

NEW JERSEY PARENTAL RIGHTS IN THE CLASSROOM

You have rights when it comes to controversial classroom content

What content is in my child's classroom that I should be concerned about?

Abortion: N.J. teachers are required to teach abortion as a pregnancy outcome and teach your child about their legal rights to obtaining an abortion. This means the school will teach your child they can get an abortion at any age, without parental knowledge or consent, at the expense of the state¹.

LGBT Sex-Ed & More: N.J. schools are required to teach that lesbian, gay, bisexual, and transgender sexual relationships are safe and healthy options for adolescents and teach the normality of same-sex families to children in kindergarten and up. N.J. State Board of Education freely and openly refers parents and students to Planned Parenthood resources (and their partner resources Advocates for Youth) like "There's No Place Like Home. . . For Sex Education."² N.J. also recently passed a law that requires LGBT experiences be taught throughout all subject matters, where there is not an option to opt out because that would be considered discriminatory and a violation of state law.³

Consent Education: N.J. is one of only 8 states that requires teaching 6th graders (11 & 12-year-olds) and up how to consent to sex.⁴ Many parents would probably object to their 11-year-old consenting to sex for moral, ethical, religious, and legal reasons.

N.J. PARENT RESPONSIBILITY & SCHOOL RESPONSIBILITY



Curriculum Review:

PARENT RESPONSIBILITY: You have the right to request a copy of your child's school curriculum from your local school board of education., but you also might have to pay for the copy of the curriculum⁵. Your school might also host a workshop for you to review curriculum. In addition, local school boards often form curriculum review committees that allow parents to serve, giving you a definitive voice in choosing your school district's curriculum.



¹N.J. Dep't. of Ed., *New Jersey Student Learning Standards: Comprehensive Health and Physical Education*, <https://www.state.nj.us/education/cccs/2014/chpe/> (Click Download PDF or Word Document to review)

²N.J. Dep't. of Ed., *Resources for Parents: Student Sexual Development*, <https://www.state.nj.us/education/students/safety/health/fle/StudentSexuality.pdf>

³ See, N.J. Dep't. of Ed., <https://www.state.nj.us/education/cccs/2014/chpe/>. See also, N.J. STAT. ANN. § 18a:35-4.36 (2019).

⁴ N.J. STAT. ANN. § 18a:35-4.38 (2019).

⁵ N.J. STAT. ANN. § 47:1a (2019)(law on public records).; See also Qu. 4 of FAQ on https://www.state.nj.us/education/genfo/faq/faq_hfle.htm.

SCHOOL RESPONSIBILITY: School curriculum is a matter of public record in N.J. and *must* be released to parent’s upon request.⁶ A parent may be charged for the cost of copying the documents. The N.J. Department of Education also has Model Curriculum on their website.⁷

Notification

PARENT RESPONSIBILITY: Be sure to read all materials your child’s school sends home, check your local school district’s website, and your individual school’s website for notifications. Be proactive in monitoring resources and information your child’s school produces.

SCHOOL RESPONSIBILITY: Local school districts are required to notify parents about their right to excuse their child from instruction, without penalty⁸. Unfortunately, N.J. Schools do **not** have to notify parent’s about far more controversial issues like if their child attends school presenting himself/herself as the opposite gender.⁹

Opt Your Child Out / Excuse Your Child from Class

PARENT RESPONSIBILITY:

- If you want to pull your child out of a controversial *health, family life education, or sex education* class, you **must** submit a signed statement of conscience to the school principal that a part of the lesson conflicts with your conscience, sincerely held moral, or sincerely held religious beliefs, and you want your child to be excused for that portion of the course.¹⁰ You may **not** be able to opt your child out of classes, other than the ones mentioned above, for reasons of conscience.
- Most classes in N.J. are now required to include regular mentions of LGBT-related social contributions- -but you can ask to review a teacher’s lesson plans and discuss options with the school teacher and principal. They may be willing to work with you.
- You have the right to opt your child out of invasive surveys, as described above.
- You may request a change in classroom or teacher of your child, but check with your local school administrators for their policy regarding classroom changes.

SCHOOL RESPONSIBILITY:

- Your child’s school cannot withhold credits or graduation from your child for being excused from classes.¹¹
- Your child’s school **must** provide alternative instructional content and activities (aligned with the New Jersey Student Learning Standards for Comprehensive Healthy and Physical Education and the local health education curriculum) if your child is opted-out of lessons¹².
- The school must allow parents to opt their child out of surveys and assessments that contain invasive or deeply personal questions about your student’s sexuality, gender identity or expression, sexual experiences, moral, religious, political beliefs, and emotional or psychological problems.

⁶ *Id.*

⁷ N.J. Dep’t. of Ed., *Model Curriculum*, <https://www.state.nj.us/education/modelcurriculum/>.

⁸ N.J. STAT. ANN. § 18A:35-4.7.; *See also*, District Policy 5250 “Excusal From Class or Program”

<https://www.straussesmay.com/seportal/Public/DistrictPolicy.aspx?policyid=5250&id=9ee47640ba314e5fa5c7139bb7be6a8b>

⁹ N.J. Dep’t. of Ed., *Transgender Student Guidance for Schools Districts*

<https://nj.gov/education/students/safety/sandp/transgender/Guidance.pdf>

¹⁰ N.J. STAT. ANN. § 18A:35-4.7.; *See also*, District Policy 5250 “Excusal From Class or Program”

<https://www.straussesmay.com/seportal/Public/DistrictPolicy.aspx?policyid=5250&id=9ee47640ba314e5fa5c7139bb7be6a8b>; *See also Question 3 of FAQ’s on NJ Education Website*, https://www.state.nj.us/education/genfo/faq/faq_hfle.htm.

