



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

WOMEN'S RIGHTS PROJECT
NATIONAL OFFICE
125 Broad Street, 18TH
FLOOR NEW YORK NY 10004
T/212.549.2644
F/212.549.2580
WWW.ACLU.ORG



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

New Jersey

P.O. BOX 32159
NEWARK, NJ 07102
T/973-642-2086
F/973-642-6523
WWW.ACLU-NJ.ORG

VIA EMAIL

March 22, 2018

Alex Anemone, Superintendent of Schools
West Milford Township Public Schools
Administration Building
46 Highlander Drive
West Milford, New Jersey 07480

RE: Gurian Institute Trainings

Dear Dr. Anemone:

On behalf of the American Civil Liberties Union of New Jersey and the ACLU Women's Rights Project, we write to express our serious concerns about the content of the District's ongoing professional development for staff that trains teachers to instruct students differently based on sex stereotypes. Such instruction violates civil rights laws; the staff trainings that promote it must cease immediately. Further, in order to remedy the harmful effects of the improper trainings that have already occurred, the District must provide corrective training as well as alternative educational materials.

We also enclose a copy of a request for public records, which has been sent to the District's Business Office, to better understand the scope of the District's use of these problematic training materials.

Throughout the course of the past year, we understand that faculty and administrators have been required to attend professional development trainings provided by the Gurian Institute. We also understand that the District has distributed copies of Michael Gurian's writings to staff throughout the district. According to the Gurian Institute's website, it "provides brain-based, strategies-oriented professional development on how boys and girls learn and grow differently."¹ Based on

¹ Gurian Institute, *Helping Boys and Girls Reach Their Potential Helping Schools Close Achievement Gaps*, http://gurianinstitute.com/wp-content/uploads/2017/12/gurian_institute_information.pdf.

information received by this office, the district’s trainings promote the use of different teaching methods for boys and girls in the classroom based solely on invidious stereotypes. Some examples of the ideas endorsed at the aforementioned trainings include suggestions that:

- Teachers should refrain from imposing time limits on female students because time constraints tend to trigger stressors for girls;
- Teachers should provide male students with stress balls so that they have somewhere to focus the extra energy that they naturally have by way of their gender; and
- Students who exhibit behaviors typical of the opposite gender are “bridge brain” learners who should be seen as the exception.

Making crude judgements about students’ learning ability based on their sex alone serves only to limit opportunities for all students. The Gurian Institute’s teachings regarding supposedly hard-wired differences between girls’ and boys’ brains have been widely debunked by scientists, and there is certainly no evidence that teaching boys and girls differently leads to any demonstrable educational improvements.² The attributes undergirding the strategies recommended in the training are, of course, not dependent on sex; many would presumably benefit *all* students, regardless of their gender. This approach also risks stigmatizing students who do not conform to gender roles, including transgender and non-binary students. Teaching students based on stereotypes also runs afoul of numerous provisions of state and federal law, including New Jersey’s Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, Title IX of the Education Amendments of 1972, and both the United States and New Jersey Constitutions. Each of these sources of law broadly prohibits distinctions based on sex with few narrow exceptions that require rigorous justification and that are not applicable here.

In enacting the LAD, the New Jersey Legislature made clear that its “overarching goal [was] nothing less than the eradication of the cancer of discrimination.”³ Using this as a guidepost, the Courts have fervently applied the LAD to instances of discrimination throughout the state,⁴ and have made clear that students are to be especially afforded strong protections under the LAD.⁵ As for federal law, under Title IX, schools may not treat students differently on the basis of sex, including by offering different educational opportunities or subjecting students to different

² See Id.; Diane Halpern, *et al.*, *The Pseudoscience of Single-Sex Schooling*, 333 *Science* 1706 (2011); Pahlke, Hyde & Allison, *The Effects of Single-Sex Compared with Coeducational Schooling on Students’ Performance and Attitudes: A Meta-Analysis*, 140 *Psychological Bulletin* 1042-1072, 1064-1065 (2014).

³ Fuchilla v. Layman, 109 N.J. 319, 334 (1988) (quoting Jackson v. Concord Co., 54 N.J. 113, 124 (1969)).

⁴ See Lehmann v. Toys R Us, Inc., 132 N.J. 587, 604 (1993) (“Freedom from discrimination is one of the fundamental principles of our society. Discrimination based on gender is ‘peculiarly repugnant in a society which prides itself on judging each individual by his or her merits.’” (quoting Grigoletti v. Ortho Pharmaceutical Corp., 118 N.J. 89, 96 (1990))).

⁵ L.W. ex rel. L.G. v. Toms River Regional Schools Bd. Of Educ., 189 N.J. 381, 401 (2007).

treatment based on their sex.⁶ By relying on stereotypes and discredited theories regarding the ways boys and girls learn,⁷ the District is clearly in violation of both state and federal law.

By mandating that faculty and staff attend the Institute's trainings, the District is all but ensuring that some of the teachers in the district will take the Institute's advice and tailor their classrooms based on stereotypes rather than students' individual needs and abilities. The better approach, from both a legal and policy perspective, would be to provide all teachers both the training and resources to engage students with a variety of learning styles, regardless of students' gender, and to discourage teachers from relying on unempirical stereotypes about how boys and girls learn.

