

5750 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, affectional or sexual orientation gender, gender identity or expression, socio-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 insures equivalency of educational opportunity throughout this district. The school district's curricula in the following areas shall eliminate discrimination, promote mutual acceptance and respect among students, and enable students to interact effectively with others, regardless of race, national origin, gender, gender identity or expression, religion, English proficiency, socioeconomic 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 shall 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 insure that pupils are protected from the effects of discrimination, in accordance with Policy 2260. Pupils who experience less than equal educational opportunities or experience discrimination shall use the procedure established by Regulation 5750 to report and appeal any harassment or discriminatory practice.

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, affectional or sexual orientation, gender, gender identity or expression, socio-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.

42 U.S.C.A. 12101
N.J.S.A. 10:5-1
N.J.S.A. 18A:4A-1, et seq.
N.J.S.A. 18A:6-5 et seq.; 18A:36-20
N.J.A.C. 6A:7-1.1 et seq.; 6A:14-1.2

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COMPLAINT PROCEDURE

A. Purpose and Application

1. The purpose of this procedure is to give any pupil or the parent of a pupil the opportunity to appeal an allegedly discriminatory practice in the program of this district or an alleged denial of equal educational opportunity.
2. This procedure is intended to facilitate an equitable and just resolution of a dispute at the most immediate level and should be implemented in an informal manner.
3. Every reasonable effort shall 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 shall respect the confidentiality that this district accords to information about individual pupils.

B. Definitions

1. "Board of Education" means the Board of Education of the Westfield School District.
2. "Complaint" means an unresolved problem concerning the interpretation or application by an officer or employee of the school district relating to compliance with law, regulations, or policies regarding equal educational opportunities.
3. "Complainant" means a pupil or a parent of a pupil who alleges a complaint.
4. "Day" means a calendar day.
5. "Pupil" means an individual enrolled in any formal educational program provided by the school district.
6. "School district" means the Westfield School District.

C. Procedure

1. A complainant shall discuss his or her complaint with the staff member most closely involved, in an attempt to resolve the matter informally.
2. If the matter is still not resolved to the satisfaction of the complainant, the complainant shall contact the building administration.
3. If the matter is not resolved to the satisfaction of the complainant, the complainant may submit a written complaint to the Affirmative Action Officer. The complaint shall 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 act or practice that the complainant believes is discriminatory;
 - c. The school employee, or other individual, responsible for the allegedly discriminatory act;
 - d. The results of discussions conducted in accordance with ¶C1 and ¶C2;
 - e. The reasons why those results are not satisfactory.
4. The Affirmative Action Officer shall investigate the matter and shall respond to the complainant in writing no later than ten working days after receipt of the written complaint. A copy of the complaint and the response shall be forwarded to the Superintendent, the employee's administrator and the employee.
5. The response of the Affirmative Action Officer may be appealed to the Superintendent in writing within ten working days after it has been received by the complainant. The appeal shall include the original complaint, the response to the complaint, the complainant's reason for rejecting the response. A copy of the appeal must be given to the staff member alleged to have acted discriminatorily.
6. On his or her timely request (that is, submitted before the expiration of the time within which the Superintendent must render a decision), the complainant shall be given an informal hearing before the Superintendent, at a time and place convenient to the parties, but no later than 10 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 or individual charged with a discriminatory act and any other person with knowledge of the act complained of.

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7. The Superintendent shall render a written decision in the matter no later than ten working days after the appeal was filed or the hearing was held, whichever occurred later. Copies of the decision shall be given to all parties and to the Board of Education.
8. The complainant may appeal the Superintendent's decision to the Board by filing a written appeal with the Board Secretary no later than ten 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.
9. A copy of the appeal to the Board must be given to the staff member, or other individual, charged with a discriminatory act.
10. The Board shall 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 shall testify under oath.
11. The Board shall render a written decision no later than ten working days after the appeal was filed or the hearing held, whichever occurred later. Copies of the decision shall be given to all parties.
12. The complainant shall be informed of his or her right to appeal the Board's decision to the Commissioner of Education or to the New Jersey Division on Civil Rights.

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 existence of the record in the separate file.

In Effect: September 25, 2001