

POLICY

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Nutley Public Schools
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Residency Requirement for Person Holding School
District Office, Employment, or Position

1631 RESIDENCY REQUIREMENT FOR PERSON HOLDING SCHOOL DISTRICT OFFICE, EMPLOYMENT, OR POSITION

Every person holding an office, employment, or position in a school district shall have his or her principal residence in New Jersey in accordance with the provisions of N.J.S.A. 52:14-7.

For the purpose of this Policy, "school district" means any local or regional school district established pursuant to Chapter 8 or Chapter 13 of Title 18A of the New Jersey Statutes and any jointure commission, county vocational school, county special services district, educational services commission, educational research and demonstration center, environmental education center, and educational information and resource center.

For the purpose of this Policy, a person may have at most one principal residence and the State of a person's principal residence means the State where the person spends the majority of his or her nonworking time, which is most clearly the center of his or her domestic life, and which is designated as his or her legal address and legal residence for voting. Having a home in New Jersey is not significant enough by itself to meet the principal residence requirement of the law. The fact that a person is domiciled in New Jersey shall not by itself satisfy the requirement of principal residency.

A person, regardless of the office, employment, or position, who holds an office, employment, or position in the school district on September 1, 2011, but does not have his or her principal residence in New Jersey on September 1, 2011, shall not be subject to this residency requirement of N.J.S.A. 52:14-7 while the person continues to hold office, employment, or position without a break in public service of greater than seven days.

A person may request an exemption from the provisions of N.J.S.A. 52:14-7 on the basis of critical need or hardship. The request shall be made to a five-member committee established in accordance with the provisions of N.J.S.A. 52:14-7 to consider applications for such exemptions. The decision on whether to approve an application from any person shall be made by a majority vote of the members of the committee, and those voting in the affirmative shall so sign the approved application. If the committee fails to act on an application within thirty days after the receipt thereof, no exemption shall be granted and the residency requirement of N.J.S.A. 52:14-7 shall be operative.



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Residency Requirement for Person Holding School District Office, Employment, or Position

Any person holding or attempting to hold an office, employment, or position in violation of N.J.S.A. 52:14-7 shall be considered as illegally holding or attempting to hold the office, employment, or position; however, the person shall have one year from the time of taking the office, employment, or position to satisfy the requirement of principal residency. If such person fails to satisfy the requirement of principal residency as defined in N.J.S.A. 52:14-7 after the 365-day period, that person shall be deemed unqualified for holding the office, employment, or position. The Superior Court shall, in a civil action in lieu of prerogative writ, give judgment of ouster against such person, upon the complaint of any officer or citizen of the State, provided that any such complaint shall be brought within one year of the alleged 365-day period of failure to have his or her principal residence in this State.

Notice of the residency requirements as outlined in N.J.S.A. 52:14-7 and this Policy should be provided to all existing persons holding office, employment, or a position in the school district and to candidates seeking to hold office, employment, or a position in the school district.

N.J.S.A. 52:14-7

Adopted:



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Nutley Public Schools
TEACHING STAFF MEMBERS
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3324 RIGHT OF PRIVACY

The Board of Education will provide facilities and school district-owned property to assist staff members in their job responsibilities or for the staff members' convenience. These facilities or district-owned property may include, but are not limited to, an office, a storage closet, a filing cabinet, a locker, and/or a desk. The Principal or designee may provide a staff member with exclusive use and access to such facilities or school district-owned property or may require the facility or school district-owned property be shared with other staff members. The staff member may be provided a lock or key by the school district or may secure the facility or school district-owned property using their own locking device with permission from the Principal or designee.

School staff members should be aware their expectation of privacy in these facilities and/or the school district-owned property provided by the Board of Education is reduced by virtue of actual office practices and procedures, for searches conducted pursuant to an investigation of work-related employee misconduct, or by legitimate school district policies or regulations. In addition, staff members shall have a reduced expectation of privacy in these facilities and school district-owned property if there is reasonable suspicion the staff member is violating a law or school policy. School staff members shall be on notice this reduced expectation of privacy may result in such facilities and/or school district-owned property being searched without a search warrant. In order to avoid exposing personal belongings to such a search, school staff members are discouraged from storing personal papers and effects in these facilities or school district-owned property.