Unfortunately, there is no way to guarantee that these trainings have not already had a negative impact on teachers' expectations about the skills and abilities of their students or created a discriminatory environment for students and teachers alike. As mentioned above, to remedy any harmful impact of the Institute's training and materials, the District should provide corrective training for every teacher and administrator that participated in these trainings without delay and provide each teacher and administrator proper discrimination-free training materials. While neither the ACLU nor the ACLU of New Jersey endorse any specific training resources, we stand ready to work with you to identify programs that will focus on creating inclusive classroom communities and adequately remedy the problem.

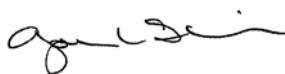
We are hopeful that this matter can be resolved amicably. Should the district fail to agree to take sufficient remedial steps, we are prepared to seek legal recourse based on these clear civil rights violations.

We welcome an opportunity to discuss this and look forward to hearing from you prior to January 30, 2018.

Sincerely,



Elyla Huertas
Staff Attorney
ACLU of New Jersey Foundation



Galen Sherwin
Senior Staff Attorney
ACLU Foundation, Women's Rights Project

cc: Craig Sashihara, Director, Division on Civil Rights (via email)
Dr. Lamont Repollet, Acting Commissioner, Department of Education (via first class mail)

⁶ 20 U.S.C. § 1681(a); 34 C.F.R. § 106.31(b)(2), (b)(4).

⁷ The American Council for CoEducational Schooling. *Biological Sex Differences: Do boys and girls learn differently?*, <https://thesanfordschool.asu.edu/acces/evidence-based-answers/biological-sex-differences#Question4> (last visited January 5, 2018).



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

WOMEN'S RIGHTS PROJECT
NATIONAL OFFICE
125 Broad Street, 18TH
FLOOR NEW YORK NY 10004
T/212.549.2644
F/212.549.2580
WWW.ACLU.ORG



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

New Jersey

P.O. BOX 32159
NEWARK, NJ 07102
T/973-642-2086
F/973-642-6523
WWW.ACLU-NJ.ORG

VIA U.S. POSTAL SERVICE

March 22, 2018

Records Custodian
Business Office
West Milford Township Public Schools
Administration Building
46 Highlander Drive
West Milford, New Jersey 07480

Dear Dr. Anemone:

This is a request for information pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., and the common law right of citizens of the state to obtain access to public documents. North Jersey Media Grp. v. Lyndhurst, 229 N.J. 541, 578-81 (2017). Please note that this letter contains the statutory requirements for a written OPRA request and that I am not required to fill out an official form. Renna v. County of Union, 407 N.J. Super. 230 (App. Div. May 21, 2009).

At this time, we request the following government records for the period of September 1, 2016, to present:

- 1) Budgets, proposals, invoices, checks, and/or receipts regarding the Gurian Institute and/or National Center for the Development of Boys and/or any affiliated entity;
- 2) Materials provided to the District (including to any employees) by the Gurian Institute and/or the National Center for the Development of Boys and/or any affiliated entity;
- 3) Communications with anyone from the Gurian Institute, including all emails to and from Katey McPherson and/ or Troy Kemp and addresses at the domain gurianinstitute.com or gurianfoundation.org;
- 4) Communications with anyone from the National Center for the Development of Boys and/or any affiliated entity;

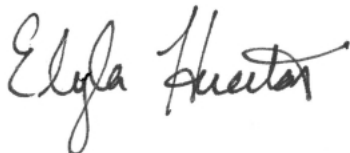
- 5) Communications or materials provided to West Milford Township Public School faculty, administrators or staff relating to trainings provided by the Gurian Institute and/or the National Center for the Development of Boys and any affiliated entity;
- 6) Schedules and notices related to all trainings provided to West Milford Township Public School faculty, administrators, or staff; and
- 7) Reports, memoranda, directives and/ or bulletins that discuss the Gurian Institute and/ or the National Center for the Development of Boys.

Please let me know if I can provide any clarification or explanation that would be helpful in streamlining your search for records. If you determine that any portion of the requested materials are exempt from release, we request that you redact the portion that you believe is exempt and provide us with copies of the remaining, non-exempt portions. Also, if any or part of this request is denied, please send us a letter describing the material and listing the specific exemption(s) on which you rely.

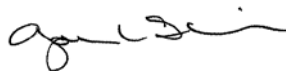
Please provide us with the records by email in PDF format to: ehuertas@aclu-nj.org. If email is not available, please contact me so we can discuss available formats and the associated costs.

Thank you for your attention to this matter and for your assistance. If you have any questions, please feel free to contact Elyla Huertas at 973-854-1725.

Sincerely,



Elyla Huertas
Staff Attorney
ACLU of New Jersey Foundation



Galen Sherwin
Senior Staff Attorney
ACLU Foundation, Women's Rights Project

cc: Alex Anemone, Superintendent via (alex.anemone@wmtps.org)
Craig Sashihara, Director, Division on Civil Rights (via email)
Dr. Lamont Repollet, Acting Commissioner, Department of Education (via first class mail)