

Public Notice

Education

State Board of Education

Notice of Receipt and Action on Petition for Rulemaking

State Board of Education Rulemaking Process

Preparation of Rulemaking Petition by Petitioner

N.J.A.C. 6A:6-4.1

Petitioners: Donna Gellman and Ernest P. Tedesco Jr.

Take notice that on September 1 and 4, 2023, the New Jersey State Board of Education (State Board) received petitions for rulemaking from the petitioners requesting that the State Board repeal N.J.A.C. 6A:6-4.1.

N.J.A.C. 1:30-4.1(b) and 6A:6-4.1(b) require a petition for rulemaking to include the substance or nature of the rulemaking that is requested, the reasons for the request and the petitioner's interest in the request, and references to the agency's authority to take the requested action.

Petitioner Donna Gellman asserted that the "new ruling" is unconstitutional, anti-science, a violation of religious freedoms, and harmful to children.

Petitioner Ernest P. Tedesco Jr. asserted that the regulations at N.J.A.C. 6A:6-4.1 are unconstitutional and that it is ridiculous to not include parents in these issues.

Neither petition provided a statutory or regulatory citation for the State Board's authority.

The Department of Education contacted the petitioners multiple times for confirmation that the petitioners would like N.J.A.C. 6A:6-4.1 repealed or identification of another regulation(s) or chapter(s) in Title 6A of the New Jersey Administrative Code but did not receive a response from either petitioner.

N.J.A.C. 6A:6-4.1 sets forth the process by which a member of the public can request the creation, repeal, or amendment of rules at Title 6A of the New Jersey Administrative Code. The section does not contain rules related to the petitioners' requests. Furthermore, the petitions also must be denied for failure to comply with N.J.A.C. 1:30-4.1(b) and 6A:6-4.1(b).