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SYNOPSIS

Requires boards of education to include instruction, and adopt instructional materials, that accurately portray political, economic, and social contributions of persons with disabilities and lesbian, gay, bisexual, and transgender people.

CURRENT VERSION OF TEXT

As reported by the Assembly Education Committee on December 6, 2018, with amendments.

(Sponsorship Updated As Of: 12/18/2018)

1 AN ACT concerning instruction and instructional materials in public
2 schools and supplementing chapter 35 of Title 18A of the New
3 Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. A board of education shall include instruction on the
9 political, economic, and social contributions of persons with
10 disabilities and lesbian, gay, bisexual, and transgender people, in an
11 appropriate place in the curriculum of middle school and high
12 school students as part of the district's implementation of the
13 ¹[Core Curriculum Content Standards] New Jersey Student
14 Learning Standards¹ ²[in Social Studies]².

15
16 2. ²A board of education shall have policies and procedures in
17 place pertaining to the selection of instructional materials to
18 implement the requirements of section 1 of this act.² When adopting
19 instructional materials for use in the schools of the district, a board
20 of education shall ²[only]² adopt ²inclusive² instructional materials
21 ²[which, in its determination, accurately] that² portray the cultural
22 and economic diversity of society including the political, economic,
23 and social contributions of persons with disabilities and lesbian,
24 gay, bisexual, and transgender people ², where appropriate².

25
26 3. This act shall take effect immediately and shall first apply to
27 the ²[2018-2019] 2020-2021² school year.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted June 21, 2018.

²Assembly AED committee amendments adopted December 6, 2018.

New Jersey schools will teach LGBT history under a new state law, but what does that mean for the classroom? That may depend on where you live.

The law requires that middle and high school students learn about the social, political and economic contributions of LGBT individuals, but leaves it up to local districts to determine how to teach those lessons.

School boards have to update social studies standards — a process that will unfold locally in hundreds of school districts — in time for the 2020-21 school year.

“I envision each board of education will set policy or set a foundation for the curriculum that is age-appropriate, and I don't think that's difficult,” said Assemblywoman Valerie Vainieri Huttle, D-Englewood, one of the primary sponsors of the legislation.

Huttle offered examples of potential lessons: books about children with two moms or dads, or lessons on the achievements of leaders like Barbra “Babs” Siperstein, the transgender activist from Jersey City who died Feb. 3.

“When looking at someone like Babs, or Harvey Milk, or the Stonewall riots, these materials are readily available to implement and to teach students, for students to understand that there are differences,” Huttle said.

New Jersey is the second state, after California, to require that contributions of lesbian, gay, bisexual and transgender individuals be taught in public schools. The law, which Gov. Phil Murphy signed Jan. 31, does not apply to private schools.

It also requires that schools teach about people with disabilities. Civil rights and advocacy groups hailed the measure, saying it would give students a fuller picture of U.S. history while fostering respect and understanding.

But school boards may face resistance in communities where parents believe LGBT issues are sensitive and should be discussed in the home. Pervasive anti-gay sentiment could also cast a shadow over the process — yet that kind of sentiment is precisely why this kind of education is needed, advocates say.

“We know it's beneficial to all students,” said Becca Mui, education manager for GLSEN, formerly known as the Gay, Lesbian and Straight Education Network. “It exposes them to a more inclusive and accurate account of history, helps them have a better understanding of LGBT people and their historic contributions, and can help promote acceptance and diversity.”

Teaching LGBT history

Under the law, each school board is expected to adopt policies and curriculum changes aligned with the state's learning standards. The New Jersey Department of Education is figuring out next steps for the new law, a spokesman said, and is expected to develop guidance for school districts, with input from different groups, that reflect the new requirements.

The law also calls for districts, when they buy new books and instructional materials, to purchase ones that accurately portray diversity and the contributions of lesbian, gay, bisexual and transgender people.

GLSEN, which has three chapters in New Jersey, is one of a number of groups that offer instructional resources and professional training for educators about teaching LGBT history. Examples of classroom lessons are available online, including:

- A lesson about the events and people involved in the Stonewall riots in New York City 50 years ago — a historic event that sparked the modern gay rights movement.
- An activity in which students are each given a history card with an important event from LGBT history and are asked as a group to place the cards in chronological order and then write newspaper articles about them.
- A classroom discussion about Alan Turing, a British mathematician often referred to as the father of the modern-day computer. He was openly gay and in the early 1950s was arrested and punished for his sexual orientation.

LGBT topics shouldn't be confined to a single lesson, Mui said.

"It's important to follow up the stand-alone lesson with understanding and visibility of LGBT people and their contributions throughout the year," she said.

A model in California

New Jersey's law is modeled after one in California, called the Fair, Accurate, Inclusive and Respectful Education Act, or FAIR.

The law, which went into effect in 2012, requires public schools to adopt history and social studies curriculum that represents individuals who are LGBT and those who have disabilities. Four years later, the state adopted more specific standards that spell out what students should learn by grade level, which serve as guidelines for schools.

More: [Growing up transgender](#)

More: [Transgender teens quietly gain rights](#)

It's up to each California school district to decide how high schools will teach the standards. Rick Oculito, education manager of the advocacy group Our Family Coalition, advises schools to avoid "tokenized history" that focuses on a major leader or event in isolation.

