



NEW JERSEY STATE LEGISLATURE

July 27, 2023

New Jersey State Board of Education
Department of Education
PO Box 500
Trenton, NJ 08625

**RE: Pending Changes to N.J.A.C. 6A:7,
Managing for Equality and Equity in
Education**

Dear New Jersey State School Board of Education Members:

We are writing to you today on behalf of our constituents in the 3rd, 13th, 23rd, 24th and 26th Legislative Districts, along with every child and family of the State of New Jersey, to express our concerns over wholesale changes in the readoption of *N.J.A.C. Chapter 7, Managing for Equality and Equity in Education*. We are concerned that the changes proposed by the Department of Education are too drastic and run counter to the true intent of the goal of equality in education. The proposed changes are not bringing the Administrative Code up to current law, rather, it attempts to amend law. As such, it is we, the lawmakers, who have been elected by our constituents, that have the authority to make this type of change to the N.J.S.A., not the Department of Education.

Many of our constituents have brought their concerns to our attention; and, after reviewing the proposed amendments to the chapter, we strongly believe that if approved, these changes will be harmful, not only because the proposed requirements will discriminate towards a select group of protected people, namely students and staff who identify as people of faith, but moreover, it will also detract from our students' education in the basic subjects that are most essential: math, science, history, reading, writing, etc. The focus of the Department of Education should be to educate, not further an agenda. Deleting words, replacing words, and forcing a one size fits all "equity" into every public school district is clearly not what is best for any school district, nor any student.

As a New Jersey State School Board of Education member, it is your duty, responsibility and first priority to ensure that every New Jersey public school student has the necessary tools and resources to learn, be educated to reach their highest potential, and excel in their education. Deleting "equality" and replacing it with "equity" and placing the focus on to the social causes of a few, does the opposite. Ensuring that

every child in New Jersey is proficient in core curriculum should be your only objective. The amendments to *N.J.A.C. Chapter 7, Managing for Equality and Equity in Education* do not allow students to thrive in schools, but instead will be detrimental and thwart many from reaching their highest potential.

It is understood that while the objective of these amendments is to provide equity to all students, these pending changes would have the opposite effect as gifted and talented children would be held back, and stripped of the First Amendment Rights of students, teachers, and staff. This clearly is not equality. The Civil Rights Act of 1964 which ended segregation in public places on the basis of race, color, religion, sex or national origin, is one of the greatest legislative achievements of the civil rights movement; however, if approved, the pending changes to Chapter 7 will have unintended consequences, specifically for staff and students with deeply held religious views, but also for students who have the potential to excel. A perfect example of this is the most recent decision from the Supreme Court decision regarding affirmative action. As you know, affirmative action was deemed unconstitutional in June of this year by the U.S. Supreme Court majority vote, 6-3. The changes proposed by the DOE will create similar injustice in our public schools.

Page 42 of the N.J.A.C. shows that the changes will have serious consequences: [(f)] (e) If the district board of education does not implement the comprehensive equity plan within [180] **60** days of the [plan's approval] **executive county superintendent's certification of completion date**, or fails to report its progress annually, **sanctions** deemed to be appropriate by the Commissioner or [his or her] the Commissioner's designee **shall be imposed**. **Sanctions may include action to suspend, terminate, or refuse to award continued Federal or State financial assistance, pursuant to N.J.S.A. 18A:55-2.**

Many school districts within New Jersey depend on state and federal aid to operate. Without these funds, student's education will suffer and the tax burden on local taxpayers will be increased significantly. Sanctions will be imposed upon any school district that does not implement the comprehensive equity plan within 60 days; the sanctions can suspend, terminate, or even refuse to grant schools Federal or State financial assistance and would further deprive students of a quality education.

We strongly encourage the New Jersey Board of Education to evaluate the consequences of approving the pending changes to *N.J.A.C. Chapter 7, Managing for Equality and Equity in Education*. We request that the State School Board remove the readoption of *N.J.A.C. Chapter 7, Managing for Equality and Equity in Education* from its agenda or vote no if it comes before the Board.

We thank you for your time and consideration.

