

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

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

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

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

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

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

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

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

2. A school may choose to operate separate teams for the two sexes in one or more sports or single teams open competitively to members of both sexes, so long as the athletic program as a whole provides equal opportunities for students of both sexes to participate in sports at comparable levels of difficulty and competency; and

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

Administrative correction.

See: 35 N.J.R. 3609(a).

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

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

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

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

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

#### 6A:7-1.9 Accountability

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

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

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

1. A needs assessment that includes student assessment and behavioral data disaggregated by gender, race, ethnicity, Limited English Proficiency, Special Education, Migrant, date of enrollment, student suspension, expulsion, Child Study Team referrals, Pre-K-12 promotion/retention data, Pre-K-12 completion rates and re-examination and re-evaluation of classification and placement

of students in special education programs if there is overrepresentation within certain group; staffing practices; quality of program data; and stakeholder satisfaction data;

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

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

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

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

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

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

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

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

#### **6A:7-1.10 Appeals**

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