

**Policy**

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EQUAL EDUCATIONAL OPPORTUNITY

The 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, disability, or pregnancy. 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.

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.

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. All students must be allowed to receive an education in an environment free from sexual harassment. Any student, staff, vendor or guest conduct which violates these standards will not be condoned.

"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

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as being motivated either by any 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:

- 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.

Sexual harassment is a form of misconduct which undermines the integrity of the educational environment. It is a prohibited practice when it results in discrimination in regard to any student on the basis of conduct not related to academic performance, including promotion of students who submit to sexual advances or refusal to promote students who resist or protest sexual overtures. 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 student, by any student to another student, or by any student to a staff member when:

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

A district employee who uses implicit or explicit coercive sexual behavior to control, influence, or affect the education of a student is engaging in sexual harassment. Any employee or student who participates in deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature is also engaging in sexual harassment.

It is the policy of the board that sexual harassment is unacceptable conduct and will not be excused. Individuals who instigate sexual harassment of students are subject to disciplinary action, including suspension or expulsion.

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.

Any student who believes he or she has been sexually harassed may file a verbal or written complaint with the district affirmative action officer or assistant principal.

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Any member of the student body may file a formal grievance related to harassment. The school anti-bullying specialist 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. If the victim is from a protected class, the affirmative action officer will be included in the investigation. Filing of a grievance or otherwise reporting sexual harassment will not reflect upon the individual's status nor affect future grades or class assignments.

Findings of discrimination in the form of sexual 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 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 identity or expression, religion, disability, nationality 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; Exact appointment is not required. The ultimate goal shall be to achieve the greatest degree of racial balance that is feasible and consistent with sound educational values and procedures;
- C. The district curriculum will be aligned with the State's New Jersey Learning Standards and address the elimination of discrimination by narrowing the achievement gap; Utilizing on an annual basis a State-approved English language proficiency measure for determining the special needs of English language learners and their progress in learning English;
- D. Utilizing bias-free multiple measures for determining the special needs of students with disabilities;
- E. The district curriculum will be aligned with the New Jersey Learning Standards and address the elimination of discrimination by narrowing the achievement gap by:
  - a. Providing equity in educational programs and by providing opportunities for students to interact with others proactively regardless of status;
  - b. Ensuring there are no differential requirements for completion of course offerings or programs of study solely on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status;
  - c. Ensuring courses shall not be offered separately on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status;
  - d. Reducing or preventing the underrepresentation of minority, female, and male students in all classes and programs, including gifted and talented, accelerated, and advanced classes;
  - e. Ensuring schools demonstrate the inclusion of a multicultural curriculum in its instructional content, materials, and methods, and ensuring students understand the basic tenets of multiculturalism;
  - f. Ensuring African-American history, as well as the history of other cultures, is infused into the curriculum and taught as part of U.S. history;
  - g. Ensuring instruction on the Holocaust and other acts of genocide is included in the curriculum of all elementary and secondary schools, as developmentally appropriate.
  - h. Ensuring that students are not discriminated against because of a medical condition.
- F. All students shall have support services, including intervention and referral services, school health services and counseling services; and

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- G. Physical education program and athletic programs shall be equitable and co-educational and do not discriminate based on protected class status.

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.

Bias Related 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 bias-related act (hate crime) or is about to commit one shall immediately inform the building principal and superintendent. All incidents of bias-related act shall be reported whether they occur during school hours on school grounds or otherwise. The principal or his or her designee shall promptly notify the local police department and the bias investigation officer for the county prosecutor's office.

The principal or his or her designee shall immediately notify the local police department and the bias investigation officer for the county prosecutor's office where there is reason to believe a bias-related act that involves an act of violence has been or is about to be physically committed against a student, or there is otherwise reason to believe a life has been or will be threatened.

All incidents shall be reported utilizing the Student Safety Data System (SSDS) according to board policy 5131.5 Violence and Vandalism.

Appeals

Grievances related to equity in school and classroom shall be submitted to the affirmative action officer. Any individual may petition the Commissioner in writing to resolve a dispute arising related to equity in school and classroom.

Implementation

On an annual basis, this policy shall be announced to the community and distributed to the staff, students, parents, and posted throughout district buildings. The district affirmative action statement shall be included whenever possible in information regarding the school: The affirmative action statement shall read:

The Technical School District in the County of Cape May is an equal opportunity technical education system. We do not discriminate on the basis of race, creed, color, national origin, ancestry, age, marital/civil union status, affectional or sexual orientation, gender, religion,, liability for service in the Armed Forces of the United States, nationality, place of residence within the district, disability, or socioeconomic status in the administration of employment, contract practices, educational policies, student enrollment and admission policies, scholarships, loans, grants, and other school-administered programs.

At the annual reorganization meeting, the superintendent shall assign a manager within the district to be the affirmative action officer. This person shall be responsible for overseeing and reporting on equal opportunity and affirmative action to the superintendent of schools.

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

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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.

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

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Key Words

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

**Legal References:** N.J.S.A. 2C:16-1 Bias Intimidation  
N.J.S.A. 2C:33-4 Harassment  
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:37-14 Electronic communication, harassment, intimidation or bullying defined  
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  
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)

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28 C.F.R. 35 - Nondiscrimination on the Basis of Disability in State and Local Government Services (covers service animals)

Hawkins-Stafford Elementary and Secondary School Improvement Act of 1988 (Pub.L.No. 100-297) amending Elementary and Secondary Education Act of 1965.

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

Every Student Succeeds Act of 2015, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

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 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**

<b><u>Cross References:</u></b>	*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.