



New Jersey Department of Education

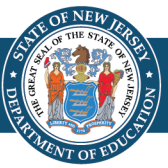


State Board Presentation First Discussion

N.J.A.C. 6A:7, Managing for Equality and Equity in Education

Division of Field Support and Services

December 7, 2022






Background



N.J.A.C. 6A:7, Managing for Equality and Equity in Education

- ❑ Adopted as new rules in 2003.
- ❑ Readopted with amendments in 2008 and 2015 to correct statutory or administrative code citations, provide clarity, and stylistic or grammatical improvements.



Managing for Equality and Equity in Education



This chapter sets forth the applicable definitions, rules, and responsibilities of each district board of education in providing equal access to educational activities and services including the teaching of challenging curriculum based on the New Jersey Student Learning Standards (NJSLS), differentiated instruction, formative assessments aligned to the NJSLS, qualified teachers, and high teacher expectations for student learning.





Goals



The following goals have guided New Jersey Department of Education's (Department) recommendations:

- ❑ Ensure an asset-based orientation aligned to applicable laws and nationally recognized evidence-based practices regarding educational equity.
- ❑ Streamline and consolidate language for clarity, alignment, and accountability.
- ❑ Ensure that equity training is comprehensive, appropriate to all stakeholders, and adequately addresses inequities specific to local education agencies (LEAs).





Categories of Amendments and Repeals



- Technical Updates:** grammatical improvements, updated terminology, and regulatory style;
- Process Updates:** streamline and clarify rules and procedures;
- Ensuring equitable requirements, practices, and procedures for all learners:** students and district personnel; and
- Removal of rules or sections:** covered under other provisions and laws.



Overview of Presentation *(slide 1 of 2)*



- ❑ Overview of each section and categories of proposed amendments.
- ❑ Current requirements of each section, proposed amendments and subsequent rule text of proposed amendments.

Overview of Presentation *(slide 2 of 2)*



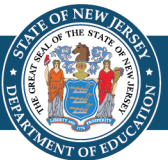
- ❑ First discussion materials presented to the State Board and the public included the proposed deletion of the terms “African American history curriculum” and “Holocaust and genocide curriculum,” as well as amendments to the rules at N.J.A.C. 6A:7-1.7 in which the terms appear. Instead, the Department will change the proposal at second discussion to maintain the definitions and expand N.J.A.C. 6A:7-1.7(b)5 and 6 so the rules are inclusive of all curricular mandates related to protected classes (for example, Asian American and Pacific Islander, disabled and LGBT individuals, and Amistad and Holocaust commissions).
- ❑ First discussion materials presented to the State Board and the public included the proposed deletion of the term “achievement gap” and proposed new term “opportunity gap.” Instead, the Department will change the proposal at second discussion to maintain a definition of “achievement gap” and not propose “opportunity gap” as a new term.





N.J.A.C. 6A:7-1.1

Purpose





N.J.A.C. 6A:7-1.1 Purpose



The purpose of this chapter is to ensure all students, 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, are provided equal access to educational programs and services by district boards of education. The educational programs and services include the teaching of challenging curriculum based on the New Jersey Student Learning Standards (NJSLS), differentiated instruction, formative assessments aligned to the NJSLS, qualified teachers, and high teacher expectations for student learning. The rules specify standards for district boards of education in establishing policies and procedures for the provision of educational and services for all students, pursuant to: Article I, Paragraph 5 of the New Jersey State Constitution; the New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 et seq.); N.J.S.A. 18A:35-1 et seq., 18A:36-20, and 18A:38-5.1; Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq. and 2000e et seq.); the Equal Employment Opportunity Act of 1972 (42 U.S.C. § 2000e); Title IX of Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.); the Equal Pay Act of 1963 (29 U.S.C. § 206(d)); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §§ 701 et seq.); and the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. §§ 1400 et seq.).



N.J.A.C. 6A:7-1.1 Proposed amendments *(slide 1 of 2)*



(a) The purpose of this chapter is to ensure all students, regardless of **housing status, socioeconomic status, immigration status, or any protected category as stated in N.J.S.A. 10:5-1 et seq., such as race, creed, color, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, [gender] genetic information, pregnancy or breastfeeding, sex, gender identity or expression, religion, disability, [or socioeconomic status,] atypical hereditary cellular or blood trait, service in the Armed Forces of the United States, or nationality,** are provided equal access to educational **activities and** programs [and services] by district boards of education. The educational **activities and** programs [and services] include the teaching of challenging curriculum based on the New Jersey Student Learning Standards (NJSLS), differentiated instruction, formative assessments aligned to the NJSLS, qualified teachers, and [high teacher expectations for student learning] **professional standards for teachers and school leaders.**



