

EQUAL EDUCATIONAL OPPORTUNITY

The Jersey City School District shall provide equal and bias-free access for all students to all school facilities, courses, programs, activities and services and give them maximum opportunity to achieve their potential regardless of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, gender identity or expression, marital status, liability for service in the Armed Forces of the United States, nationality, place of residence within the district, socioeconomic status, or disability. Enforcement of other district affirmative action/equity policies (2224, 4111.1, 4211.1 and 6121) contribute to this legally required equality of educational opportunity.

Staff members shall maintain professional relationships with students at all times and develop wholesome and constructive relationships with them. Staff members shall be expected to regard each student as an individual and to accord each student the rights and respect that are his/her due.

Staff members shall promote a learning environment that encourages fulfillment of each student's potential in regard to his/her program, consistent with district goals and with optimal opportunities for students. This goal may be reached by adapting instruction to individual needs, by:

- A. Insisting on reasonable standards of scholastic accomplishment for all students;
- B. Creating a positive atmosphere in and out of the classroom;
- C. Extending the same courtesy and respect that is expected of students;
- D. Treating all students with consistent fairness.

The board of education guarantees all students equal access to all academic programs within the learning environment.

Students shall respect the rights of other students to receive an education in an environment that is conducive to learning and personal growth. No student shall have the right to abridge another student's right to privacy or right to hold personal beliefs which are different from those of the mainstream.

Harassment

The district's affirmative action program is part of each academic program regarding all students. No one--including students, staff members, vendors, volunteers, or visitors--shall commit an act of harassment/discrimination of any kind against any member of the school community on any of the grounds prohibited by law.

“Harassment, intimidation or bullying” is defined as any gesture, any written, verbal or physical act, or any electronic communication, whether it be a single incident or a series of incidents, that is reasonably perceived as being motivated by an actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability, or by any other distinguishing characteristic; that takes place on school grounds, at any school-sponsored function or on a school bus, or off school grounds, in accordance with law, that substantially disrupts or interferes with the orderly operation of the school or the rights of other students, and that;

EQUAL EDUCATIONAL OPPORTUNITY (continued)

- A. A reasonable person should know, under the circumstances, will have the effect of physically or emotionally harming a student or damaging the student's property, or placing a student in reasonable fear of physical or emotional harm to his/her person or damage to his/her property; or
- B. Has the effect of insulting or demeaning any student or group of students; or
- C. Creates a hostile educational environment for the student by interfering with the student's education or by severely or pervasively causing physical or emotional harm to the student.

All reported incidents of harassment, intimidation or bullying shall be handled according to law and board policy 5131.1 Harassment, Intimidation and Bullying. Harassment may be claimed by a third party. That is, individuals who are not directly involved in the behavior may experience a hostile environment. They shall have the same legal rights to act under this policy as those directly victimized.

Harassment may be claimed by a third party. That is, individuals who are not directly involved in the behavior may experience a hostile environment. They shall have the same legal rights to act under this policy as those directly victimized.

Particularly, the board of education shall maintain an academic environment that is free from sexual harassment.

Sexual harassment shall consist of unwanted and unwelcome sexual advances, requests for sexual favors, and other inappropriate conduct or communication of a sexual nature when made by any staff member to a pupil, by any pupil to another pupil, or by any pupil to a staff member when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of a pupil's evaluation, promotion, opportunities, privileges, and other benefits of education;
- B. Submission to or rejection of such conduct by a pupil is used as a basis for decisions affecting the pupil;
- C. Such conduct has the purpose or effect of interfering with a pupil's academic performance or creating an intimidating or hostile educational environment.

Any member of the student body may file a formal grievance related to harassment. The affirmative action officer will receive all complaints and initiate a thorough investigation and will protect the rights of both the student making the complaint and the alleged harasser. Filing of a grievance or otherwise reporting harassment of any kind will not reflect upon the student's status nor affect future grades or class assignments.

The administration will inform all students that sexual harassment is prohibited in the educational setting. Specifically, no person employed by the district or by a vendor, or acting in a voluntary capacity, shall threaten or insinuate, either directly or indirectly, that a student's refusal to submit to sexual advances will adversely affect the students standing in the school setting. Students are forbidden to harass other students or staff members or vendors or volunteers through conduct or communications of a sexual nature within the school setting.

Findings of discrimination in the form of harassment will result in appropriate disciplinary action.