Adopted:



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SUPPORT STAFF MEMBERS
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4324 RIGHT OF PRIVACY

The Board of Education will provide facilities and school district-owned property to assist staff members in their job responsibilities or for the staff members' convenience. These facilities or district-owned property may include, but are not limited to, an office, a storage closet, a filing cabinet, a locker, and/or a desk. The Principal or designee may provide a staff member with exclusive use and access to such facilities or school district-owned property or may require the facility or school district-owned property be shared with other staff members. The staff member may be provided a lock or key by the school district or may secure the facility or school district-owned property using their own locking device with permission from the Principal or designee, or immediate supervisor.

School staff members should be aware their expectation of privacy in these facilities and/or the school district-owned property provided by the Board of Education is reduced by virtue of actual office practices and procedures, for searches conducted pursuant to an investigation of work-related employee misconduct, or by legitimate school district policies or regulations. In addition, staff members shall have a reduced expectation of privacy in these facilities and school district-owned property if there is reasonable suspicion the staff member is violating a law or school policy. School staff members shall be on notice this reduced expectation of privacy may result in such facilities and/or school district-owned property being searched without a search warrant. In order to avoid exposing personal belongings to such a search, school staff members are discouraged from storing personal papers and effects in these facilities or school district-owned property.

Adopted:



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Interdistrict Public School Choice

5117 INTERDISTRICT PUBLIC SCHOOL CHOICE

Introduction

New Jersey's Interdistrict Public School Choice Program Act provides interested New Jersey school districts an opportunity to apply to the New Jersey Department of Education to become a public school choice school district that can make available classroom seats within the school district for the Board to accept non-resident pupils. A choice district may enroll pupils across district lines in designated schools of the choice district.

For the purpose of this Policy, "choice district" means a public school district, established pursuant to Chapter 8 or Chapter 13 of Title 18A of the New Jersey Statutes, which is authorized under the Interdistrict Public School Choice Program Act to open a school or schools to pupils from sending districts. "Sending district" means the district of residence of a choice pupil. "Commissioner" shall mean the New Jersey Commissioner of Education.

Choice District Application Process

A proposed choice school district shall submit an application to the Commissioner of Education no later than April 30 in the year prior to the school year in which the choice program will be implemented. The application shall include, but not be limited to, the following information:

1. A description of programs, schools, and the number of pupil openings in each school identified by grade level which are available for selection;
2. The provision for the creation of a parent information center;
3. A description of the pupil application process and any criteria required for admission; and
4. An analysis of the potential impact of the program on pupil population diversity in all potential participating districts and a plan for maintaining diversity in all potential participating districts, which plan shall not be used to supersede a court-ordered or administrative court-ordered desegregation plan.



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The Commissioner shall notify a choice district of the approval or disapproval of its application no later than July 30, and the reasons for disapproval shall be included in the notice. The Commissioner shall notify the New Jersey State Board of Education of the approval of a choice district application and the State Board shall include a public notice of the approval on the next agenda for its public monthly meeting.

The Commissioner may take appropriate action, consistent with State and Federal law, to provide that student population diversity in all districts participating in a choice district program is maintained. Student population diversity shall include, but not be limited to, the ethnic, racial, economic, and geographic diversity of a district's student population. The actions may include, but need not be limited to:

1. Directing a choice district to take appropriate steps to successfully implement the district's plan for maintaining student population diversity;
2. Restricting the number of choice pupils from a sending district or the authority of a choice district to accept choice pupils in the future; and
3. Revoking approval of the choice district. Any choice pupil who is attending a designated school in a choice district at the time of the Commissioner's revocation of approval shall be entitled to continue to be enrolled in that school until graduation.