N.J.A.C. 6A:7-1.1 Proposed amendments *(slide 2 of 2)*



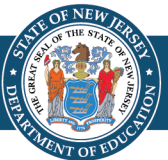
(b) The rules specify standards for district boards of education in establishing policies and procedures for the provision of educational **activities and** programs [and services] for all students, pursuant to: Article I, Paragraph 5 of the New Jersey State Constitution; the New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 et seq.); N.J.S.A. 18A:35-1 et seq., 18A:36-20, and 18A:38-5.1; Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq. and 2000e et seq.); [the Equal Employment Opportunity Act of 1972 (42 U.S.C. § 2000e);] Title IX of Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.); [the Equal Pay Act of 1963 (29 U.S.C. § 206(d));] Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §§ 701 et seq.); and the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. §§ 1400 et seq.).





N.J.A.C. 6A:7-1.2

Scope





N.J.A.C. 6A:7-1.2 Scope



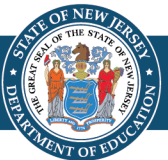
The rules specify standards that apply to district boards of education providing general education services to students in preschool through grade 12, special education services to students ages three through 21, or adult education programs, and to charter schools[,] **and renaissance school projects. Throughout this chapter, unless otherwise indicated, “district board of education” and “school district” refer to the governing body of school districts, charter schools, and renaissance school projects.**





N.J.A.C. 6A:7-1.3

Definitions





Overview

N.J.A.C. 6A:7-1.3 Definitions



The Department's proposals for amendments address the following areas:

Amended definitions :

- Comprehensive equity plan
- Discriminatory practices
- Educational equity
- Equal educational opportunity
- Equity
- Multicultural curriculum
- Prejudice

Deleted definitions:

- Disability
- Employment and contract practices
- Equality
- National origin

Proposed new definition:

- Chief school administrator





N.J.A.C. 6A:7-1.3 - Amended Definitions *(slide 1 of 5)*



- ❑ “Comprehensive equity plan” means a plan designed specifically to ensure an [equal] **equitable** educational opportunity is available to all students through the identification and correction of discriminatory and inequitable practices prohibited by State and Federal law..
- ❑ “Discriminatory practices” means a policy, action, or failure to act that limits or denies equal access to, or benefits from, the educational activities [or] **and** programs of a school, or that generates or permits injustice or unfair or otherwise inequitable treatment of students or staff on the basis of [race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status] **the protected categories listed at N.J.A.C. 6A:7-1.1(a).**

N.J.A.C. 6A:7-1.3 - Amended Definitions *(slide 2 of 5)*



- "Educational equity" means a cohesive set of policies, programs, and practices that [ensure] **emphasizes** high expectations[, positive] **and** achievement patterns, and [equal] **ensures equitable** access to educational opportunity for all learners, including students and teachers.





N.J.A.C. 6A:7-1.3 - Amended Definitions *(slide 3 of 5)*



- “[Equal] **Equitable** educational opportunity” means the creation of environments that enable the provision of a thorough and efficient education as defined by the NJSLS, differentiated instruction, formative assessments aligned to the NJSLS, and high expectations for teaching and learning in a [public] school district; [and] **when the curriculum is designed to enable students to learn and develop an understanding of the events and major contributions by people and groups of people that have shaped and continue to shape the United States of America and the global society;** when prejudice and other forms of discrimination have been eliminated in the school district’s policies, practices, and curricula, as evidenced through the narrowing of the achievement gap; and when all students and staff enjoy [equal] **equitable** access to all programs and benefits provided by, or offered within, [the public schools of] the school district.



- **“Equity” means [when] all [groups of] students have the opportunity to master the goals of the curriculum [to approximately the same degree] in an educational environment that is fair, just, and impartial to all individuals. Equity focuses on [students'] consistent and systematic access for all students to [knowledge] curriculum, resources, instruction, and environments that sustain opportunities for excellent outcomes.**



N.J.A.C. 6A:7-1.3 - Amended Definitions *(slide 5 of 5)*



- ❑ "Multicultural curriculum" means to incorporate throughout the curriculum the experiences, perspectives, and accomplishments of [men and women] **persons** of diverse racial and cultural backgrounds, ethnicities, and national origins that comprise the American society. It also means to develop among students a respect for self and others, an appreciation of diversity, and the acquisition of attitudes, skills, and knowledge needed to function effectively with persons of diverse cultures.
- ❑ "Prejudice" means feelings, opinions, attitudes, or perceptions that produce disparate educational or hiring treatment of, or have adverse educational or hiring impact upon, any person or group of persons on the basis of [race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status] **the protected categories listed at N.J.A.C. 6A:7-1.1(a).**



