

POLICY

5145.4 EQUAL EDUCATIONAL OPPORTUNITY

The Board of Education directs that all pupils enrolled in the schools of this district shall be afforded equal educational opportunities in strict accordance with law. No pupil shall be denied access to or benefit from any educational program or activity or from a co-curricular or athletic activity on the basis of the pupil's race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability. The Board shall assure that all pupils are free from harassment, sexual or otherwise.

The Board directs the Superintendent to allocate faculty, administrators, support staff members, curriculum materials, and instructional equipment supplies among and between the schools and classes of this district in a manner that ensures equivalency of educational opportunity throughout this district. The school district's curricula in the following areas will eliminate discrimination, promote mutual acceptance and respect among students, and enable students to interact effectively with others, regardless of race, national origin, gender, religion, English proficiency, socio-economic status, or disability:

1. School climate/learning environment;
2. Courses of study, including Physical Education;
3. Instructional materials and strategies;
4. Library materials;
5. Software and audio-visual materials;
6. Guidance and counseling;
7. Extra-curricular programs and activities;
8. Testing and other assessments.

The school district's curricula will include Multi-cultural Education content and practices, instruction on African-American History in the teaching of U.S. History and instruction on the Holocaust and Genocide.

Affirmative action shall be taken to ensure that pupils are protected from the effects of discrimination, in accordance with Board policy. Pupils who experience less than equal educational opportunities or experience discrimination shall use the procedure established by Board regulation to report and appeal any harassment or discriminatory practice.

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The conduct of teaching staff members shall exemplify the highest principles of equality and democracy. Conduct and attitudes that display discrimination are contrary to the policies of this Board and, further, are destructive to the self esteem that this Board wishes to encourage in all pupils. A teaching staff member's act of derision or enmity, in any form, against a person or persons on the basis of race, color, creed, religion, national origin, ancestry, age, marital status, affectational or sexual orientation or sex, social or economic status, or disability shall be considered to be conduct unbecoming to a professional staff member of this district and shall be subject to appropriate discipline.

The Superintendent shall develop and promulgate a procedure by which a pupil or parent may appeal Board policy, district practice, or the act or omission of any district employee that allegedly violates this policy.

Equity in Educational Programs and Services

Equity in Student Access

It is the policy of the Board of Education to ensure equal and bias-free access to all school facilities, courses, programs, activities, and services, regardless of race, national origin, gender, religion, English proficiency, socio-economic status, and/or disability.

The school district administration will ensure: that all students will have equal and barrier-free access to all school and classroom facilities, that minority and female students are not under-represented in gifted and talented or accelerated/advanced courses and that minority and male students are not over-represented in detentions, suspensions, expulsions, dropouts, or special needs classifications. Support services will be available to all students and that all limited English-proficient students and students with disabilities will have equal and bias-free access to all school programs and activities. The school district will ensure equal and bias-free access for all students to computers, computer classes, vocational education classes, and technologically-advanced instructional assistance, regardless of race, national origin, gender, religion, English proficiency, socio-economic status, or disability.

The Board of Education will refrain from locating new facilities in areas that will contribute to imbalanced, isolated, or racially identifiable school enrollments. The school district administration will assign students to ensure that the racial/national origin composition of each school's enrollment reflects the composition of the district-wide enrollment and so that school and classroom enrollments are not identifiable on the basis of race, national origin, gender, or socio-economic status.

Students will not be separated or isolated by race, national origin, gender, religion, English proficiency, socio-economic status, or disability within schools, courses, classes, programs, or extracurricular activities. Bias-free multiple measures for determining the special needs of language-minority students and students with disabilities will be utilized. Pregnant students will be permitted to remain in the regular school program and activities

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and if not permitted to attend school by her doctor, the student will be provided equivalent instruction.

Equity in Guidance Programs and Services

The school district will ensure the guidance program provides access to adequate and appropriate counseling services for minority students, limited English-proficient students, non-college bound students, and students with disabilities. A full range of possible career, professional, and/or vocational choices will be presented to all students.

Equity in Physical Education Training

All school district physical education programs will be co-educational, with the exception of wrestling practice and a minimum of 75% of the electives are chosen by at least 30% of enrolled male and female students, when the physical education programs are elective.

Equity in Athletic Programs

The school district's athletic program will provide equitable opportunities for female and male students to participate in athletics and equitable support for cheerleading programs and comparable facilities for male and female teams. The athletic program will have relatively equal numbers of varsity and sub-varsity teams for male and female teams and equitable scheduling of night games, practice times, and numbers of games for male and female teams.