Evaluation of Choice District Applications

The Commissioner shall evaluate an application submitted by a proposed choice district according to the following criteria:

1. The fiscal impact on the district;
2. The quality and variety of academic programs offered within the district;
3. The potential effectiveness of the pupil application process and of the admissions criteria utilized;
4. The impact on student population diversity in the district; and



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5. The degree to which the program will promote or reduce educational quality in the choice district and the sending districts.

Application to a Choice District

The parent or guardian of a pupil shall notify the sending district of the pupil's intention to participate in the choice program and shall submit an application to the choice district, indicating the school the pupil wishes to attend, no later than the date specified by the Commissioner. To be eligible to participate in the program, a pupil shall be enrolled at the time of application in grades preschool through twelve in a school of the sending district and have attended school in the sending district for at least one full year immediately preceding enrollment in the choice district, provided that the sending district is the school district that a pupil in a particular district of residence is required by law to attend. This one-year requirement shall not apply to a pupil enrolling in preschool or Kindergarten in the choice district if that pupil has a sibling enrolled in the choice district. Openings in a designated school of a choice district shall be on a space-available basis and if more applications are received for a designated school than there are spaces available, a lottery shall be held to determine the selection of pupils. Preference for enrollment may be given to siblings of pupils who are enrolled in a designated school.

If there is an opening in a designated school of a choice district and there is no pupil who is enrolled in a sending district who meets the attendance requirements of the law, including a pupil who has been placed on a waiting list based on a lottery held in the choice district, then the choice district may fill that opening with a public school pupil who does not meet the attendance requirements of the law or a nonpublic school pupil.

A choice district may evaluate a prospective pupil on the pupil's interest in the program offered by a designated school. The district shall not discriminate in its admission policies or practices on the basis of athletic ability, intellectual aptitude, English language proficiency, status as a handicapped person, or any basis prohibited by State or Federal law.

A choice district shall not prohibit the enrollment of a pupil based upon a determination that the additional cost of educating the pupil would exceed the amount of additional State aid received as a result of the pupil's enrollment. A choice district may reject the application for enrollment of a pupil who has been classified as eligible for special education services pursuant to Chapter



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46 of Title 18A of the New Jersey Statutes if that pupil's individualized education program could not be implemented in the district, or if the enrollment of that pupil would require the district to fundamentally alter the nature of its educational program, or would create an undue financial or administrative burden on the district.

A pupil whose application is rejected by a choice district shall be provided with a reason for the rejection in the letter of notice. The appeal of a rejection notice may be made to the Commissioner. Once a pupil is enrolled in a designated school, the pupil shall not be required to reapply each school year for enrollment in any designated school of the choice district and shall continue to be permitted to be enrolled until graduation. A pupil shall be permitted to transfer back to a school of the sending district or may apply to a different choice district during the next application period.

A choice district shall accept all of the credits earned toward graduation by a pupil in the schools of the sending district. A choice district shall notify a sending district upon the enrollment of a choice pupil resident in that district.

Enrollment Restrictions

The Board of Education of a sending district may adopt a resolution to restrict enrollment of its pupils in a choice district to a maximum of ten percent of the number of pupils per grade level per year and/or fifteen percent of the total number of pupils enrolled in the sending district. This resolution shall be subject to approval by the Commissioner upon a determination that the resolution is in the best interest of the district's pupils and that it will not adversely affect the district's programs, services, operations, or fiscal conditions, and that the resolution will not adversely affect or limit the diversity of the remainder of the student population in the district who do not participate in the choice program.

Enrollment restriction percentages adopted by the resolution shall not be compounded from year to year and shall be based upon the enrollment counts for the year preceding the sending district's initial year of participation in the choice program, except that in any year of the program in which there is an increase in enrollment, the percentage enrollment restriction may be applied to the increase and the result added to the preceding year's count of pupils eligible to attend a choice district. If there is a decrease in enrollment at any time during the duration of the program, the number of pupils eligible to attend a choice district shall be the number of pupils enrolled in the choice program in the initial year



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of the district's participation in the program, provided that a pupil attending a choice district school shall be entitled to remain enrolled in that school until graduation.

