

CODIFICATION REFERENCE NUMBER: M 9270

DATE: January 11, 2012

Home Schooling And Equivalent Education

Home schooling is an educational program provided at home, usually by the parent(s) or legal guardian(s) of the child. Children are taught using their own curriculum or published home school curriculum. The Board of Education recognizes that home schooling is an option for parent(s) or legal guardian(s) under the compulsory education law.

A. Legal Requirement for Compulsory Attendance

1. N.J.S.A. 18A:38-25 requires all children six to 16 years to attend the public schools or a day school in which there is given instruction equivalent to that provided in the public school for children of similar grades and attainments or to receive equivalent instruction elsewhere other than school.
2. The parent(s) or legal guardian(s) of a child that is home schooled is responsible to ensure their child receives instruction equivalent to that provided in the public school for children of similar grades and attainments or to receive equivalent instruction elsewhere other than school.
3. The Superintendent may report to the appropriate municipal authorities those children whom he/she has reason to believe are not offered instruction outside the schools equivalent to that offered in the public schools for children of similar ages or attainments.
4. If the Superintendent makes a report, the parent(s) or legal guardian(s) of a pupil receiving instruction elsewhere other than school may notify the Superintendent of their child's educational program status and provide sufficient information to satisfy the district that equivalent instruction is being offered.
5. Parent(s) or legal guardian(s) of a home schooled pupil are not required to seek approval from the district or to submit materials to the Superintendent in order to permit it to make a determination as to the equivalency of the instruction.

B. Truancy/Violations of Compelling Attendance

1. When a Superintendent and Board believe a person is not complying with the compulsory education law (N.J.S.A. 18A:38-25 et seq.) they must initiate truancy

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proceedings in municipal court where a parent may be found guilty of a disorderly persons offense and fined in accordance with N.J.S.A. 18A:38-27 and N.J.S.A. 18A:38-31.

2. If the parent(s) or legal guardian(s) are challenged in court by the Superintendent or Board, the district must demonstrate, beyond a reasonable doubt, that the parents are not providing a curriculum that is academically equivalent to that provided in the public school for a child of similar grade and attainment.

C. District Requirements for Home Schooled Pupils

1. Unless requested by the parents, and agreed to by the school district, the school district is not required or permitted to:
 - a. Test a child educated at home;
 - b. Review the quality of instruction received at home; or
 - c. To monitor the results of home instruction.
2. When children are educated at home and are not enrolled in a school, the school district will not (or will) provide entitlements or privileges of pupils enrolled in the school district unless specifically provided in the federal special education laws.
3. A child educated at home shall not receive a state endorsed high school diploma from the Board of Education.

D. Pupils With Disabilities

1. The Superintendent will consider requests for evaluation of all potentially disabled home schooled children and make determinations whether or not to conduct evaluations.

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- a. If the school district's Child Study Team (CST) determines that an evaluation is required, the procedures as outlined in N.J.A.C. 6A:14 are followed.
- b. If the child is eligible for special education, the CST will determine a classification category and develop an Individualized Education Program (IEP) in accordance with N.J.A.C. 6A:14.
- c. Home schooled children with disabilities may be provided a special education program including related services.
- d. If a home schooled child with disabilities re-enrolls in the public school, the school district must implement the special education program described in the IEP. The school district will also review the IEP annually and be ready to conduct re-evaluation every three years.
- e. The school district will notify the parent(s) or legal guardian(s) of a classified child who is being educated at home to offer services as required by law. The documentation of this notice will be maintained in the child's record file.
- f. Any determination by the school district CST regarding the provision of a special education program to a classified child who is being educated at home may be challenged by the parent(s) or legal guardian(s).

E. Curricular and Co-Curricular Activities

When children are educated at home and are not enrolled in a school, the school district is not required to provide any of the entitlements or privileges of pupils enrolled in the school district unless specifically provided in the federal special education laws.

1. Curricular activities - Home schooled children will not (or will) be permitted to participate in school curricular activities, (e.g. field trips).

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2. Co-Curricular activities - Home schooled children will not (or will) be permitted to participate in school co-curricular activities, (e.g. clubs and athletics).
3. Textbooks - The school district will not (or will) loan books or materials to home schooled children.

Optional (For secondary schools only)

- [4. Home schooled pupils are permitted to enroll in shared time vocational programs, and once enrolled they become public school pupils and are entitled to payments of tuition and are eligible for transportation.]

Home Schooling in New Jersey

PTM NO. 1400.66 New Jersey Department of Education, 30 April 1997

Commissioner of Education Correspondence dated 9 April 1998