implement a school desegregation plan react with anxiety, uncertainty, perplexity, or resistance. The following most-frequently-asked questions are included here, with answers, to assist the district in successfully achieving desegregation goals, with the least difficulty or uncertainty.

The Board of Education Asks:

Q. Why do we have to desegregate?

A. In the case of Brown v. Board of Education, Topeka, Kansas, (1954) the Supreme Court described an equitable educational process as one in which a student of one racial group is able "to engage in discussion and exchange views with other students, and develop the ability to function effectively together." Obviously, racial segregation prohibits this kind of exchange between, and learning about, racially different students. Therefore, the Court declared it to be unlawful in public education.

Q. Suppose we refuse to desegregate?

A. The commissioner may impose a plan. The courts have continuously upheld the authority of the Commissioner of Education to require compliance with the laws on school desegregation, including the initiation of "show cause" orders, the denial of school certifications, the withholding of funds, the development and imposition of his own desegregation plans, in addition to other corrective actions, as needed.

Q. By what authority do we have to desegregate?

There is a plethora of law and policy regarding the unconstitutionality of maintaining schools that are segregated or isolated by race, national origin, color, religion, or sex, or which discriminate against students or staff in some other manner. (For details see Section I of these Guidelines).

Q. What does racial imbalance mean?

A. Racial imbalance refers to the predominance of one racial group of students in a school or a classroom over other racial groups of students. Law and public policy require that such racial imbalance, whether it be Black, white, or national origin, be corrected by means of a desegregation plan, which may require a tri-ethnic configuration.

Q. How much time do we have?

Time constraints will be reasonably established. A district will not usually be expected to develop and put a plan in place in the middle of a school year, for example. The plan should include short-range and long-range goals designed to facilitate appropriate and effective plan development and implementation. The adequacy of the plan will be monitored on an annual basis.

Q. Will the implementation of a desegregation plan benefit the school system academically?

A. School desegregation research has proven unequivocally that the equitable provision of quality educational opportunity, and the elimination of segregation or isolation among staff and students along racial/national origin lines has narrowed the gap in achievement test scores and social development between all those groups, with benefit to each group and without negatively effecting the academic achievement of any group. The system will also benefit from the fact that school desegregation, resulting in the exchange and interchange of students across racial/national origin lines, is the only means of providing students with educational and social experiences that prepare them to function effectively in a racially mixed society.

Q. Can our district desegregate when we are predominantly Black and/or Hispanic?

A. Yes. The purpose of desegregation is to help students prepare for life's experiences with other "minorities" as well as with whites. In addition, there are other components -- curriculum revision, programmatic exchanges, neutral site programs, and others, which may also be developed to help satisfy desegregation requirements in ways that produce the desired results, when only two groups of students may be exposed to each other.

Q. What kind of help can we get?

The resources of the Department of Education, and outside sources, will be made available through the Office of Equal Educational Opportunity's advisory/technical assistance service.

The Administration Asks:

Q. How was this district selected?

A. Each year every New Jersey district is reviewed to ascertain the comparative ethnic composition of its schools. Districts are "flagged" when student populations become disparate as to minority non-minority composition. Flagged districts are then reviewed extensively to ascertain the existence of any practices or conditions that may segregate or otherwise discriminate against students or staff, based on their race or national origin. When documented, correction is required.

- Q. Can we get financial support?
- A. Yes. Limited funds for desegregation purposes are available through Federal magnet school grants, and State Chapter II Block Grant entitlements.
- Q. Do I have to move students?
- A. Yes. These Guidelines establish the options available regarding the movement of students to either desegregate school enrollments or provide integrated instructional experiences for students. It is necessary that students receive instruction in desegregated/integrated settings from integrated personnel in order to learn to function in and value our pluralistic society.
- Q. What could happen should administrators choose to ignore or undermine desegregation, or encourage public opposition to it?
- A. They may be disciplined or even fired.
- Q. Why?
- A. Constitutional law, policy, and regulation require local school boards to produce and maintain thorough and efficient school systems that provide equal educational opportunity for all students. Thorough and efficient systems of education can be neither segregated nor discriminatory, because such practices or conditions violate law.