N.J.A.C. 6A:7-1.3 - Deleted Definitions *(slide 1 of 2)*

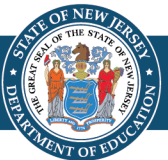


- ❑ [“Disability” means any physical limitation, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect, or illness, including epilepsy, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device. “Disability” also means any mental, psychological, or developmental limitation that results from an anatomical, psychological, physiological, or neurological condition and that prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques.]

N.J.A.C. 6A:7-1.3 - Deleted Definitions *(slide 2 of 2)*



- ❑ ["Employment and contract practices" means all policies and practices governing the recruitment, hiring, assignment, evaluation, retention, and promotion of a school's employees, the solicitation and awarding of contracts, and the purchasing of materials and services.]
- ❑ ["Equality" means sameness, uniformity, and equivalence. Equality focuses on a student's access to educational resources.]
- ❑ ["National origin" means ethnic groups consisting of persons from countries other than the United States of America and reflects a category established by the Federal government that includes persons of the following minority groups: Alaskan Native, Asian, Haitian, Hispanic or Latino, Native American, or Pacific Islander.]





N.J.A.C. 6A:7-1.3 - New Definition




- **“Chief school administrator” means the superintendent, the administrative principal if there is no superintendent, or charter school lead person and renaissance school project administrator.**



N.J.A.C. 6A:7-1.4

Responsibilities of the district board of education



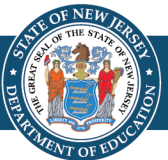


N.J.A.C. 6A:7-1.4 - Overview



The Department's proposals for amendments address the following areas:

- Technical updates to rule text
- Process updates to clarify the role of the executive county superintendent, specify data districts should use to inform their comprehensive equity plan





Proposed Amendments: N.J.A.C 6A:7-1.4(c)1 *(slide 1 of 2)*



Current Requirement: This rule outlines the responsibility of each district board of education, prior to the development of the comprehensive equity plan to assess the school district's needs for achieving equity and equality in educational programs based on an analysis of data.

Proposed Amendments: Add data that districts should use to assess the school district's needs for achieving equity in education activities and programs.



Proposed Amendments: N.J.A.C 6A:7-1.4(c)1 *(slide 2 of 2)*



Prior to developing the comprehensive equity plan, the district board of education shall assess the school district's needs for achieving equity [and equality] in educational **activities and** programs based on an analysis of [student performance] data, [such as] **including, but not limited to**, National Assessment of Educational Progress and State assessment results, preschool-through-grade-12 promotion/retention data, preschool-through-grade-12 completion rates, and re-examination and re-evaluation of classification and placement of students in special education programs if there is over representation within [certain groups] **the protected categories listed at N.J.A.C 6A:7A-1.1(a)**; staffing practices; student demographic [and behavioral] data; **attendance data**; quality of program data; **the federally mandated Civil Rights Data Collection**; **student access to educational activities and programs**; **discipline, graduation rate, and postsecondary enrolment**; **student, staff, and community member interviews**; **enrollment and scoring in advanced classes**; **teacher workforce diversity**; and stakeholder satisfaction data. The [purpose of the] needs assessment [is to] **shall** identify [and eliminate] discriminatory practices and other barriers to achieving equity in educational **activities and** programs, **if applicable**.



Proposed Amendments: N.J.A.C. 6A:7-1.4(c)3

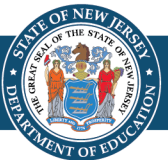


Current Requirement: This rule requires the comprehensive equity plan include goals, objectives, timelines, and benchmarks for measuring progress.

Proposed Amendments: The Department proposes to add “measurable and actionable” before “goals.”

N.J.A.C. 6A:7-1.4(c)3

The comprehensive equity plan shall include **measurable and actionable** goals, objectives, timelines, and benchmarks for measuring progress.



Proposed Amendments: N.J.A.C. 6A:7-1.4(c)4



Current Requirement: This rule requires each district board of education submit the comprehensive equity plan to the executive county superintendent (ECS) for approval and a copy of the plan to the Department.

Proposed Amendments: The Department proposes to replace “approval and a copy of the comprehensive equity plan to the Department” with, “confirmation of completion.”