¹¹ N.J. STAT. ANN. § 18A:35-4.7

¹² N.J. ADMIN. CODE § 6A:8-3.1. *See also*, e.g. Montclair Board of Education Policy [5250](#) Excusal from Class or Program (December 12, 2016) (Policy 5250 seems to be fairly consistent across all New Jersey School districts).

- Schools must do their best to accommodate change in class/teacher requests as well.

☑ In the Classroom



PARENT RESPONSIBILITY:

- You have the federally protected right to review teacher lesson plans, examine textbooks, and other supplemental materials (like videos, activities, games etc.).¹³ Be sure to give the teacher ample notice you'd like to review their lesson plans or other instructional materials.
- In addition, you have the federally protected right to observe your child's class.¹⁴
- You also have the federal protected right to speak with school staff and participate in your child's learning activities.¹⁵

Things to listen for or watch for in health/sex education/ family life classes might be:

- Is your child's teacher "stressing abstinence"? By law, schools are required to *stress* abstinence as the only completely reliable method of prevention.¹⁶
- How does the teacher address abortion as a pregnancy outcome? Plan to discuss with your child what your family perspective is on this issue.
- How are families portrayed in lessons and how does the teacher define "safe and healthy relationships?" Plan to discuss with your child what your family perspective is on this issue.
- Did/does the teacher plan to distribute a non-academic survey to students? Definitely review this beforehand and decide if this is appropriate for your child. You can opt your child out of taking personal surveys.

PARENTS CAN:

- Review Curriculum
 - Review All Teacher Materials
 - Observe Classes
 - Say No to Controversial Lessons
 - Say No to Surveys
-

SCHOOL RESPONSIBILITY:

- The school should provide you a copy of a teacher's lesson plans and other materials upon request and with adequate time given.¹⁷
- The school must also create an environment that respects your child's religious and moral beliefs.¹⁸
- New Jersey schools must allow parents to observe classes and give parents open access to have conversations with teachers and other school staff about your child's lessons.¹⁹

¹³ Family Educational and Privacy Rights (FERPA), 20 U.S.C.S. § 1232g; 34 C.F.R. Part 99 (This a federal law that gives parents the right to inspect educational records of their child and instructional materials that relates to their child. Local schools are responsible for establishing the appropriate procedure. *See also*, Every Student Succeeds Act, P.L. 114-95, Section 8101

¹⁴ Every Student Succeeds Act, P.L. 114-95: 8101;1116.

¹⁵ *Id.*

¹⁶ N.J. STAT. ANN. § 18A:35-4.20:21.

¹⁷ *Supra* note 14.

¹⁸ *Id.*

¹⁹ *Id.*

☑ How to Participate

PARENTS RESPONSIBILITY: In New Jersey, parents have many opportunities to get involved in the decision-making process involving their child’s education. You can attend, serve on, or speak at:

- **Local School Board Meetings** (state law requires that the public have an opportunity to speak at board meetings. Make your voice heard!) and **NJ State Board of Education Meetings**
- **Parent Advisory Committees** chosen by your local district board of education²⁰
- **Curriculum Review Committees** chosen by your local district board of education²¹
- **School Improvement Committees**
- **Open Houses/School Orientations**
- **Curriculum Workshops/Curriculum Nights**



SCHOOL RESPONSIBILITY: In most of the examples listed above, local school districts are required by the state board of education and federal law to provide community and parental involvement. Check your school’s website, local district board website, and the state board of education website for more information on how you can start the process of participating and being active in the decision-making process of your child’s school and school district.

☑ School Choice

Have you considered all your school choice options? In addition to public and charter schools, New Jersey has private-schooling and allows homeschooling. While we will continue to fight for parental rights in public schools and urge parents to get involved, you might find that your child’s needs are best served by exploring all your school choice options. Even if you choose another school choice option such as private school, we encourage you to remain involved and continue to monitor the content your child is being exposed to. Links to New Jersey school choice options include:

- **Inter-district Public;** <https://www.state.nj.us/education/choice/>
- **Charter School Option;** <https://www.state.nj.us/education/chartsch/allcharters.htm>
- **Non-Public School Options;** <https://homeroom5.doe.state.nj.us/directory/nonpub.php>
- **Homeschooling;** https://www.state.nj.us/education/genfo/faq/faq_homeschool.htm

☑ New Jersey Resources

- Find your Local School District by visiting: <https://homeroom5.doe.state.nj.us/directory/pub.php>
- Parent’s Handbook to New Jersey Schools (<https://www.nj.gov/education/bilingual/resources/ParentHandbook.pdf>)

²⁰ See, N.J. ADMIN. CODE <https://www.state.nj.us/education/code/current/title6a/chap8.pdf>.

²¹ See N.J. ADMIN. CODE <https://www.state.nj.us/education/code/current/title6a/chap8.pdf>; parental involvement required by federal law Every Student Succeeds Act Public Law 114-95.

- Transgender Student Guidance for School Districts <chrome-extension://oemmndcblldboiebfnladdacbfmadadm/https://nj.gov/education/students/safety/sandp/transgender/Guidance.pdf>
- Local School District Policy for Excusing Child From Class example: <https://www.straussesmay.com/seportal/Public/DistrictPolicy.aspx?policyid=5250&id=9ee47640ba314e5fa5c7139bb7be6a8b>
- Resources for Parents: Student Sexual Development <https://www.state.nj.us/education/students/safety/health/fle/StudentSexuality.pdf>
- Frequently Asked Questions Regarding New Jersey Comprehensive Health and Physical Education https://www.state.nj.us/education/genfo/faq/faq_hfle.htm