Rather, the goal is to put lessons into context of what's going on in the rest of the world at a given time, said Oculito, whose organization works with schools to develop inclusive courses.

Dominic Le Fort, executive director of Queer Education, a nonprofit that helps families and schools meet the objectives of the law in California, said many schools haven't adopted new lessons.

"Adoption has just been very slow," he said.

Some districts faced delays because they lack updated textbooks, or because of pressure from parenting groups. In some cases, faculty members were reluctant to teach the topic "either because they don't know enough or because they have a moral issue with it," Le Fort said.

While the law in New Jersey is aimed at middle and high schools, in California it starts in second grade, when students are expected to learn about family diversity, including mixed race, disabled or same-sex parents.

'Timing is everything'

In New Jersey, it isn't the first time the state has called for a more inclusive curriculum. In 2002, New Jersey's Amistad Law required schools to incorporate African-American history into their social studies curriculum.

But members of the Amistad Commission — established to develop lessons and ensure they were taught — [have raised concerns that some schools](#) have neglected the law or restricted lessons to Black History Month.

New Jersey's LGBT law does not specify how the state will monitor compliance by school districts.

Overall, the law has provoked strong reactions from supporters, who say it's about respecting rights and teaching complete history, but also from opponents, who think sexual orientation should not be mentioned in school.

Conservative organizations have opposed proposals to teach gay and transgender history, saying such requirements take away power from parents and may encourage kids to question their sexuality.

Len Deo, president of the New Jersey Family Policy Council, opposed the bill because he believes it infringes on parents' rights.

"We believe it further erodes the right of parents to discuss this sensitive issue with their children, if in fact schools are going to be promoting and making the claim that this particular person was an LGBTQ member," he said.

Advocates, though, said the lessons will help gay and transgender students feel more connected and promote tolerance and respect amid concerns over bullying.

Huttle said that although there may be "growing pains," New Jersey is doing the right thing.

"There's never 100 percent agreement on a law, but we have come such a long way in the struggle for equal rights of LGBTQ and disabled, and I think timing is everything," she said. "Once it's implemented and we work it out and get positive feedback, I think New Jersey will be a fairer and more inclusive state for it."

Can parents opt out of New Jersey's LGBTQ curriculum law?

[Hannan Adely](#), [North Jersey Record](#) Published 5:34 a.m. ET June 26, 2019
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A Hackensack school board member upset over a new state law requiring schools to teach LGBTQ history recently asked whether she might have a right to request to opt out her child from such instruction.

But will opting out be an option when the law takes effect in middle and high schools in 2020-21?

The law, as written, has no provision that allows for parents to opt out. Advocates say such an option would not be practical, since the intent of the law is for lessons to be weaved in throughout the year rather than taught only as stand-alone lessons.

Assemblywoman Valerie Vainieri Huttle, D-Englewood, one of the primary sponsors of the legislation, said opting out was not part of the law, nor should it be.

"Our children should not be able to 'opt-out' of LGBT history," she said in a statement. "They should not be allowed to 'opt-out' of lessons surrounding acceptance and equality.

"I am proud that the LGBT curriculum is the law of the land," she said. "Providing parents with the option to remove their children from these lessons would only dilute the critical progress that we have and will continue to make through this law."

On Jan. 31, [New Jersey became the second state in the nation after California](#) to adopt a law that requires schools to teach about the social, political and economic contributions of LGBTQ individuals. The law, which does not apply to private schools, also requires that schools teach about people with disabilities.

Days after the law was signed, Hackensack Board of Education member Frances Cogelja wrote in emails to acting Superintendent Rosemary Marks that [she was "disgusted and appalled" by the law](#) and wanted to know her options as a parent. Marks responded that she has the right to request that her child not participate.

Marks said this week that she did not know whether such a request could be honored. When the emails were exchanged, the law had just been passed and the state had not given guidance to districts on how it would be implemented, she said.

"A parent has a right to submit the request," Marks said. "It doesn't mean we could guarantee it. We would follow Department of Education-mandated regulations on what to do with parents who have requests. The DOE might say, 'Nope this is our curriculum.' "

Asked about parental requests to skip lessons, Michael Yapple, a spokesman for the Department of Education, also said the law "does not contain an opt-out provision."

Under the law, each school board is expected to adopt policies, curriculum changes and textbooks aligned with the state's learning standards on LGBTQ instruction. School boards have to update standards in time for the 2020-21 school year. The Department of Education is working with advocates of the bill to create policy guidelines for local school boards.

Garden State Equality, an LGBTQ rights organization that is developing a model curriculum that can be used by schools, said districts should plan to teach about LGBTQ contributions when a lesson calls for it.

"You will not be able to opt out of LGBTQ-inclusive curriculum, the same way you would be not be able to opt out of science classes or black history, due to ill-informed or closed-minded personal beliefs," said Jon Oliveira, a spokesman for Garden State Equality.

"The way the law is written is that political, social and economic contributions of LGBTQ individuals will be integrated into New Jersey's curriculum throughout the year, across all relevant subjects," he said. "That's because LGBTQ individuals have contributed to our nation's history in the same way the women, people of color and immigrants have contributed."

New Jersey's law does not specify how the state will monitor compliance by school districts.