N.J.A.C. 6A:7-1.4(c)4

The district board of education shall submit the comprehensive equity plan to the executive county superintendent for [approval and a copy of the comprehensive equity plan to the Department] **confirmation of completion.**



Proposed Amendments: N.J.A.C. 6A:7-1.4(c)4i

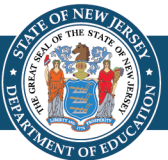


Current Requirement: This rule requires each district board of education to revise the comprehensive equity plan in accordance with the instructions of the ECS and submit the revised plan to the ECS within 30 days of notification of non-approval.

Proposed Amendments: The Department proposes to add “executive county superintendent determines that the” before “comprehensive” and replace “approved by the executive county superintendent with “complete,” and “incompletion” with “non-approval.” The Department also proposes to delete, “of the executive county superintendent” before “and.”

N.J.A.C. 6A:7-1.4(c)4i

If the **executive county superintendent determines that the** comprehensive equity plan is not [approved by the executive county superintendent] **complete**, the district board of education shall revise the plan in accordance with the **executive county superintendent's** instructions [of the executive county superintendent] and shall submit to the executive county superintendent the revised plan within 30 days of the notification of [non-approval] **incompletion**.





Proposed Amendments: N.J.A.C. 6A:7-1.4(d)



Current Requirement: This rule requires each district board of education to submit a statement of assurance regarding achieving the objectives of the comprehensive equity plan to the Department.

Proposed Amendments: The Department proposes to replace “Department” with “executive county superintendent”

N.J.A.C. 6A:7-1.4(d)

Each district board of education shall submit to the [Department] **executive county superintendent** at the end of each school year a statement of assurance regarding achieving the objectives of the comprehensive equity plan. The chief school administrator also shall certify in the statement of assurance to the following:.



Proposed Amendments: N.J.A.C. 6A:7-1.4(d)4



Current Requirement: This rule requires each district board of education to provide a resolution approving the affirmative action officer for each school year of the three-year comprehensive plan.

Proposed Amendments: The Department proposes to recodify existing N.J.A.C. 6A:7-1.4(d)4 as new N.J.A.C. 6A:7-1.4(d)5. Further, the Department proposes new N.J.A.C. 6A:7-1.4(d)4 to require the chief school administrator certify in the statement of assurance that the school district has evaluated the comprehensive equity plan and submitted a revised plan to the ECS if needed.

N.J.A.C. 6A:7-1.4(d)4 and 6A:7-1.4(d)5

4. The school district has evaluated the comprehensive equity plan for effectiveness and has submitted a revised comprehensive equity plan to the executive county superintendent, if necessary.

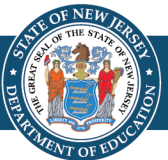
[4.] **5. The district board of education will provide a resolution approving the affirmative action officer for each school year of the three-year comprehensive plan.**






N.J.A.C. 6A:7-1.5

Affirmative action officer





N.J.A.C. 6A:7-1.5 - Overview



The Department's proposals for amendments address the following areas:

- Technical updates to rule text

- Process updates to clarify the affirmative action officer shall serve as a member of the affirmative action team and may also serve as the district's Title IX coordinator. Further, the affirmative action team shall include, to the extent possible, members who represent the diversity of the school district's student population.



Proposed Amendments: N.J.A.C. 6A:7-1.5(a)



Current Requirement: This rule requires each district board of education to designate a member of its staff as the affirmative action officer and form an affirmative action team. Further assure all stakeholders know who the affirmative action officer is and how to contact him or her.

Proposed Amendments: The Department proposes to delete “of whom the affirmative action officer is a member” and “him or her.”

N.J.A.C. 6A:7-1.5(a)

Each district board of education annually shall designate a member of its staff as the affirmative action officer and form an affirmative action team[, of whom the affirmative action officer is a member,] to coordinate and implement the chapter’s requirements. Each district board of education shall assure all stakeholders know who the affirmative action officer is and how to contact [him or her] **the affirmative action officer.**

N.J.A.C. 6A:7-1.5(a)2iv

Serve as a member of the affirmative action team.



Proposed Amendments: N.J.A.C. 6A:7-1.5(a)1

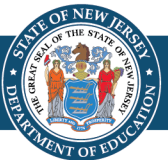


Current Requirement: This rule requires the affirmative action officer have a New Jersey standard certification with an administrative, instructional, or educational services endorsement pursuant to N.J.A.C. 6A:9B.

Proposed Amendments: The Department proposes to replace “certification” with “certificate.”

