

## **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: Christopher Fox, Anita Usmiani, Thomas Hudak, Nicole Lois, Sylvia Kocses, Barbara K. Eames, Joseph Ferrandino, Barbara Dahdah-Anderson, Barbara J. Matrisciano, Lauran Hocquaux, Paul Lund, D.C., Donna Ann Young, Mark Stanzione, Janet Castro, Rosemarie Stone, Nathalie Zimmerman, Kevin Grosso, Yasmeeen Muhammad, Sharon Grosso, Eugene DeBiase, James R. Sues, Robert F. Conkling, Mark Grussenmeyer, Laurie Madison, Mary McGinley, Richard Vincent, Paul and Jacqueline McKeon, Jeryl Maglio, Eric Croft, Risha Walden, Dennis Roberts, Bruce E. Young, Sherry Nardolillo, David J. Botti, Karen Lyden, Kathleen H. McCarthy, Lisa Santangelo, Rose Beth Mickel, Claire Burns, Mary Savas, Deborah Melicharek, Diane Carr, Amanda Speidel, Kyle Dupuis, and Debra MacDonald.

**Take notice** that on August 30 and 31, and September 1 and 2, 2023, the New Jersey State Board of Education (State Board) received petitions for rulemaking from the above petitioners, requesting the State Board repeal amendments adopted at N.J.A.C. 6A:7 as part of the recent readoption with amendments (see 55 N.J.R. 1877(a)).

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 Christopher Fox asserted that the diversity, equity, and inclusion movement has exacerbated division between students and that eliminating gendered pronouns limits common speech. The petitioner also asserted that allowing biological males to compete in sports with biological females is not fair to athletes who are biological females after a certain age.

Petitioner Anita Usmiani asserted that blocking parents from being informed about a child's desire to transition genders is overreach and harmful to children.

Petitioners Thomas Hudak and Dawn Smith asserted that the adopted amendments are unconstitutional and violate religious freedoms.

Petitioner Nicole Lois asserted that there are two genders and children should seek treatment pursuant to the guidance of their parent(s) or guardian(s). The petitioner also asserted that allowing individuals of the opposite sex to share bathrooms is discriminatory to individuals who use bathrooms that align to their biological sex.

Petitioner Sylvia Kocses asserted that the adopted amendments are anti-science, confusing and harmful to children, and advance Marxist ideology by engaging students as identity groups and not as individuals.

Petitioner Barbara K. Eames asserted that the adopted amendments give far too much authority to the State to dictate what school districts choose to teach their students. The petitioner also asserted that this authority should be left to school districts and parents, not usurped by administrative, non-elected officials.

Petitioners Joseph Ferrandino and Mark Stanzione asserted that the adopted amendments violate parental and religious rights and are socialist in nature. Petitioner Mark Stanzione also asserted that the adopted amendments are harmful to children.

Petitioners Barbara J. Matrisciano, Risha Walden, Bruce E. Young, and Sherry Nardolillo asserted that the adopted amendments were purportedly not based on science and reality.

Petitioners Barbara Dahdah-Anderson, D.C., Donna Ann Young, Nathalie Zimmerman, Kevin Grosso, Sharon Grosso, Eugene DeBiase, Laurie Madison, Paul and Jacqueline McKeon, Jeryl Maglio, Eric Croft, Dennis Roberts, Karen Lyden, Kathleen H. McCarthy, Rose Beth Mickel, Mary Savas, Deborah Melicharek, and Amanda Speidel asserted that the adopted amendments are unconstitutional, anti-science, a violation of religious freedom, and harmful to children.

Petitioner Lauran Hocquaux asserted that the adopted amendments can harm children, especially in sports.

Petitioner Paul Lund asserted that replacing equality with equity is not possible in a free society. The petitioner also asserted that gender-neutral statutory language is inappropriate for a government hired by the people to deal practically with real-world concerns.

Petitioners Janet Castro, Yasmeen Muhammad, Mark Grussenmeyer, and David J. Botti asserted that the adopted amendments violate religious rights, the Establishment Clause in the First Amendment to the U.S. Constitution, and equal protection under law, and deny parents fundamental liberty interest in caring for, and guiding, their children.

Petitioner Rosemarie Stone asserted that the adopted amendments are not based in reality or equitable and violate religious rights.

Petitioners James R. Sues and Mary McGinley asserted that the adopted amendments force students to affirm the State of New Jersey's religious views.

Petitioner Robert F. Conkling asserted that the adopted amendments conflict with the values and truths that parents teach their children and that teachers affirm for their students. The petitioner also asserted that divergent language about realities will confuse children and lead to a lack trust in adults and insecurity in who they are.

Petitioners Richard Vincent and Claire Burns asserted that forcing children to affirm gender identity goes against religious beliefs and biology and is unconstitutional.

Petitioners Lisa Santangelo and Debra MacDonald asserted that the adopted amendments violate students' First Amendment rights to freedom of religion and speech.

Petitioners Diane Carr and Kyle Dupuis asserted that the adopted amendments violate parents' rights. Petitioner Kyle Dupuis also asserted that the adopted amendments violate religious freedoms.

Petitioners Nicole Lois, Barbara Dahdah-Anderson, Barbara J. Matrisciano, Donna Ann Young, Kevin Grosso, Sharon Grosso, Eugene DeBiase, Jeryl Maglio, Risha Walden, and Kathleen H. McCarthy also asserted that equity is inherently discriminatory. Petitioners Paul and Jacqueline McKeon, Jeryl Maglio, Dennis Roberts, Bruce E. Young, Karen Lyden, Kathleen H. McCarthy, Rose Beth Mickel, and Amanda Speidel also asserted that the adopted amendments are socialist in nature.

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.