Administrators are responsible to implement Board policies in conformity with requirements of law through practices and conditions that provide optimum learning for all students, while neither limiting or denying them -- nor having the effect of limiting or denying -- any educational opportunity or benefit on the bases of their race, color, creed, religion, ancestry, national origin, gender, social or economic status, or handicapping condition.

School desegregation or corrective action plans, as defined in these Guidelines, are intended to mitigate and eliminate or prevent segregation, isolation and other discriminatory practices and conditions that preclude thorough and efficient education and that deny equal educational opportunity. Administrative failure or refusal to develop and implement a required school desegregation or corrective action plan in an appropriate, timely and efficient manner constitutes an act of malfeasance or misfeasance, both of which are dismissable offenses.

The Instructional Staff Asks:

- Q. How will desegregation effect me?
- A. Teachers will need to learn of and appreciate the different learning styles and characteristics of a multiracial classroom setting. Participation in teacher inservices on human relations, effective interracial communications, and productive instructional strategies should prove helpful to teachers.

Q. Will the curriculum change?

A. Yes. It will be necessary to designate an appropriate curriculum to reflect the learning needs of a desegregated classroom, and to teach students to respect and relate to each other fairly in competent and mutually beneficial ways.

Q. How can I maintain acceptable reading and math scores with the addition of minorities to my classroom?

A. The addition of minority students to your classroom should enhance the learning curve of all students in your classroom, especially the minority students'. Educational research has disproved the theory that minority students negatively effect the academic achievement of non-minority students. And minority students learn at a faster pace within integrated instructional settings. Academic achievement correlates closely with socio-economic conditions, teacher and student expectations, and motivation, but not with race or national origin.

Q. How can we make real progress with slow learners in the classroom?

A. Regardless of classroom composition -- all white, or racially mixed -- the capacity to learn varies with students. Teachers in racially mixed classroom settings will need to acquire the skill to address the learning needs of each student. There are able students within every group. However, frequently their learning predispositions vary, thereby making some instructional strategies and grouping techniques far more effective than others with racially diverse students.

Q. Won't minority students come in and ruin the school climate?

A. No. If discipline policies are equitably enforced, and students are fairly treated, the presence of minority students with non-minority students should not be disruptive. Students should also be taught about each other and be given opportunities to talk, study, and work together as part of the regular classroom instructional methodology. This produces the requisite skills of learning to function and live together, cooperatively and synergistically.

Students Ask:

Q. Will it be dangerous for me coming to school with minority students?

A. No. The discipline policies and procedures, which will be equitably and fairly enforced, will protect the rights and safety of all students regardless of race or national origin.

Q. Aren't white students smarter than Black and Hispanic students? Won't they hold us back?

- A. No. Educational research has provided evidence of the error of that thinking. Given equal opportunity to learn, minority students have proven to be as academically able as non-minority students.

Parents Ask:

- Q. Why do my kids have to ride a bus when there's a school within walking distance?
- A. The law requires that our schools be desegregated. This means that minority and non-minority students have the chance to come together and learn together in the classroom. Unfortunately, when housing patterns are segregated, minority/non-minority students may have to attend other schools in order to be able to study and interact together.
- Q. Why should I support desegregation?
- A. Because learning to live interracially is, or in a democratic society should be, a vital part of every student's educational experience. Students can learn to function together only by being together. They must be given the opportunity to experience and value living as part of a culturally pluralistic society that treats everyone justly and enables everyone to become all they can be. Only then can our Nation survive and thrive.