N.J.A.C. 6A:7-1.5(a)1

The affirmative action officer shall have a New Jersey standard [certification] **certificate** with an administrative, instructional, or educational services endorsement, pursuant to N.J.A.C. 6A:9B, State Board of Examiners and Certification.



Proposed Amendments: N.J.A.C. 6A:7-1.5(a)2i



Current Requirement: This rule requires the affirmative action officer shall coordinate the required professional development training for certificated and non-certificated staff pursuant to N.J.A.C. 6A:7-1.6.

Proposed Amendments: The Department proposes to replace “certificated and non certificated staff” with “all personnel.”

N.J.A.C. 6A:7-1.5(a)2i

Coordinate the required professional development training for [certificated and non-certificated staff] **all personnel**, pursuant to N.J.A.C. 6A:7-1.6;



Proposed Amendments: N.J.A.C. 6A:7-1.5(a)3

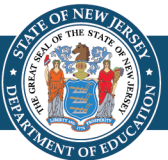


Current Requirement: This rule requires the affirmative action team shall develop the comprehensive equity plan and oversee the implementation of the district's plan pursuant to N.J.A.C. 6A:7-1.4(c). Further, collaborate with the affirmative action officer on coordination of required professional development training for certificated and non-certificated staff pursuant to N.J.A.C. 6A:7-1.6. Finally, monitor the implementation of the comprehensive equity plan and conduct the annual school district internal monitoring to ensure continuing compliance with State and Federal statutes governing educational equity pursuant to N.J.A.C. 6A:7-1.4(d)

Proposed Amendments: The Department proposes a new N.J.A.C. 6A:7-1.5(a)3 and a new N.J.A.C. 6A:7-1.5(a)4. Finally, recodify existing N.J.A.C. 6A:7-1.5(a)3 to align with the new N.J.A.C. 6A:7-1.5(a)4i.

N.J.A.C. 6A:7-1.5(a)3

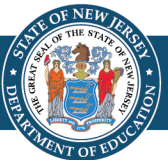
The affirmative action officer may also serve as the school district's Title IX coordinator;



Proposed Amendments: N.J.A.C. 6A:7-1.5(a)3i-3v



- [3.] 4. The affirmative action team shall:
- i. **Include, to the extent possible, members who represent the diversity of the school district's student population.**
 - [i.] ii. Develop the comprehensive equity plan, pursuant to N.J.A.C. 6A:7-1.4(c);
 - [ii.] iii. Oversee the implementation of the **school** district's comprehensive equity plan, pursuant to N.J.A.C. 6A:7-1.4(c);
 - [iii.] iv. Collaborate [with the affirmative action officer] on coordination of the required professional development training for [certificated and non-certificated staff] **all personnel**, pursuant to N.J.A.C. 6A:7-1.6;
 - [iv.] v. Monitor the implementation of the comprehensive equity plan; and
 - [v.] vi. Conduct the annual school district internal monitoring to ensure continuing compliance with State and Federal statutes governing educational equity, pursuant to N.J.A.C. 6A:7-1.4(d).





N.J.A.C. 6A:7-1.6

Professional Development

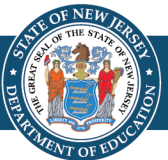


N.J.A.C. 6A:7-1.6 - Overview



The Department's proposals for amendments address the following areas:

- ❑ Technical updates to rule text
- ❑ Process updates to clarify professional development should be differentiated based on position type and an analysis of data conducted pursuant to N.J.A.C. 6A:7-1.4(c)1. Further, the district board of education shall ensure that parents and other community members are aware of professional development regarding topics around equity provided to school district personnel. Finally, all new personnel are provided professional development training on educational equity issues within the first 90 days of employment.



Proposed Amendments: N.J.A.C. 6A:7-1.6(a)



Current Requirement: This rule requires each district board of education provide, on a continuing basis, professional development training for all school personnel to identify and resolve problems associated with the student achievement gap and other inequities arising from prejudice on the basis of protected categories and classes in NJLAD.

Proposed Amendments: The Department proposes replace “achievement” with “opportunity” and delete, “arising from prejudice.” Further replace “race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status,” with “the protected categories listed at N.J.A.C. 6A:7-1.1(a).”

N.J.A.C. 6A:7-1.6(a)

Each district board of education shall provide, on a continuing basis, professional development training for all school personnel to identify and resolve problems associated with the student [achievement] **opportunity** gap and other inequities [arising from prejudice] on the basis of [race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status] **the protected categories listed at N.J.A.C. 6A:7-1.1(a).**





Proposed Amendments: N.J.A.C. 6A:7-1.6(a)1



Current Requirement: This rule requires the professional development training be provided to all certificated and non-certificated staff.

