

**2260 AFFIRMATIVE ACTION PROGRAM FOR SCHOOL  
AND CLASSROOM PRACTICES**

The Board of Education shall provide equal and bias-free access for all pupils 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, gender identity or expression, religion, disability, or socioeconomic status, by:

1. Ensuring equal and barrier-free access to all school and classroom facilities;
2. Attaining minority representation within each school, which approximates the district's overall minority representation. Exact apportionment is not required, however, the ultimate goal is a reasonable plan achieving the greatest degree of racial balance, which is feasible and consistent with sound educational values and procedures;
3. Utilizing a State approved English language proficiency measure on an annual basis for determining the special needs and progress in learning of English language learners pursuant to N.J.A.C. 6A:15-1.3(b);
4. Utilizing bias-free multiple measures for determining the special needs of pupils with disabilities, pursuant to N.J.A.C. 6A:14-3.4;
5. Ensuring that support services, including intervention and referral services and school health services pursuant to N.J.A.C. 6A:16, are available to all pupils; and
6. Ensuring that a pupil is not discriminated against because of a medical condition. A pupil shall not be excluded from any education program or activity because of a long-term medical condition unless a physician certifies that such exclusion is necessary. If excluded, the pupil shall be provided with equivalent and timely instruction that may include home instruction, without prejudice or penalty.

The Board of Education shall ensure that the district's curriculum and instruction are aligned to the standards adopted by the State of New Jersey and address the elimination of discrimination by narrowing the achievement gap, by providing equity in educational programs and by providing opportunities for pupils to interact positively with others regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status, by:

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1. 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, gender identity or expression, religion, disability, or socioeconomic status;
2. 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, gender identity or expression, religion, disability, or socioeconomic status; portions of classes which deal exclusively with human sexuality may be conducted in separate developmentally appropriate sessions for male and female pupils, provided that the course content for such separately conducted sessions is the same.
3. Reducing or preventing the underrepresentation of minority, female, and male pupils in all classes and programs including gifted and talented, accelerated, and advanced classes;
4. Ensuring that schools demonstrate the inclusion of a multicultural curriculum in its instructional content, materials and methods, and that pupils 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 standards adopted by the State of New Jersey; 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.

The Board of Education shall ensure all pupils have access to adequate and appropriate counseling services. When informing pupils about possible careers, professional or vocational opportunities, the Board shall not restrict or limit the options presented to pupils on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, gender identity or expression, religion, disability, or socioeconomic status. The district will 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, gender identity or expression, religion, disability, or socioeconomic status.

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The 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, gender identity or expression, religion, disability, or socioeconomic status, as follows:

1. The district shall provide separate restroom, locker room, and shower facilities on the basis of gender, but such facilities provided for pupils of each gender shall be comparable;
2. A school within the school district may choose to operate separate teams for both genders in one or more sports or single teams open competitively to members of both genders, so long as the athletic program as a whole provides equal opportunities for pupils of both genders 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.

N.J.S.A. 18A:36-20

N.J.A.C. 6A:7-1.7

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**R 2260 AFFIRMATIVE ACTION PROGRAM FOR SCHOOL AND  
CLASSROOM PRACTICES COMPLAINT PROCEDURES**

A. Purpose and Application

1. The purpose of this procedure is to give any pupil or the parent(s) of a pupil the opportunity to appeal an alleged violation of the district's Affirmation Action Plan for school and classroom practices, as set forth in Policy 2260.
2. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and will be implemented in an informal manner.
3. Every reasonable effort will be made to expedite the process in the interest of a prompt resolution. Time limits may, however, be extended with the consent of all parties.
4. All participants in the procedure will respect the confidentiality that this district accords to information about individual pupils.

B. Definitions

1. "Affirmative Action Officer" means the district official responsible for the coordination of activities relating to compliance with the Affirmative Action Plan.
2. "Affirmative Action Plan" means the Affirmative Action Plan for school and classroom practices adopted by the Board.
3. "Board of Education" means the Board of Education of the Westfield School District.
4. "Complainant" means a pupil or parent(s) who believes that he/she has been harmed or adversely affected by a failure to enforce the district's Affirmative Action Plan.
5. "Complaint" means an unresolved problem concerning the interpretation or application by an officer or employee of this school district of law and regulations regarding the Affirmative Action Plan.

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6. “Day” means a working or calendar day as identified.
7. “Pupil” means an individual enrolled in any formal educational program provided by the school district.
8. “School district” means the Westfield School District.
9. “Violation” means the failure of a district official or employee to take the positive steps outlined in Policy 2260 and/or included in the Affirmative Action Plan.

C. Procedure

1. A complainant shall discuss his/her complaint with the staff member most closely involved in an attempt to resolve the matter informally.
2. If the matter is not resolved to the satisfaction of the complainant within thirty working days, the complainant may submit a written complaint to the Affirmative Action Officer. The complaint will include:
  - a. The pupil's name and, in the complaint of a person acting on behalf of the pupil, the name and address of the complainant,
  - b. The specific failure to act that the complainant complains of,
  - c. The school employee, if any, responsible for the alleged violation of the Affirmative Action Plan,
  - d. The results of discussions conducted in accordance with paragraph C1, and
  - e. The reasons why those results are not satisfactory.
3. The Affirmative Action Officer will investigate the matter informally and will respond to the complaint in writing no later than seven working days after receipt of the written complaint. A copy of the complaint and the response will be forwarded to the Superintendent.
4. The response of the Affirmative Action Officer may be appealed to the Superintendent in writing within three working days after it has been received by the complainant. The appeal will include the original complaint, the response to the complaint, and the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have violated the Affirmative Action Plan.

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5. On his/her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant will be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than seven working days after the request for a hearing has been submitted. The Superintendent may also require the presence at the hearing of the staff member charged with violation of the Affirmative Action Plan and any other person with knowledge of the violation complained of.
6. The Superintendent will render a written decision in the matter no later than seven working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision will be given to all parties and to the Board.
7. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than three working days after receipt of the Superintendent's decision. The appeal shall include:
  - a. The original complaint,
  - b. The response to the complaint,
  - c. The Superintendent's decision,
  - d. A transcript of the hearing, if one has been made, or a summary of the hearing to which all parties have consented, and
  - e. The complainant's reason for believing the Superintendent's decision should be changed.
8. A copy of the appeal to the Board must be given to the staff member, if any, charged with a violation of the Affirmative Action Plan.
9. The Board will review all papers submitted and may render a decision on the basis of the proceedings below. If the complainant so requests, the Board may convene a hearing, at which all parties may be represented by counsel and may present and examine witnesses, who will testify under oath.
10. The Board will render a written decision no later than forty-five calendar days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision will be given to all parties.
11. The complainant will be informed of his/her right to appeal the Board's decision to the Commissioner of Education or to the New Jersey Division on Civil Rights.

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**D. Record**

The records of any complaint processed in accordance with this procedure shall be maintained in a file separate from the pupil's cumulative file. A notation shall be made in the pupil's file of the presence of the record in the separate file.

In Effect: March 29, 2011  
Reviewed: September 17, 2014