

Public Notice

Education

State Board of Education

Notice of Action on Petition for Rulemaking

Mandatory Relationship Skills and Positive Reinforcement Techniques Curriculum

Petitioner: Caleb L. McGillvary.

Take notice that on August 6, 2024, the New Jersey State Board of Education (State Board) received a petition for rulemaking from the above petitioner, requesting the State Board adopt new rules to implement a mandatory curriculum that focuses on developing relationship skills and positive reinforcement techniques for students in middle school through grade 12.

The petitioner sought to require the curriculum to equip students with essential life skills that promote healthy interpersonal relationships, emotional intelligence, and positive behavior reinforcement. The petitioner's request also stated that the curriculum will enhance students' overall well-being and future success. The request sought to require the curriculum to utilize four specific books and to be integrated in existing health or social studies courses in all middle and high schools in the State.

A notice acknowledging receipt of the petition was published in the September 3, 2024, New Jersey Register at 56 N.J.R. 1817(a).

The State Board and Department of Education (Department) takes seriously the emotional and social wellness of all students. However, the petitioner's request to establish new rules to require the specific curriculum and books would conflict with existing State law and rules.

First, New Jersey is one of many states that emphasizes local control over educational decisions. District boards of education and school districts generally have the authority to determine which books and materials that are aligned to the New Jersey Student Learning Standards (NJSLs)

are to be included in their curricula and libraries. The Department does not directly recommend specific books for use in the State's public schools because mandatory reading materials would undermine local control. School districts and educators have professional autonomy to choose educational materials that support their NJSLS-aligned curricular goals.

Secondly, the existing NJSLS – Comprehensive Health and Physical Education (CHPE) includes content focused on emotional health and social health that require instruction on each concept spanning kindergarten through grade 12 (K-12) in developmentally appropriate ways. The topics the petitioner requested are explicitly addressed across the entire K-12 continuum across a significant number of the NJSLS-CHPE performance expectations regarding the defined concepts of emotional health and social health. The existing framework of the NJSLS – CHPE effectively promotes all students' health and wellness across the grade levels. The NJSLS-CHPE contains a myriad of indicators designed to expand students' understandings of their own social and emotional health and ensure that students are equipped with the skills and knowledge to manage, and find support for, their own social, emotional, and mental health challenges.

Thirdly, the Department and stakeholders from across the State in 2017 collaboratively developed the [*New Jersey Social and Emotional Learning Competencies*](#) to support school districts in their efforts to build and deepen positive school climate. Recognizing that social and emotional learning is necessary for students to understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions, the Commissioner of Education and the State Board of Education subsequently recommended that school districts implement the competencies to promote safe, supportive and challenging learning environments. The Department continues to provide social and emotional learning resources for educators, as well as promote the implementation of the competencies.

Fourthly, to the extent that the petitioner sought to have the requested curriculum mandated in nonpublic middle and high schools in New Jersey, neither the State Board nor the Acting Commissioner of Education has the authority to establish curricular requirements for nonpublic schools, unless they are approved private schools for students with disabilities who provide special education and services to students with disabilities placed by public school districts.

Lastly, the petitioner's request failed to include all components set forth at N.J.A.C. 1:30-4.1(b) and 6A:6-4.1(b), which require a petition for rulemaking to state 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 authority of the agency to take the requested action. The request did not indicate the petitioner's interest in it or reference the agency's authority to take the requested action.

For all of the above-mentioned reasons, after due consideration pursuant to law, the petitioner's request is hereby denied.