The Community Asks:

- Q. Isn't the desegregation of our schools going to be expensive?
- A. Not necessarily. The school administration and Board will have the freedom to develop a plan which need not be costly. They should plan so as to increase the per pupil funding through federal and state assistance, and thus provide a greater variety of high quality educational programs than currently exist through the district's budget, alone. Desegregation should improve educational quality in the district.
- Q. Won't school desegregation invite more minorities to our school and community?
- A. School desegregation is the law of the land. It's not a matter of choice. We are a pluralistic society and that pluralism needs to be appreciated, recognized and accepted so that we can learn from and grow with each other. The classroom is critical to that kind of learning and growing. That is the right of all Americans, regardless of race or national origin.
- Q. How can I be sure of what is going on in my child's school?

A. Become a part of it. Comprehensive school desegregation plans require that parents and other community persons be kept informed about and involved in implementation of the desegregation plan. Interested parents should contact the school officials and volunteer to participate in activities of interest to you.

Q. What role can I play in this process?

A. Some parents serve as classroom aides, or community resource persons. Some donate a few hours on a couple of days per week to help out in a school office or on a computer, or in assembly programs. Some participate in PTA's, or PTO's, or as members of booster clubs.

At the initiation of the desegregation effort, some interested people staff "hot lines" to provide the community with factual and unemotional information. Others tutor students over "homework helper hot lines." The list of opportunities to serve is limited only by the interests and energies of people of good will. Remember, desegregation makes a positive, beneficial difference in the lives of all children. So pitch in and help if you can!





CHAPTER 4

EQUALITY IN EDUCATIONAL PROGRAMS

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SUBCHAPTER 1. GENERAL PROVISIONS

Authority

Unless otherwise expressly noted, all provisions of this subchapter were adopted pursuant to authority of N.J.S.A. 18A:36-20 and were filed and became effective May 20, 1975, as R.1975 d.137. See: 7 N.J.R. 136(a), 7 N.J.R. 252(a).

6:4-1.1 Purposes and objectives

The New Jersey Constitution and implementing legislation guarantee each child in the public schools equal educational opportunity regardless of race, color, creed, religion, sex, ancestry, national origin or social or economic status. To assure these basic rights the Commissioner of Education and the State Board of Education have developed these regulations which specifically implement N.J.S.A. 18A:36-20 and the State Board of Education resolution concerning sex equality in educational programs. These regulations have also been developed in conformity with relevant Federal and State statutes concerning discriminatory conduct.

6:4-1.2 Definitions

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

“Discriminatory practices” means an action or failure to act based upon race, color, creed, religion, sex, ancestry, national origin or social or economic status.

“Educational activities and programs” means all activities and programs conducted or sponsored by the school either during the school day or after regular school hours.

“School” means every public elementary or secondary school, every regional school, every county vocational school, or any other public institution providing special or

general educational services to students from grades kindergarten through 12.

Case Notes

Educational activities and programs defined. *Playcrafters v. Teaneck Twp. Bd. of Ed.*, 177 N.J.Super. 66, 424 A.2d 1192 (App.Div.1981), affirmed 88 N.J. 74, 438 A.2d 543.

6:4-1.3 Policy development

(a) Each local school district shall develop a policy of equal educational opportunity to be adopted as a resolution by the board of education. The school district shall inform the community it serves of this resolution by publicizing it in an adequate manner, including but not limited to the district’s customary methods of information dissemination.

(b) Each local school district shall develop two affirmative action programs or plans, which shall include timetables for corrective action to overcome the effects of any previous patterns of discrimination which may exist and a systematic internal monitoring procedure to ensure continuing compliance.

1. One such program or plan shall include, but need not be limited to, action as required by Section 5 (School and classroom practices) of this Subchapter.
2. Another program or plan shall include, but need not be limited to, action as required by Section 6 (Employment/contract practices) of this Subchapter.
3. The programs or plans shall be made available for review to all interested parties.

(c) Each local school district shall designate a member of its professional staff as the affirmative action officer to coordinate and implement the district’s efforts to comply. The progress of the district in complying shall be reported by the superintendent to the board of education as it shall require.

