

## **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: James A. Spinelli, John Lucas Ciannello, Marina Messiha, Devon Johnstone, Deborah D'Agostaro, Lee J. Iden, Deborah Allen, Francis A. Dollbaum III, Jeffrey Linn, Scott Spages, Raheel Siddiqui, Amy Kijowski, Lisa Jenkins, Peter Pendell, Richard Wagner, NJ, Anthony J. Marra Jr., Doreen Blanchard Gliebe, Kurt J. Kalenak, Jacqueline McKeon, Jean Schumer, and Christine McKeon.

**Take notice** that on October 12, 13, 16, and 17, 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.).

Petitioners James A. Spinelli, John Lucas Ciannello, Devon Johnstone, Deborah D'Agostaro, Deborah Allen, Raheel Siddiqui, Lisa Jenkins, Kurt J. Kalenak, Jacqueline McKeon, Jean Schumer, and Christine McKeon stated that they supported parents' rights over what their children are taught in school.

Petitioners Marina Messiha, Francis A. Dollbaum III, Amy Kijowski, and Doreen Blanchard Gliebe stated that they supported students' and parents' freedom of religion as it pertains to public school curricula and policies.

Petitioners Lee J. Iden, Amy Kijowski, Doreen Blanchard Gliebe, and Jacqueline McKeon asserted that the adopted amendments are unconstitutional. Petitioner Lee J. Iden also asserted that the Department of Education has overstepped its authority.

Petitioner Jeffrey Linn asserted that the adopted amendments create confusion for citizens who have conflicting understandings of words and cultural concepts.

Petitioner Scott Spages asserted that the adopted amendments are not helpful to children or parents.

Petitioner Peter Pendell asserted that it is unfair to women to allow biological males to compete in women's sports.

Petitioners Deborah Allen and Richard Wagner asserted that children should be identified by their biological sex.

Petitioner NJ asserted that the adopted amendments are harmful and counterproductive for children's well-being.

Petitioner Anthony J. Marra Jr. asserted that equity and equality should never mean that traditional conservative values regarding gender are disregarded.

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