Sincerely,



Edward Durr
Senator
3rd Legislative District



Bethanne McCarthy Patrick
Assemblywoman
3rd Legislative District



Gerry Scharfenberger
Assemblyman
13th Legislative District



Erik Peterson
Assemblyman
23rd Legislative District



Steven V. Oroho
Senator
24th Legislative District



Harold J. Wirths
Assemblyman
24th Legislative District



Parker Space
Assemblyman
24th Legislative District



Christian E. Barranco
Assemblyman
26th Legislative District



NEW JERSEY GENERAL ASSEMBLY

New Jersey State Board of Education
Department of Education
PO Box 500
Trenton, NJ 08625

July 27, 2023

To President Kathy Goldenberg and the members of the State Board of Education:

We are writing today on behalf of our constituents in the 8th Legislative District, along with every child and family of the State of New Jersey, to express our concern over wholesale changes in the readoption of N.J.A.C. Chapter 7, Managing for Equality and Equity in Education.

Many of our constituents have brought this subject to my attention, and after reviewing the proposed amendments in the chapter, we believe changes of this magnitude need to legally be brought to the Legislature for a vote. Whether you agree or disagree with the language adoption is an argument for another day, but decisions that affect every school district in our state and force them to adhere to an administrative code that they may or may not agree with need to be discussed by the representatives the people voted into office.

If the state is going to impose widescale revisions of its administrative code, which harp on equality of opportunity over equality of outcomes – i.e. equity, the best place to do that is through the Legislature, where the people of New Jersey are more properly represented. There is no precedent for the widescale changes that are proposed being solely adopted by the State Board of Education.

We are formally requesting the Board remove the readoption of N.J.A.C. Chapter 7, Managing for Equality and Equity in Education from its future agendas and instead advocate for it to be presented as legislation. Again, whether legislators agree or disagree with the proposal, we believe the Assembly and Senate are the appropriate locations to have that discussion.

Thank you for your time and for your work on behalf of the students of New Jersey.

Sincerely,

Handwritten signature of Michael Torrisi Jr.

Assemblyman
Michael Torrisi Jr.

Handwritten signature of Brandon Umba.

Assemblyman
Brandon Umba



NEW JERSEY LEGISLATURE

July 26, 2023

New Jersey State Board of Education
Department of Education
PO Box 500
Trenton, NJ 08625

RE: Proposed changes to N.J.A.C. 6A:7, Managing for Equality and Equity in Education

Dear New Jersey State School Board of Education Members:

We are writing to express our concerns about the changes being considered to N.J.A.C. 6A:7, Managing for Equality and Equity in Education. This is a very important section of rules that govern equality and equity in educational programs to guarantee each student equal access to all educational programs, services and benefits of the school district, regardless of the student's race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, gender, religion, disability, or socio-economic status.

As part of the current changes, the Department wants to eliminate gendered nouns and pronouns and delete the word "equality" throughout the chapter. We are concerned that these changes are simply promoting an ideology and will not ensure equal treatment and educational services for all students.

Please focus your energies on improving educational opportunities and equitable treatment for all students without promoting an agenda that is damaging public education and eroding parental rights.

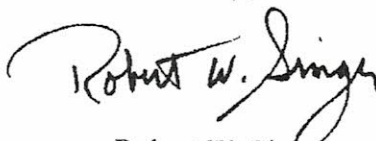
Further, we would ask that you prioritize addressing the student learning loss from the COVID-19 pandemic. As you are aware, the State Department of Education estimated that New Jersey students lost about seven years of progress as a result of the COVID-19 pandemic.

In addition, it is imperative that the State Board truly work on addressing the achievement gap for all New Jersey students.

These proposed amendments and changes also raise the question if such revisions to statewide education curriculum should be decided by the State Board of Education or by the State Legislature whose members were elected to represent their constituents.

We ask that you remove the adoption of N.J.A.C. 6A:7, Managing for Equality and Equity in Education from the agenda. Rather than promoting a certain ideology, the State Board should be looking at ways to ensure all children learn the basic educational skills they need to thrive as productive members of society. Currently, too many kids graduate from our schools without these basic skills.

Sincerely,



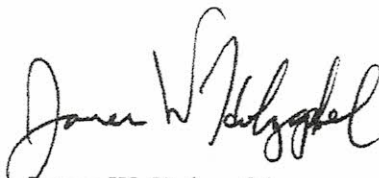
Robert W. Singer
Senator, 30th District



Sean T. Kean
Assemblyman, 30th District



Edward H. Thomson
Assemblyman, 30th District



James W. Holzapfel
Senator, 10th District



John Catalano
Assemblyman, 10th District



Gregory P. McGuckin
Assemblyman, 10th District