Appeal Procedure

Any pupil or their parent or legal guardian may appeal school practices involving equity through the procedure established in Board regulation.

Sexual Harassment

The Board of Education will not tolerate sexual harassment of pupils by school employees, other pupils, or third parties. Sexual harassment of pupils is a form of prohibited sex discrimination. School district staff will investigate and resolve allegations of sexual harassment of pupils engaged in by school employees, other pupils (peers), or third parties.

The Board shall establish a grievance procedure through which school district staff and/or pupils can report alleged sexual discrimination, including sexual harassment which may include quid pro quo harassment and hostile environment.

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Definitions:

1. Quid pro quo harassment occurs when a school employee explicitly or implicitly conditions a pupil's participation in an educational program or activity or bases an educational decision on the pupil's submission to unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Quid pro quo Harassment is equally unlawful whether the pupil resists and suffers the threatened harm or submits and thus avoids the threatened harm.
2. Hostile environment sexual harassment is sexually harassing conduct (which can include unwelcomed sexual advances, requests for sexual favors, or other favors, or other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another pupil, or by a third party that is sufficiently severe, persistent, or pervasive to limit a pupil's ability to participate in or benefit from an educational program or activity, or to create a hostile or abusive educational environment.

This policy protects any "person" from sex discrimination; accordingly both male and female pupils are protected from sexual harassment engaged in by school district employees, other pupils, or third parties. Sexual harassment, regardless of the gender of the harasser, even if the harasser and the pupil being harassed are members of the same gender is prohibited. Harassing conduct of a sexual nature directed toward any pupil, regardless of the pupil's sexual orientation, may create a sexually hostile environment and therefore constitute sexual harassment. Nonsexual touching or other nonsexual conduct does not constitute sexual harassment.

The regulation and grievance procedure shall provide a mechanism for discovering sexual harassment as early as possible and for effectively correcting problems.

The Superintendent, or designee, will take steps to avoid any further sexual harassment and to prevent any retaliation against the pupil who made the complaint, was the subject of the harassment, or against those who provided the information or were witnesses. The school district staff can learn of sexual harassment through notice and any other means such as from a witness to an incident, an anonymous letter or telephone call.

This policy and regulation on sexual harassment of pupils shall be published and distributed to pupils and employees to ensure all pupils and employees understand the nature of sexual harassment and that the Board will not tolerate it. The Board shall provide training for all staff and age-appropriate classroom information for pupils to ensure the staff and the pupils understand what type of conduct can cause sexual harassment and that the staff know the school district policy and regulation on how to respond.

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In cases of alleged harassment, the protections of the First Amendment must be considered if issues of speech or expression are involved. Free speech rights apply in the classroom and in all other programs in the public schools. The Superintendent, or designee, will formulate, interpret, and apply the policy so as to protect free speech rights of staff, pupils and third parties.

In addition, if the Board accepts federal funds, the Board shall be bound by Title IX of the Education Amendments of 1972 prohibiting sexual harassment of pupils. Title IX applies to all public school districts that receive federal funds and protects pupils in connection with all the academic, educational, extra-curricular, athletic, and other programs of the school district, whether they take place in the school facilities, on the school bus, at a class or training program sponsored by the school in a school building or at another location.

Harassment and Hazing

The Board of Education believes that harassing and hazing activities of any type are inconsistent with the educational process and prohibits all such harassing and hazing behavior at any time on school premises and at school-sponsored events.

“Harassment” means repeated unprovoked aggressive behaviors of a physical or psychological nature, carried out against an individual or a group of individuals that results in harm or injury to the individual or the group. To be considered harassment, the behavior must be unwelcomed by the recipient and have the effect of creating a hostile environment.

“Hazing” means the performance of any act or the coercion of another to perform any act of initiation into any class, team, or organization that causes or creates a substantial risk of causing mental or physical harm. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

All staff members shall be alert to possible circumstances of events that might include harassment and hazing. A staff member who detects harassment, planned harassment, hazing and/or planned hazing shall immediately inform the pupils involved of the prohibition against harassment and hazing and direct them to cease all hazing activities or planning for hazing. All such incidents must be reported to the building principal who shall report any incident to the Affirmative Action Officer and the Superintendent.

Any pupil organization, comprised all or in part of school pupils in which are formed or perpetuated by enrolling pupils based on the decision of the members of the pupil organization and not by the free choice of any pupils, are prohibited. A staff member or pupil who fails to observe the prohibitions and mandates of this policy will be subject to discipline.