Equity in School

The board of education shall maintain an academic environment that is free from harassment and provide

EQUAL EDUCATIONAL OPPORTUNITY (continued)

equal and bias free access for all students to all school facilities, courses, programs activities and services, regardless of race, creed, color, national origin, ancestry, age marital status, affectional or sexual orientation, gender, religion, disability or socioeconomic status. The board shall ensure that:

- A. School classrooms and facilities will be barrier free;
- B. Attention will be directed at attaining minority representation within each school that approximates the district's overall minority representation;
- C. The district curriculum will be aligned with the State's Core Curriculum Content Standards and address the elimination of discrimination by narrowing the achievement gap;
- D. All students have access to counseling services;
- E. Physical education program is equitable and co-educational.

Procedures shall be made available for students and/or parents/guardians who wish to file a grievance protesting alleged discriminatory or sexually (or other) harassing action. An immediate report of the allegation should be made to the affirmative action officer or superintendent. Violations of this policy or its related procedures shall be cause for appropriate disciplinary action.

Procedures shall be made available for pupils and/or parents/guardians who wish to file a grievance protesting alleged discriminatory or sexually (or other) harassing action. An immediate report of the allegation should be made to the affirmative action officer or chief school administrator.

Violations of this policy or its related procedures shall be cause for appropriate disciplinary action.

Hate Crimes/Bias Incidents

An employee of the board who becomes aware in the course of his/her employment that a student or other staff person has committed a hate crime or is about to commit one shall immediately inform the building principal and superintendent. All incidents of hate/bias shall be reported whether they occur during school hours on school grounds or otherwise.

Service Animals

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the school facilities where members of the community, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

Implementation

The superintendent shall direct development of procedures regarding the implementation of this policy to include sanctions, protection of individual rights to confidentiality and due process, and notification procedures. The superintendent shall ensure that, annually, all staff and all students (in means and terms that are age-appropriate) be thoroughly informed of this policy, their right to file grievances under this policy and the law and the procedures relative to filing. Further, all staff and students shall be informed annually of the identity of the district's affirmative action officer and how he/she may be contacted.

The superintendent shall also ensure that staff and students participate in educational programs relating to this policy and the maintenance of a safe and nurturing educational environment.

EQUAL EDUCATIONAL OPPORTUNITY (continued)

The superintendent shall use all customary methods of information dissemination to ensure that the community is informed of its policies on educational equity.

Adopted: March 13, 2008
NJSBA Review/Update: March 2013
Readopted: October 17, 2013, May 22, 2014

Key Words

Nondiscrimination, Affirmative Action, Equal Educational Opportunity, Harassment, Sexual Harassment

See Regulation Manual:

AR-1 Section 504
AR1.1 Attachment A: Section 504 Compliance Checklist

Legal References: N.J.S.A. 2C:16-1 Bias Intimidation
N.J.S.A. 10:5-1 et seq. Law Against Discrimination
N.J.S.A. 18A:36-20 Discrimination; prohibition
N.J.S.A. 18A:38-5.1 No child to be excluded from school because of race, etc.
N.J.A.C. 6A:7-1.1 et seq. Managing for Equality and Equity in Education
See particularly:
N.J.A.C. 6A:7-1.4,-1.7
N.J.A.C. 6A:16-6.3(e) Reporting students or staff members to law enforcement Authorities
N.J.A.C. 6A:17-1.1 et seq. Education of homeless children and students in state facilities
N.J.A.C. 6A:30-1.1 et seq. Evaluation of the Performance of School Districts
N.J.A.C. 6A:32-12.1 Reporting requirements
N.J.A.C. 6A:32-14.1 Review of mandated programs and services

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

State v. Mortimer, 135 N.J. 517 (1994)

20 U.S.C.A. 1681 - Title IX of the Education Amendments of 1972

20 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

20 U.S.C.A. 1400 et seq. - Individuals with Disabilities Education Act (formerly Education for All Handicapped Children Act) --Part B

42 U.S.C.A. 12101 et seq. - Americans with Disabilities Act (ADA)

Hawkins-Stafford Elementary and Secondary School Improvement Amendments of 1988 (P.L. 100-297)

Saxe v. State College Area School Dist., 240 F. 3d 200 (3d Cir. 2001)

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

EQUAL EDUCATIONAL OPPORTUNITY (continued)

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his/her perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division on Civil Rights.

Comprehensive Equity Plan, New Jersey State Department of Education

Possible

<u>Cross References:</u>	*2224	Nondiscrimination/affirmative action
	*4111.1/4211.1	Nondiscrimination/affirmative action
	*5131.1	Harassment, intimidation and bullying
	*5134	Married/pregnant students
	*6121	Nondiscrimination/affirmative action
	*6141	Curriculum design/development
	*6145	Extracurricular activities
	*6161.1	Guidelines for evaluation and selection of instructional materials
	*6171.4	Special education

*Indicates policy is included in the Critical Policy Reference Manual.