(d) As part of its affirmative action programs or plans, each local school district shall arrange for or provide in-service training for school personnel on a continuing basis to identify and resolve problems arising from prejudice on the basis of race, color, creed, religion, sex, ancestry, national origin or social or economic status.

(e) Each board of education shall adopt and approve courses of study, instructional materials, and programs designed to eliminate discrimination and promote understanding and mutual respect between children of different races, colors, creeds, religions, sexes, ancestries, national origins or social or economic status. Community involvement in this process shall be encouraged.

(f) The local school district shall evaluate courses of study and instructional materials already in use to determine



whether they are designed to achieve the objectives set forth in subsection (e) of this Section and shall supplement them as necessary where they are not so designed. As the use of courses and materials is discontinued in the normal course of events, the local school district shall replace them with courses and instructional materials designed to meet the objectives set forth in subsection (e) of this section.

#### Case Notes

Affirmative action plans; burden of production to articulate legitimate, nondiscriminatory reason for laying off white teacher. *U.S. v. Board of Educ. of Tp. of Piscataway*, D.N.J.1993, 832 F.Supp. 836.

Affirmative action plan preferring minority teachers in layoff decisions was invalid. *U.S. v. Board of Educ. of Tp. of Piscataway*, D.N.J.1993, 832 F.Supp. 836.

Special role of Commissioner; exclusive jurisdiction in complaints of discrimination in public school curriculum. *Atty.Gen.F.O. 1975-No. 28*.

#### 6:4-1.4 Technical assistance

The commissioner or designee shall provide technical assistance to local school district for the development of policy guidelines, procedures and in-service training for school personnel so as to aid in the elimination of prejudice on the basis of race, color, creed, religion, sex, ancestry or social or economic status.

#### Case Notes

Requirements of affirmative action plan. *In re Bd. of Ed., Trenton, Mercer Cty.*, 1979 S.L.D. 648, 1979 S.L.D. 707, affirmed 176 N.J.Super. 124 A.2d 553 (App.Div.1980), affirmed 86 N.J. 327, 431 A.2d 808 (1981).

Special role of Commissioner; exclusive jurisdiction in complaints of discrimination in public school curriculum. *Atty.Gen.F.O. 1975-No. 28*.

#### 6:4-1.5 School and classroom practices

(a) No student shall be denied access to or benefit from any educational program or activity solely on the basis of race, color, creed, religion, sex, ancestry, national origin or social or economic status.

(b) There shall be no differential requirements for completion of course offerings or courses of study solely on the basis of race, color, creed, religion, sex, ancestry, national origin or social or economic status.

(c) There shall be no discrimination against students because of pregnancy, childbirth, pregnancy-related disabilities, actual or potential parenthood, or family or marital status. A student shall not be excluded from any educational program or activity because of pregnancy or related conditions unless she so requests or a physician certifies that such exclusion is necessary for her physical, mental or emotional well-being. If she is excluded for these reasons, she must be provided with adequate and timely opportunity for instruction to continue or make up her schoolwork without prejudice or penalty.

(d) Public school students shall not be segregated on the basis of race, color, creed, religion, sex, ancestry, national origin or social or economic status.

1. A local school district shall provide for separate restroom, locker room, and shower facilities on the basis of sex, but such facilities provided for students of one sex shall be comparable to such facilities provided for students of the other sex.

(e) No course, including but not limited to physical education, health, industrial arts, business, vocational or technical courses, home economics, music and adult education shall be offered separately on the basis of race, color, creed, religion, sex, ancestry, national origin or social or economic status.

1. Portions of classes which deal exclusively with human sexuality may be conducted in separate sessions for boys and girls, provided that the course content for such separately conducted sessions is the same.

(f) The athletic program, including but not limited to intramural, extramural, and inter-scholastic sports, shall be available on an equal basis to all students regardless of race, color, creed, religion, sex, ancestry, national origin or social or economic status. The athletic program as a whole shall be planned to insure that there are sufficient activities so that the program does not deny the participation of large numbers of students of either sex.