The calculation of the enrollment of a sending district shall be based on the enrollment count as reported on the Application for State School Aid in October preceding the school year during which the restriction on enrollment shall be applicable.

A choice district shall not be eligible to enroll pupils on a tuition basis pursuant to N.J.S.A. 18A:38-3 while participating in the Interdistrict Public School Choice Program. Any pupil enrolled on a tuition basis prior to the establishment of the choice program shall be entitled to remain enrolled in the choice district as a choice pupil.

Transportation

Transportation, or aid in-lieu-of transportation, shall be provided to an elementary school pupil who lives more than two miles from the choice district school of attendance and to a secondary school pupil who lives more than two and one-half miles from the choice district school of attendance, provided the choice district school is not more than twenty miles from the residence of the pupil.

Transportation, or aid in-lieu-of transportation, shall be the responsibility of the sending district. The choice district and the sending district may enter into a shared service agreement in accordance with the "Uniform Shared Services and Consolidation Act," sections 1 through 35 of P.L. 2007, c.63 (C.40A:65-1 through C.40A:65-35). Notwithstanding the provisions of section 20 of P.L. 2007, c.260 (C.18A:7F-62) to the contrary, the sending district shall receive State aid for transportation calculated pursuant to section 15 of P.L. 2007, c.260 (C.18A:7F-57) for a pupil transported or receiving aid-in-lieu-of transportation pursuant to N.J.S.A. 18A:36B-22.

Parent Information Center

A choice district shall establish and maintain a parent information center. The center shall collect and disseminate information about participating programs and schools and shall assist parents and guardians in submitting applications for enrollment of pupils in an appropriate program and school. The information about



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participating programs and schools shall be posted on the choice district's website.

Annual Report

The Commissioner shall annually report to the State Board of Education, the Legislature, and the Joint Committee on the Public Schools on the effectiveness of the Interdistrict Public School Choice Program. The Commissioner's annual report shall be posted on the New Jersey Department of Education's website and on the website of each choice district.

N.J.S.A. 18A:36B-14 through 18A:36B-24

Adopted:



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Nutley Public Schools
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Pupil Discipline/Code of Conduct

5600 PUPIL DISCIPLINE/CODE OF CONDUCT

The Board of Education adopts this Pupil Discipline/Code of Conduct Policy to establish standards and procedures for positive pupil development and behavioral expectations on school grounds, including on a school bus or at school-sponsored functions, and as appropriate, for conduct away from school grounds.

Every pupil enrolled in this district shall observe promulgated rules and regulations and submit to the discipline imposed for infraction of those rules. Regulation 5600 shall include a description of school responses and consequences to violations of the behavioral expectations established by the Board that, at a minimum, are graded according to the severity of the offenses, considering the developmental ages of the pupil offenders and pupils' histories of inappropriate behaviors pursuant to N.J.A.C. 6A:16-7.1(c)5.

The development, annual review, and update of this Policy shall involve parent, pupil, and community involvement which represents, where possible, the composition of the schools and community and shall be based on locally determined and accepted core ethical values.

The Board will review this Policy and Regulation after considering the findings of the annual reports of pupil conduct, including suspensions and expulsions, pursuant to N.J.A.C. 6A:16-7.1(a)5 and 6, and the incidences reported under the Electronic Violence and Vandalism Reporting System, in accordance with N.J.A.C. 6A:16-5.3.

The Superintendent shall report annually on the implementation of the Pupil Discipline/Code of Conduct Policy to the Board at a public meeting pursuant to N.J.A.C. 6A:16-7.1(a)5. The Superintendent shall submit a report annually to the New Jersey Department of Education on pupil conduct, including all pupil suspensions and expulsions, and the implementation of the Pupil Discipline/Code of Conduct Policy in accordance with the format prescribed by the Commissioner of Education and the Electronic Violence and Vandalism Reporting System, pursuant to N.J.A.C. 6A:16-5.3(e).