Proposed Amendments: The Department proposes to replace “certificated and non-certificated” with “be differentiated based on staff position type and shall be based on the analysis of data conducted pursuant to N.J.A.C. 6A:7-1.4(c)1.”

N.J.A.C. 6A:7-1.6(a)1

The professional development training shall [provided to all certificated and non-certificated] **be differentiated based on staff position type and shall be based on the analysis of data conducted pursuant to N.J.A.C. 6A:7-1.4(c)1.**





Proposed Amendments: N.J.A.C. 6A:7-1.6(a)2

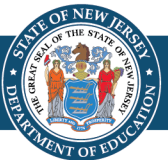


Current Requirement: This rule requires the district board of education to invite parents and other community members to participate in the professional development training.

Proposed Amendments: The Department proposes to replace “invite” with “ensure that” and “to participate in the” with “are aware of” and add, “provided to school district personnel regarding topics around equity,” after “training.”

N.J.A.C. 6A:7-1.6(a)2

The district board of education shall [invite] **ensure that** parents and other community members [to participate in the] **are aware of** professional development training **provided to school district personnel regarding topics around equity.**





Proposed Amendments: N.J.A.C. 6A:7-1.6(a)3



Current Requirement: This rule requires the district board of education ensure all new certificated and non-certificated staff are provided within the first year of employment with professional development training on educational equity issues.

Proposed Amendments: The Department proposes to replace “certificated and non-certificated” with “personnel” and “year” with “90 days.”

N.J.A.C. 6A:7-1.6(a)3

The district board of education shall ensure all new [certificated and non-certificated staff] **personnel** are provided within the first [year] **90 days** of employment with professional development training on educational equity issues.



Proposed Amendments: N.J.A.C. 6A:7-1.6(b)



Current Requirement: This rule requires the Commissioner or his or her designee provide technical assistance to school districts for the development of policy guidelines, procedures, and in-service training for affirmative action officers to aid in the elimination of prejudice on the basis of protected categories and classes in NJLAD.

Proposed Amendments: The Department proposes to replace “his or her” with “the Commissioner’s” and “race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status,” with “the protected categories listed at N.J.A.C. 6A:7-1.1(a).

N.J.A.C. 6A:7-1.6(b)

The Commissioner or [his or her] **the Commissioner’s** designee shall provide technical assistance to school districts for the development of policy guidelines, procedures, and in-service training for affirmative action officers to aid in the elimination of prejudice on the basis of [race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status] **the protected categories listed at N.J.A.C. 6A:7-1.1(a).**





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

Equality in school and classroom practices





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



The Department's proposals for amendments address the following areas:

- Technical updates to rule text
- Process updates to clarify the utilization of a state approved English language proficiency assessment that evaluates a student's English language proficiency on the four domains of listening, speaking, writing, and reading for determining the eligibility and placement of students who may be identified as multilingual learners pursuant to N.J.A.C. 6A:15-1.3(a)3.

Proposed Amendments: N.J.A.C. 6A:7-1.7(a)2

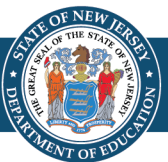


Current Requirement: This rule requires the district board of education ensure within each school, minority representation that approximates the school district's overall minority representation. The ultimate goal is a reasonable plan achieving the greatest degree of racial balance that is feasible and consistent with sound educational values and procedures.

Proposed Amendments: The Department proposes to replace “racial” with “a representative.”

N.J.A.C. 6A:7-1.7(a)2

Attaining, within each school, minority representation that approximates the school district's overall minority representation. Exact apportionment is not required; the ultimate goal is a reasonable plan achieving the greatest degree of [racial] **a representative** balance that is feasible and consistent with sound educational values and procedures;



Proposed Amendments: N.J.A.C. 6A:7-1.7(a)3



Current Requirement: This rule requires the district board of education utilize, 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, pursuant to N.J.A.C. 6A:15-1.3(b).

Proposed Amendments: The Department proposes to replace “measure ” with “assessment that evaluates a student’s English language proficiency on the four domains of listening, speaking, writing, and reading.” Further, replace “special needs” with “eligibility and placement” and “English language” with “students who may be identified as multilingual.” Finally delete “and their progress in learning English” and correct code citation at “N.J.A.C. 6A:15-1.3(b)” with “N.J.A.C. 6A:15-1.3(a)3.”

