

# *Hanover Township Public Schools*

61 Highland Avenue  
Whippany, New Jersey 07981

## **Hanover Township Board of Education Statement Regarding the Court's September 29, 2023 Decision**

By Decision and Order entered September 29, 2023, the Honorable Stuart Minkowitz, A.J.S.C. appropriately rejected the Attorney General's frivolous attempt to enjoin the Hanover Township Public School's repeal of Policy 5756 – Transgender Students, specifically noting that the Attorney General's Office conceded that it is a voluntary policy that can be repealed at any time and that the New Jersey Law Against Discrimination (LAD) provides ample protection for transgender students. In addition, the Judge denied the Attorney General's audacious application for attorneys' fees.

Astonishingly, however, Judge Minkowitz enjoined Hanover Township Public Schools from enforcing, implementing or otherwise giving effect to a common-sense parental notification policy (Policy 8463 – Parental Notice Required and accompanying Regulation) that simply requires administrators and staff to inform parents whenever a student discloses an issue or exhibits behaviors that may have an **adverse impact** on the child's health, safety or well-being. While we are extremely disappointed by Judge Minkowitz's refusal to confront the issue head-on and apply well-settled Constitutional law to the Governor's and Attorney General's overreaching imposition of their progressive ideology on public schools, we remain confident that his decision will rightly be overturned on appeal.

This Decision should not come as a surprise to anyone because Judge Minkowitz (like the Honorable David F. Bauman, J.S.C. in Monmouth County) demonstrated from the outset his resolve to side with the Attorney General at any cost. The message from these judges is clear – there is one set of rules for the Attorney General and another set of rules for the rest of us. If you are a private citizen or a local board of education, you need to meet the legal requirements under *Crowe v. De Gioia* to obtain the extraordinary remedy of a preliminary injunction. If you are the Attorney General, all you need to do is ask.

Contrary to Judge Minkowitz's ruling:

- Parents DO have a fundamental right under the Fifth, Ninth and Fourteenth Amendments to the United States Constitution to direct the upbringing, education and care of their minor children.
- Minor children DO NOT have a right of privacy to the exclusion of their legally fit parents under the LAD or otherwise and therefore DO NOT have the right to direct administrators and staff to purposely withhold or actively conceal information from their parents.
- The LAD was never meant to and in fact DOES NOT preclude disclosure of information about a minor child's health, safety and well-being, to his or her legally fit parents, whether such disclosure includes discussion of the minor child's protected class characteristics/status or not.

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- Parental involvement in their minor children’s lives DOES NOT equate to “harm” as decided by the Supreme Court of the United States.
- Encouraging open lines of communication between teachers and parents DOES NOT equate to undue State interference with the parent-child relationship about how best to raise, nurture, and educate the child; but, actively withholding and concealing information from parents DOES.

Echoing the sentiment of the Honorable Roger Benitez, U.S.D.J., in his recent decision in *Mirabelli v. Olsen*, in which he recognized the Constitutional protections afforded to parental rights, Judge Minkowitz’s decision creates “a trifecta of harm: it harms the child who needs parental guidance and possibly mental health intervention to determine if the incongruence is organic or whether it is the result of bullying, peer pressure, or a fleeting impulse. It harms the parents by depriving them of the long recognized Fourteenth Amendment right to care, guide, and make health care decisions for their children. And finally, it harms [administrators and staff] who are compelled to violate the parent’s rights by forcing [them] to conceal information they feel is critical for the welfare of their students . . . .” Further, “[t]he statist notion that governmental power should supersede parental authority in all cases because some parents abuse and neglect children is repugnant to American tradition.”

Rest assured, the Hanover Township Board of Education remain steadfast in our resolve to fight against the State’s hostility towards families and their calculated efforts to make our schools the battleground for their radical politically driven ideology. And, we will prevail.