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Pupil Discipline/Code of Conduct

For pupils with disabilities, subject to Individualized Education Programs in accordance with 20 U.S.C. §1400 et seq., the Individuals with Disabilities Education Improvement Act, and accommodation plans under 29 U.S.C. §§ 794 and 705(20), pupil discipline and the code of conduct shall be implemented in accordance with the components of the applicable plans.

The Building Principal or designee shall have the authority to assign discipline to pupils. School authorities also have the right to impose a consequence on a pupil for conduct away from school grounds, including on a school bus or at a school-sponsored function pursuant to N.J.A.C. 6A:16-7.6. This authority shall be exercised only when it is reasonably necessary for the pupil's physical or emotional safety, security, and well-being or for reasons relating to the safety, security, and well-being of other pupils, staff, or school grounds, pursuant to N.J.S.A. 18A:25-2 and 18A:37-2. This authority shall be exercised only when the conduct which is the subject of the proposed consequence materially and substantially interferes with the requirements of appropriate discipline in the operation of the school. Consequences shall be handled in accordance with Policy and Regulation 5600, pursuant to N.J.A.C. 6A:16-7.1, and as appropriate, in accordance with N.J.A.C. 6A:16-7-2, 6A:16-7.3, or 6A:16-7.5.

Consequences and appropriate remedial action for a pupil who commits one or more acts of harassment, intimidation, or bullying may range from positive behavioral interventions up to and including suspension or expulsion. The factors for determining consequences and remedial measures and examples of consequences and remedial measures are listed in Policy 5512 – Harassment, Intimidation, and Bullying.

Consequences for a pupil who commits an act of harassment, intimidation, or bullying shall be varied and graded according to the nature of the behavior, the developmental age of the pupil and the pupil's history of problem behaviors and performance, and shall be consistent with this Policy and the school district's pupil discipline/code of conduct pursuant to N.J.A.C. 6A:16-7.1.

Remedial measures **for one or more acts of harassment, intimidation, or bullying** shall be designed to correct the problem behavior; prevent another occurrence of the problem; protect and provide support for the victim of the act; and take corrective action for documented systemic problems related to harassment, intimidation, or bullying.



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Consequences and remedial measures to address acts or incidents of dating violence at school shall be consistent with the school's pupil code of conduct. The policies and procedures specific to acts or incidents of dating violence at school shall be used to address the act or incident as well as serve as remediation, intervention, education, and prevention for all individuals involved. The responses shall be tiered with consideration given to the seriousness and the number of previous occurrences of acts or incidents in which both the victim and aggressor have been involved.

Consequences for acts or incidents of dating violence at school may range from admonishment to suspension or expulsion. Retaliation towards the victim of any act or incident of dating violence shall be considered when administering consequences to the aggressor based on the severity of the act or incident.

Remedial measures/interventions for acts or incidents of dating violence at school may include, but are not limited to: parent conferences, pupil counseling (all pupils involved in the act or incident), peer support groups, corrective instruction or other relevant learning or service experiences, supportive pupil interventions (Intervention and Referral Services - I&RS), behavioral management plans, and/or alternative placements.

Any pupil to be disciplined shall be provided the due process procedures for pupils and their families as set forth in N.J.A.C. 6A:16-7.2 through 7.6.

When a pupil transfers to a public school district from another public school district, all information in the pupil's record related to disciplinary actions taken against the pupil by the school district and any information the school district has obtained pursuant to N.J.S.A. 2A:4A-60, Disclosure of Juvenile Information, Penalties for Disclosure, shall be provided to the receiving public school district, in accordance with the provisions of N.J.S.A. 18A:36-19(a), N.J.A.C. 6A:32(e)10.iv., and N.J.A.C. 6A:16-7.10.

Regulation 5600 shall include a description of pupil responsibilities that include expectations for academic achievement and behavior, a description of behaviors that will result in suspension or expulsion pursuant to N.J.S.A. 37-2, and a description of pupil rights pursuant to N.J.A.C. 6A:16-7.1(c)3.i through vii.



