

Public Notice

Education

State Board of Education

Notice of Receipt and Action for Petition for Rulemaking

Managing for Equity in Education

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

Petitioner: Christopher D'Onofrio.

Take notice that on September 3, 2023, the New Jersey State Board of Education (State Board) received a petition for rulemaking from the above petitioner regarding the State Board 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.).

The petitioner stated, “I believe it should be by your physical gender” for the substance or nature of the request and also for the reason for the request.

The petitioner inadvertently was not included in a notice of receipt published on October 16, 2022 (see 55 N.J.R. 2207(a)) that contained the names of 221 other petitioners making the same request.

In accordance with applicable law, the President of the State Board has reviewed the petitions and, in consultation with the Commissioner, has determined that further deliberations are required before taking action on the petitions. The State Board has received more than 370 petitions seeking changes to, or the repeal of, N.J.A.C. 6A:7. Given the volume of petitions related to N.J.A.C. 6A:7, additional time is necessary to allow the Department of Education to fully evaluate all of the petitions and coordinate the final action on the requests.

Accordingly, pursuant to N.J.A.C. 1:30-4.2(a)3 and 6A:6-4.2(b)3, this matter will be referred for further deliberations for a period not to exceed 90 days.