N.J.A.C. 6A:7-1.7(a)3

Utilizing, on an annual basis, a State-approved English language proficiency [measure] **assessment that evaluates a student’s English language proficiency on the four domains of listening, speaking, writing, and reading** for determining the [special needs] **eligibility and placement** of [English language] **students who may be identified as multilingual** learners [and their progress in learning English], pursuant to N.J.A.C. 6A:15-1.3[(b)](a)3;



Proposed Amendments: N.J.A.C. 6A:7-1.7(b)3



Current Requirement: This rule requires the district board of education shall reduce or prevent underrepresentation of minority, female, and male students in classes and programs' including gifted and talented, accelerated, and advanced classes.

Proposed Amendments: The Department proposes to replace “Reducing or preventing the underrepresentation” with “Increasing and promoting equitable representation.” Further, replace “minority, female, and male ” with “all” and delete “including gifted and talented, accelerated, and advanced classes.”

N.J.A.C. 6A:7-1.7(b)3

[Reducing or preventing the underrepresentation] **Increasing and promoting equitable representation** of [minority, female, and male] **all** students in all classes and programs[, including gifted and talented, accelerated, and advanced classes];



Proposed Amendments: N.J.A.C. 6A:7-1.7(d)



Current Requirement: This rule requires the district board of education shall ensure the school district's physical education and athletic programs are equitable and co-educational and do not discriminate on the basis of protected classes and categories at NJLAD.

Proposed Amendments: The Department proposes to delete “and athletic programs” and “equitable and” and add “in a” and “setting that is developmentally appropriate.”

N.J.A.C. 6A:7-1.7(d)

The district board of education shall ensure the school district's physical education [and athletic programs] are [equitable and] **in a co-educational setting that is developmentally appropriate** and does not discriminate on the basis of [race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status] **the protected categories listed at N.J.A.C. 6A:7-1.1(a),** as follows:





N.J.A.C. 6A:7-1.8

Equality in employment and contract practices





Proposed Deletion: N.J.A.C. 6A:7-1.8



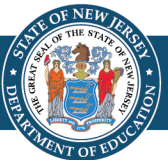
[6A:7-1.8 Equality in employment and contract practices

- a) Each district board of education shall ensure all persons, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status, have equal and bias-free access to all categories of employment in the State's public educational system, pursuant to N.J.A.C. 6A:7-1.1.
- b) A district board of education shall not enter into any contract with a person, agency, or organization that discriminates on the basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status, either in employment practices or in the provision of benefits or services to students or employees, pursuant to N.J.A.C. 6A:7-1.1.
- c) A district board of education shall not assign, transfer, promote, or retain staff, or fail to assign, transfer, promote, or retain staff, on the sole basis of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status, pursuant to N.J.A.C. 6A:7-1.1.
- d) The district board of education shall ensure equal pay for equal work among members of the school district's staff, regardless of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socioeconomic status, pursuant to N.J.A.C. 6A:7-1.1.]



Recodified N.J.A.C. 6A:7-1.8

Accountability





Recodified N.J.A.C. 6A:7-1.8 - Overview



The Department's proposals for amendments address the following areas:

- ❑ Technical updates to rule text
- ❑ Process updates to clarify district board of education's obligation to be accountable for the chapter's requirements is not precluded or alleviated by any rule or regulations of any recreational organization, club, athletic association, or league or organizing group. Further, to clarify if the board of education does not implement the comprehensive equity plan within 60 days of the executive county superintendent's certification of completion, sanctions deemed appropriate by the Commissioner or the Commissioner's designee shall be imposed.





Proposed Amendments: Recodified N.J.A.C. 6A:7-1.8(b)

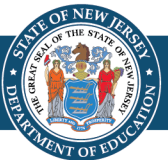


Current Requirement: This rule requires the district board of education's obligation to be accountable for the chapter's requirements is not precluded or alleviated by any rule or regulation of any organization, club, athletic association, or other league or group.

Proposed Amendments: The Department proposes to add "recreational" and "organizing."

N.J.A.C. 6A:7-1.8(a)

The district board of education's obligation to be accountable for the chapter's requirements is not precluded or alleviated by any rule or regulation of any **recreational** organization, club, athletic association, or other league or **organizing** group.