1. The activities comprising such athletic program shall receive equitable treatment, including but not limited to staff salaries, purchase and maintenance of equipment, quality and availability of facilities, scheduling of practice and game time, length of season and all other related areas or matters.

2. A school may choose to operate separate teams for the two sexes in one or more sports and/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.

(g) School personnel shall not use tests, procedures or other guidance and counseling materials which are differentiated or stereotyped on the basis of race, color, creed, religion, sex, ancestry, national origin or social or economic status.

(h) When informing students about possible career, professional and/or vocational opportunities, school personnel shall in no way restrict or limit the options presented to students on the basis of race, color, creed, religion, sex, ancestry, national origin or social or economic status.

As amended. R.1977 d.274, eff. August 3, 1977.  
See: 9 N.J.R. 307(b), 9 N.J.R. 416(a).



## Case Notes

Regulation did not violate federal equal protection, State Constitution, law against discrimination, or statute prohibiting gender discrimination in education. *B.C. v. Cumberland Regional School District*, 220 N.J.Super. 214, 531 A.2d 1059 (App.Div.1987).

Removal of boy who played on girls field hockey team was unlawful discrimination. *B.C. v. Cumberland Regional School District*, 10 N.J.A.R. 106 (1986) rejected, Commissioner of Education affirmed 220 N.J.Super. 214, 531 A.2d 1059 (App.Div., A-5637-85, 9/21/87).

Legislative mandate. *Playcrafters v. Teaneck Twp. Bd. of Ed.*, 177 N.J.Super. 66, 424 A.2d 1192 (App.Div.1981), affirmed 88 N.J. 74, 438 A.2d 543.

Regulatory authority and purpose. *Atty.Gen.F.O. 1975-No. 28.*

Grading system for food classes formulated, adopted, and applied prospectively by school board was neither arbitrary nor capricious. *K.S. v. Glassboro Board of Education*, 95 N.J.A.R.2d (EDU) 245.

Imposing suspension did not violate due process rights of student. *R.W. on Behalf of His Minor Child, R.W. v. Board of Education of Hunterdon Central Regional High School District*, 93 N.J.A.R.2d (EDU) 113.

No proof that student's failure to graduate with his class was result of discriminatory treatment or de facto two-tier system of education. *G.M., W.M. and J.M. v. Board of Education of Township of Ewing*, 93 N.J.A.R.2d (EDU) 4.

Student denied admission into high school advanced placement English program; reasonable. *K.L.L. and S.L. v. Board of Education of Township of Livingston*, 92 N.J.A.R.2d (EDU) 648.

Board had authority to exclude children seeking to transfer into first grade from private kindergarten program who were not six-years old on or before October 1. *H.A.B. as Guardian ad litem for S.T.B. v. Manalapan-Englishtown Regional School District*, 92 N.J.A.R.2d (EDU) 640.

Driver education not mandated and may be offered outside of regular school day. *Parsippany-Troy Hills Education Assn. v. Bd. of Ed., Parsippany-Troy Hills Twp., Morris Cty.*, 7 N.J.A.R. 236 (1981), affirmed 188 N.J.Super. 161, 457 A.2d 15 (App.Div.1983), certification denied 94 N.J. 527, 468 A.2d 182 (1983).

Coaches of girls' sports are entitled to equal pay as coaches of boy's sports. *Elmwood Park Education Assn. v. Bd. of Ed., Elmwood Park Boro.*, 3 N.J.A.R. 249 (1980).

Application with respect to curriculum and religious freedom. *J.B. v. Bd. of Ed., Dumont Boro., Bergen Cty.*, 1977 S.L.D. 1134, 1978 S.L.D. 1021.

**6:4-1.6 Employment/contract practices**

(a) All persons regardless of race, color, creed, religion, sex, or national origin shall have equal access to all categories of employment in the public educational system of New Jersey.

