

February 13, 2019

New Jersey Passes Law Requiring Schools to Provide Instruction on LGBT History

By: Matthew J. Donohue, Esq.

On January 31, 2019, Governor Murphy signed legislation that will require boards of education to provide instruction to middle school and high school students on the “political, economic, and social contributions of persons with disabilities and lesbian, gay, bisexual, and transgender people” (“LGBT”).

Boards of education will also be required to “have policies and procedures in place pertaining to the selection of instructional materials” designed to implement the new instructional requirement. In addition, the instructional materials to be adopted must be “inclusive,” and must also “portray the cultural and economic diversity of society including the political, economic, and social contributions of persons with disabilities and the LGBT community, where appropriate.”

Unlike the recent transgender policy law (N.J.S.A. 18A:36-41), there is no requirement that the New Jersey Department of Education must create a guideline to assist boards of education to implement these new policies and procedures. The law also states only that the new instruction be included in an “appropriate place in the curriculum,” leaving the decision of where in the curriculum to include the new instructional requirement, and the specific materials to accompany the instruction, up to each local board of education and administration. For example, a board of education could require a High School History curriculum to include instruction on the *Obergefell v. Hodgessame* decision (the 2015 United States Supreme Court case holding that same-sex couples have a fundamental right to marry).

The law is effective immediately, but first applies to the 2020-2021 school year. In the meantime, if you require any assistance interpreting this new law or crafting the required policies and procedures, please do not hesitate to contact the school law attorneys at SPSK.

DISCLAIMER: This Alert is designed to keep you aware of recent developments in the law. It is not intended to be legal advice, which can only be given after the attorney understands the facts of a particular matter and the goals of the client.

Florham Park

220 Park Avenue
Florham Park, NJ 07932
973-539-1000

Paramus

115 West Century Road
Suite 100
Paramus, NJ 07652
201-262-1600

Sparta

351 Sparta Avenue
Sparta, NJ 07871
973-295-3670

New York

9 East 40th Street
New York, NY 10016
646-652-7775