

Public Notice

Education

State Board of Education

Notice of Receipt of Petitions for Rulemaking

Managing for Equity in Education

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

Petitioners: Katherine Tencza, Virginia Scudato, Matthew Silberstein, Thomas J. McTague, Suzanne Bocage, Helen and Daniel O'Mullan, Denise Ann Sickinger, Kenia Rivera, Audrey Souders, Jessica Hart, John Holly, Kylie Holly, Deborah Mileto, Melanie Bratton, Lisa Ferrara, Kathryn Cuddeback, Scott N. Russell, Pamela Geary, Pattie Bahrle, Nancy Wheaton, Michelle Dolasco, Brianna Turano, Jen Riccio, Denise Pavese, Rosaro Dragotta, and Amy Galarowicz.

Take notice that on September 2, 3, 4, 5, 6, 7, and 10, 2023, the New Jersey State Board of Education (State Board) received petitions for rulemaking from the above petitioners, requesting the State Board repeal N.J.A.C. 6A:7.

The purpose of N.J.A.C. 6A:7 is to ensure all students, regardless of housing status, socioeconomic status, immigration status, or any protected category as stated at 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, genetic information, pregnancy or breastfeeding, sex, gender identity or expression, religion, disability, 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 by district boards of education. The educational activities and programs 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 professional standards for teachers and school leaders. The rules specify standards for district boards of education in establishing policies and procedures for the provision of educational activities and programs for all students, pursuant to: Article I, Paragraph 5 of the New Jersey State Constitution; the New Jersey Law Against Discrimination (NJLAD) (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.); Title IX of Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.); 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.).

Petitioner Katherine Tencza asserted that the amendments adopted as part of the recent readoption (see 55 N.J.R. 1877(a)) are a violation of students' rights, deny basic science, and potentially could harm students. Petitioner Katherine Tencza also asserted that the adopted amendments seek to establish race-based quotas for both advanced classes and school staff.

Petitioners Helen and David O'Mullan asserted that the amendments are unconstitutional, anti-science, based on recent political and faux-sociological critical theories, provide an antagonistic juxtaposition between parents and teachers, and are hopelessly simplistic and ultimately dangerous to children. Petitioners Helen and David O'Mullan also asserted that the amendments are an overreach far outside the constitutional authority of the State Board of Education; violate the public interest by adversely affecting teachers' recruitment by limiting hiring to ideologically suited applicants. Petitioners Helen and David O'Mullan also asserted that there is no mandate to teach, fluid, ever changing, social multi-influential social constructs or political missions, especially to minors dependent upon their parents.

Petitioners Scott N. Russell and Virginia Scudato asserted that the amendments are unconstitutional, anti-science, a violation of religious freedom, and harmful to children.

Petitioner Pamela Geary asserted that the amendments unconstitutional, harmful to offspring, violates religious freedoms, an overreach of government, and socialist in nature.

Petitioners Kenia Rivera asserted that the chapter is unsafe to children and that we must protect our children and not keep things from parents.

Petitioner Deborah Mileto asserted that the chapter is unreasonable to not notify parents of changes their children are requesting.

Petitioner Melanie Bratton asserted that the chapter harms children, families, and society as a whole. Petitioner Melanie Bratton also asserted that the ideas surrounding gender are a system of beliefs that are not shared by all and would like to see the word gender removed when referencing biological sex.

Petitioners John Holly and Kylie Holly asserted that the chapter is unhealthy and inaccurate, a denial of scientific fact, and has no benefit for any children. Petitioners John Holly and Kylie Holly also asserted that you cannot give the opposite sex access to facilities and activities that need to remain separate: bathrooms, sports teams, etc.

Petitioner Lisa Ferrara asserted that the amendments are not based on science, but instead on ever-changing sociological ideas and political influence and are harmful to children.

Petitioner Lisa Ferrara asserted that the amendments will create an adversarial relationship between child and parent, and parent and teacher, potentially fueling a dangerous and life-threatening environment.

Petitioner Kathryn Cuddeback asserted that the chapter harms children and is government overreach.

Petitioner Jessica Hart asserted that the chapter should be left as is.

Petitioners Audrey Souders and Jen Riccio asserted that the chapter is unconstitutional.

Petitioner Denise Ann Sickinger asserted that the chapter should be repealed and that we need to respect truth and teach that to our children if we are not to confuse and harm them.

Petitioner Suzanne Bocage asserted that the chapter should not allow biological male and female children to participate in a mixed class where their biological development is discussed.

Petitioner Virginia Scrudato asserted that the chapter violates religious freedoms, is socialist in nature, and represents government overreach.

Petitioner Matthew Silberstein asserted that the chapter should not eliminate gendered nouns and pronouns, and public schools should organize sports and sex education based on biological sex rather than self-described gender identity.

Petitioner Thomas J. McTague asserted that the chapter should keep pronouns male and female, and biological sex in sports.

Petitioner Pattie Bahrle asserted that the chapter is unconstitutional and violates the 14th Amendment to the U.S. Constitution.

Petitioner Nancy Wheaton asserted that the chapter interferes with ethical responsibilities and morale obligations, parental rights, and their religious belief. Petitioner Nancy Wheaton also asserted that gender decisions are a decision of parents not the Department of Education.

Petitioner Michelle Dolasco asserted that the chapter goes against her religious beliefs.

Petitioner Brianna Turano asserted that the chapter is unconstitutional. Petitioner Brianna Turano also asserted that parents have every right to know what is going on in their child's life; their children do not belong to the government, school, or teachers.

Petitioner Denise Pavese asserted that the chapter is unconstitutional and harms children.

Petitioner Rosaro Dragotta asserted that due to personal beliefs the chapter should be repealed.

Petitioner Amy Galarowicz asserted that this regulation is not only unneeded but in fact amounts to unwelcome social engineering. The petitioner also asserted that the regulations, specifically, expand the ability of public-school employees to enforce their religious view of sexuality over parent's deeply held religious views. Petitioner asserted N.J.A.C. 6A:7 and the 2020 New Jersey Student Learning Standards should be repealed.

In accordance with N.J.A.C. 1:30-4.2, the Department of Education shall subsequently mail to the petitioners, and file with the Office of Administrative Law, a notice of action on the petition.