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Hate Crimes and Bias Incidents in Schools

The Board of Education is committed to providing a safe and healthy environment for all children in the school district. The commission of hate crimes and bias incidents committed on school grounds or at school related activities can lead to further violence and retaliation. Hate crimes and bias incidents are a direct attack upon the racial, religious and ethnic heritage of the school community and will not be tolerated by or within the school district. The school district employees will work closely with local law enforcement and the county prosecutor's office to report or eliminate the commission of hate crimes and bias incidents.

Definitions:

1. A hate crime is any suspected or confirmed offense or unlawful act which is directed at or occurs to a person, private property, or public property on the basis of race, color, religion, sexual orientation or ethnicity. An offense is bias-based and thus constitutes a hate crime if the motive for the commission of the offense or unlawful act is racial, religious, ethnic or pertains to affectational or sexual orientation or sex. The designated bias incident offenses are:
 - a. Murder
 - b. Manslaughter
 - c. Rape
 - d. Robbery
 - e. Aggravated Assault
 - f. Burglary
 - g. Simple Assault
 - h. Fear of Bodily Violence
 - i. Arson
 - j. Criminal Mischief
 - k. Damage to Property
 - l. Weapons Offenses
 - m. Sex Offenses
 - n. Terroristic Threats
 - o. Trespass
 - p. Disorderly Conduct
 - q. Harassment
 - r. Desecration of Venerated Objects
2. A bias incident is any suspected or confirmed offense or unlawful act which is directed at or occurs to a person, private property, or public property on the basis of race, color, religion, sexual orientation or ethnicity. An act is bias-based and thus constitutes a bias incident if the motive for the commission of the act or unlawful act is racial, religious, ethnic or pertains to sexual orientation. A bias incident need not involve an act which constitutes an offense.

Required Actions

Whenever any school employee in the course of his/her employment has reason to believe that 1) a hate crime has been committed or is about to be committed on school property, or has been or is about to be committed by any student, whether on or off school property and whether or not such offense was or is about to be committed during operating school hours, or 2) that a student enrolled in the school has been or is about to become the

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victim of a hate crime, whether committed on school property or during school hours, the school employee shall immediately notify the building principal and Superintendent, who in turn shall notify the New Jersey State Police and Bias Incident Officer for the County Prosecutor's Office. The Principal shall notify the New Jersey State Police and the County Prosecutor's Office immediately if there is reason to believe the act of violence has been or is about to be committed against a student or there is reason to believe that a life has been or will be threatened.

Whenever any school employee in the course of his/her employment has reason to believe that a bias incident has been committed or is about to be committed on school property, or has been or is about to be committed by any student, whether on or off school property and whether or not such bias incident was or is to be committed during school hours, the school employee should immediately notify the building principal and Superintendent, who in turn should promptly notify the New Jersey State Police.

In deciding whether to refer the matter of a bias incident to the New Jersey State Police and the County Prosecutor's Office, the building principal and the Superintendent, should consider the nature and seriousness of the conduct and the risk that the conduct posed to the health, safety and well-being of any student, school employee or member of the general public. The building principal and Superintendent should consider the possibility that the suspected incident could escalate or result in some form of retaliation which might occur within or outside school property.

It is understood a referral to the New Jersey State Police or County Prosecutor's Office is only a request to conduct an investigation and nothing more than the transmittal of information which might be pertinent to any such law enforcement investigation. A referral is not an accusation or formal charge.

Unless the New Jersey State Police or the County Prosecutor's Office request otherwise, the school district will continue to investigate a suspected hate crime or bias incident occurring on school property and may take such actions as necessary and appropriate to redress and remediate any such acts.

School officials will secure and preserve any such graffiti or other evidence of a suspected hate crime or bias incident pending the arrival of the New Jersey State Police or the County Prosecutor's Office. The school officials, when feasible, will cover or conceal such evidence until the arrival of the New Jersey State Police or County Prosecutor's Office.

- 42 U.S.C.A. 12101
- N.J.S.A. 10:5-1
- N.J.S.A. 18A:6-5 et seq.; 18A:36-20
- N.J.A.C. 6:4.1 et seq.; 6:28-1.4
- N.J.S.A. 18A:4A-1 et seq.
- N.J.A.C. 6:4-1 et seq.

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Title IX of the Education Amendments of 1972

Athletic Guidelines 1986

United States Department of Education – Office of Civil Rights Sexual Harassment
Guidance: Harassment of Students by School Employees, Other Students, or Third
Parties (1997)

N.J.S.A. 18A:42-5; 18A:42-6

N.J.S.A. 2A:4A-60c

N.J.A.C. 6:29-10.1 et seq.

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