

Student/Student Relations Discrimination and Intimidation

- A. **The NJSBA believes** that students have the right to be educated in an environment free of discrimination and intimidation that promotes mutual respect and acceptance among the students regardless of age, gender, race, ethnicity, religious belief, physical ability, gender identity or expression, affectional or sexual orientation and perceived difference. Students should be expected to treat each other with respect and should not be subjected to or subject other students to demeaning remarks, whether discriminatory and/or intimidating statements and/or actions.
- B. **The NJSBA believes** that students' acts of discrimination and/or intimidation should not be tolerated. Proven acts of discriminatory practices should result in disciplinary action.
- C. **The NJSBA believes** that local school boards and districts should make all necessary and appropriate efforts to raise awareness, employ best practices, and create an inclusive, safe and positive school climate for all students, including, but not limited to those that are actual or perceived as being lesbian, gay, bisexual, transgender, questioning, or other sexual orientation, gender identity or expression. *[Authority: BD 10/19/90, DA 11/97-SR, DA 5/02-SR, DA 5/07-SR, DA 5/12-SR, DA 5/17-SR; DA 5/21-1, DA 5/22-SR]*

Principles Concerning Racial Imbalance

- A. **The NJSBA believes** maintenance of racially imbalanced schools is in contravention of the law and public policy of the State of New Jersey.
- B. **The NJSBA believes** state and local officials have an affirmative obligation to eliminate or prevent racial imbalance, consistent with sound educational considerations.
- C. **The NJSBA believes** that, in order to avoid racial imbalance, each school district should strive to attain minority representation in each school approximating the district's overall minority representation. Exact apportionment is not required, however, and the ultimate goal is a reasonable plan achieving the greatest degree of racial balance possible, consistent with sound educational values and procedures.
- D. **The NJSBA believes** that any final determination of racial imbalance should take into account the totality of circumstances in the district -- statistical imbalances as well as safety, geography, time, convenience, cost and other practicalities. Where the enrollment in a school or district is small, no plan should be developed which would depend entirely on the movement of very few students.
- E. **The NJSBA believes** that, where it has been determined that a significant degree of racial imbalance exists, a local district should be given an opportunity to submit a remedial plan of its own. Remedial plans to eliminate racial imbalance should include appropriate community, staff and student involvement. Department officials should offer prompt technical assistance to the local board and administration in developing such plans.
- F. **The NJSBA believes** that, if the board's own remedial plan is deemed inadequate, a plenary hearing should be held at which the local board would have an opportunity to show cause why punitive or corrective action should not be taken. *[Authority: DA 6/78-2, DA 6/82-CR Racial Imbalance (Deleted as 0100 - Urban School Districts - 6/93-SR), DA 5/02-SR, DA 5/07-SR, DA 5/12-SR, DA 5/17-SR, DA 5/22-SR]*

State Responsibilities Concerning Racial Imbalance/Desegregation

- A. **The NJSBA believes** the State should continue its commitment to desegregated schools by providing funds to assist local districts with desegregation efforts, evaluating the educational impact of desegregation programs, designing strategies towards preventing resegregation and providing assistance with in-service training of teachers and curriculum improvement regarding knowledge of and sensitivity toward other cultures.

- B. **The NJSBA believes** the State Board of Education should formalize its policies and procedures on racial imbalance by adopting regulations in accordance with the Administrative Procedure Act and regularly report to local districts the desegregation status of all districts.

- C. **The NJSBA believes** the State should consider voluntary inter-district remedies for those districts which cannot provide a desegregated environment because the student body represents primarily one racial or ethnic group. *[Authority: DA 6/82-CR Racial Imbalance, DA 5/97-SR, DA 5/02-SR, DA 5/07-SR, DA 5/12-SR, DA 5/17-SR, DA 5/22-SR]*

Cross Reference: 2224 Equal Employment Opportunity/Nondiscrimination
 4119.24 Staff/pupil relations
 5117 School Attendance Areas

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