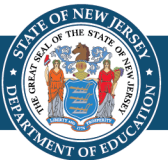
Proposed Amendments:

Recodified N.J.A.C. 6A:7-1.8(c)1 *(slide 1 of 2)*



Current Requirement: This rule requires the comprehensive equity plan shall include the following: An assessment of the school district's needs for achieving equity in educational programs. The assessment shall include staffing practices, quality-of-program data, stakeholder-satisfaction data, and student assessment data disaggregated by gender, race, ethnicity, limited English proficiency, special education, migrant, date of enrollment, student suspension, expulsion, child study team referrals, preschool-through-grade-12 promotion/retention data, preschool-through-grade-12 completion rates, and re-examination and re-evaluation of classification and placement of students in special education programs if there is overrepresentation within certain groups;

Proposed Amendments: The Department proposes to replace "limited English proficiency" with "multilingual learner status, homeless status," and replace "overrepresentation" with "disproportionality." Finally, add "attendance data."





Proposed Amendments: Recodified N.J.A.C. 6A:7-1.8(c)1 *(slide 2 of 2)*



An assessment of the school district's needs for achieving equity in educational **activities and** programs. The assessment shall include staffing practices, quality-of-program data, stakeholder-satisfaction data, and student assessment [and behavioral] data disaggregated by gender, race, ethnicity, [limited English proficiency] **multilingual learner status, homeless status**, special education, migrant, date of enrollment, student suspension, expulsion, child study team referrals, preschool-through-grade-12 promotion/retention data, preschool-through-grade-12 completion rates, **attendance data**, and re-examination and re-evaluation of classification and placement **process** of students in special education programs if there is [overrepresentation] **disproportionality** within certain groups;



Proposed Amendments: Recodified N.J.A.C. 6A:7-1.8(d)

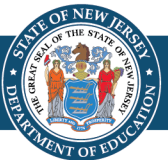


Current Requirement: This rule requires the comprehensive equity plan shall be written every three years.

Proposed Amendments: The Department proposes to delete existing 6A:7-1.9(d) and replace it with recodified 6A:7-1.8(d). Further, at recodified 6A:7-1.8(d) replace “initiate” with “implement” and “its approval and shall implement the plan in accordance with the timelines approved by the Department” with “the executive county superintendent’s certification of completion.”

N.J.A.C. 6A:7-1.8(d)

The district board of education shall [initiate] **implement** the comprehensive equity plan within 60 days of [its approval and shall implement the plan in accordance with the timelines approved by the Department] **the executive county superintendent’s certification of completion.**



Proposed Amendments: Recodified N.J.A.C. 6A:7-1.8(e)

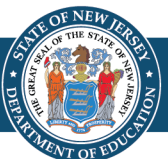


Current Requirement: This rule specifies if the board of education does not implement the comprehensive equity plan within 180 days of approval, or fails to report its progress annually, sanctions deemed appropriate by the Commissioner or the Commissioner’s designee shall be imposed.

Proposed Amendments: The Department proposes to delete existing 6A:7-1.9(f) and replace it with recodified 6A:7-1.8(e). Further, at recodified 6A:7-1.8(e) replace “180” with “60” and “approval date, or fails to report its progress annually, sanctions deemed to be appropriate by the Commissioner or his or her designee shall be imposed. Sanctions may include action to suspend, terminate, or refuse to award continued Federal or State financial assistance, pursuant to N.J.S.A. 18A:55-2” with “ the executive county superintendent’s certification of completion.”

N.J.A.C. 6A:7-1.8(e)

If the district board of education does not implement the comprehensive equity plan within [180] **60** days of [approval date, or fails to report its progress annually, sanctions deemed to be appropriate by the Commissioner or his or her designee shall be imposed. Sanctions may include action to suspend, terminate, or refuse to award continued Federal or State financial assistance, pursuant to N.J.S.A. 18A:55-2] **the executive county superintendent’s certification of completion.**





N.J.A.C. 6A:7-1.10

Appeals





Proposed Deletion: N.J.A.C. 6A:7-1.10



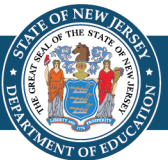
[Pursuant to N.J.S.A. 18A:6-9, any individual may petition the Commissioner in writing to resolve a dispute arising under the chapter, pursuant to procedures set forth in N.J.A.C. 6A:3, Controversies and Disputes.]



Proposed Regulatory Timeline



- Stakeholder Engagement December 2022
- First Discussion State Board of Education December 2022
- Second Discussion State Board of Education January 2023
- Proposal Level State Board of Education February 2023
- Proposal Summary and Code
Published in New Jersey Register (NJR) March 2023
- Adoption State Board of Education July 2023
- Adoption Materials Published in NJR August 2023





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