(b) All New Jersey public school districts shall comply with all State and Federal laws related to equal employment, including but not limited to the New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 et seq.), Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, Executive Order 11246 as amended, Equal Pay Act of 1963 as amended, and Title IX of the Education Amendments 1972 (Higher Education Act).

(c) No school district shall enter into any contract with a person, agency, or organization if it has knowledge that such person, agency or organization discriminates on the basis of race, color, creed, religion, sex, ancestry, national origin or social or economic status, either in employment practices or in the provision of benefits or services to students or employees.

## Case Notes

Racial discrimination is not a negotiable issue in collective bargaining with a public employer. *Teaneck Bd. of Ed. v. Teaneck Teachers Assn.*, 185 N.J.Super. 269, 448 A.2d 487 (App.Div.1982), affirmed 94 N.J. 9, 462 A.2d 137 (1983).

No discrimination found in failure to transfer half-time guidance counsellor to out-of-category social studies teaching position for which she had no tenure. *Perry v. Bd. of Ed., Glen Rock Boro., Bergen Cty.*, 1 N.J.A.R. 300 (1981).

**6:4-1.7 Compliance**

(a) Each school district shall submit to the Commissioner of Education or designee a copy of its resolution of equal educational opportunity (see N.J.A.C. 6:4-1.3(a)) and the name of its affirmative action officer (see N.J.A.C. 6:4-1.3(c)) within 60 days of the effective date of these regulations.

(b) Each school district shall, within 120 days of the effective date of these regulations submit its proposed program or plan of affirmative action for school and classroom practices (see N.J.A.C. 6:4-1.3(b)).

(c) Each school district shall, within 180 days of the effective date of these regulations, submit its proposed program or plan of affirmative action for employment and contract practices (see N.J.A.C. 6:4-1.3(b)).

(d) The commissioner or designee shall review the programs or plans, approve or reject said plans and shall notify the school system of his decision within 60 days of receipt of the plans.

(e) If the plan is in any way unacceptable, the commissioner shall designate a person or persons to work with the school district to develop an acceptable plan, which must be completed and approved within 60 days of the receipt of the notice that the original plan was unacceptable.

(f) The plan must be initiated within a time period not to exceed 120 days from the time of its approval and must be fully implemented in accord with an approved timetable.

(g) If within one year of the effective date of the affirmative action plan a school district is still found not to be in compliance with these regulations or its plan was not implemented, the commissioner may initiate, with the approval of the State Board of Education, action to suspend, terminate or refuse to award continued Federal or State financial assistance. The commissioner may also make referral to any appropriate judicial and/or administrative Federal, State or local agencies.



**6:4-1.8 State review and evaluation**

(a) At least once every three years the commissioner or designee shall review and evaluate the progress of each school district in implementing its affirmative action plan. If sufficient appropriations exist, the commissioner may utilize the services of qualified independent consultants to effectuate the review and evaluation. The commissioner shall provide each local school district with a copy of such analysis.

(b) The board of education of each local school district shall make available to the community a summary of the review and evaluation in accordance with the procedures adopted pursuant to N.J.A.C. 6:4-1.2(a).

(c) Any and all inadequacies in the program plan as revealed in the review and evaluation shall be corrected as soon as is practicable, but in no case shall correction of the plan be delayed more than 60 days from receipt of notice of inadequacy or noncompliance. If such inadequacy is not corrected in the specified time, it shall result in the procedure described in N.J.A.C. 6:4-1.7(g).

**6:4-1.9 Appeals**

In accordance with N.J.S.A. 18A:6-9, any individual may petition the Commissioner of Education to resolve a dispute arising under these regulations pursuant to procedures set forth in N.J.A.C. 6:24-1.1 et seq.

**6:4-1.10 Effect of related statutes**

The obligation to comply with these regulations is not obviated or alleviated by any State or local law or rule or regulation of any organization, club, athletic or other league or association which would limit the eligibility or participation of any student on the basis of race, color, creed, religion, sex, ancestry, national origin or social or economic status.

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