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Comprehensive behavioral supports that promote positive pupil development and the pupil's abilities to fulfill the behavioral expectations established by the Board will include: positive reinforcement for good conduct and academic success including the programs as outlined in Policy 5440; supportive interventions and referral services including those services outlined in Policy 2417; remediation of problem behaviors that take into account the nature of the behaviors, the developmental ages of the pupils and the pupil's histories of problem behaviors and performance; and for pupils with disabilities, the behavior interventions and supports shall be determined and provided pursuant to the requirements of N.J.A.C. 6A:14.

The Building Principal shall maintain a current list of community-based health and social service provider agencies available to support a pupil and the pupil's family, as appropriate, and a list of legal resources available to serve the community.

Pupil discipline and code of conduct in the district will be applied without regard to race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity and expression, or a mental, physical or sensory disability or by any other distinguishing characteristic, pursuant to N.J.S.A. 10:5.

The Pupil Discipline/Code of Conduct Policy and Regulation shall be disseminated annually to all school staff, pupils, and parent(s) or legal guardian(s). School staff shall be trained annually on the Pupil Discipline/Code of Conduct Policy and Regulation, which shall include training on the prevention, intervention, and remediation of pupil conduct in violation of the district's Policy and Regulation. Information on this Policy and Regulation shall be incorporated into the orientation program for new employees.

N.J.S.A. 18A:6-1; 18A:36-25.1; 18A:25-2; 18A:36-19a;
18A:37-1 et seq.; 18A:37-13.1 et seq.
N.J.A.C. 6A:16-7.1 et seq.; 6A:14-1.1 et seq.

Adopted:



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OPERATIONS
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Waiver of Pupil Transportation

8613 WAIVER OF PUPIL TRANSPORTATION

The Board of Education is required to provide transportation services for the school year to an elementary pupil living more than two miles from the public school of attendance or to a secondary school pupil living more than two and one-half miles from the public school of attendance in accordance with the provisions of N.J.S.A. 18A:39-1 et seq.

The Board shall determine pupil transportation needs and approve pupil transportation routes based on all pupils eligible for transportation in accordance with the provisions of N.J.S.A. 18A:39-1 et seq. and any less than remote, courtesy busing, and/or hazardous route transportation determined by the Board of Education. However, while providing school bus seats for those pupils eligible for transportation each school year, the Board recognizes certain pupils eligible for transportation services voluntarily elect not to use the transportation services offered by the Board resulting in empty seats on school buses going to and from school. To assist the Board in operating the school district's transportation system in the most cost-effective manner, the Board may provide a pupil's parent/guardian the option of waiving transportation services for that school year in accordance with the provisions of N.J.S.A. 18A:39-1c. In the event the Board provides this option, a pupil's parent/guardian will be required to sign a written statement indicating the pupil waives transportation services for that school year. The written statement shall be in such form as determined by the New Jersey Department of Education.

In the event a parent/guardian of a pupil eligible for transportation services waives transportation services for that school year and circumstances change during that school year due to a family or economic hardship, the school district will reinstate the pupil's eligibility for transportation to and from school.

N.J.S.A. 18A:39-1; 18A:39-1c

Adopted:



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Home Schooling and Equivalent Education
Outside the Schools

9270 HOME SCHOOLING AND EQUIVALENT EDUCATION OUTSIDE THE SCHOOLS

The Board of Education encourages the enrollment of all children of school age resident in the district in public schools or in approved private schools so that they may enjoy the benefits of a well-planned educational program and the socialization possible in a group environment.

Every parent, legal guardian or other person having custody and control of a child between the ages of six and sixteen years shall cause such child regularly to attend the public school or a day school in which there is given instruction equivalent to that provided in the public schools for children of similar grades and attainments or to receive equivalent instruction elsewhere than at school. The Board recognizes its responsibility for assuring that every child of school age resident in the district is enrolled in a public or private school or is offered an equivalent thorough and efficient education elsewhere than at school. The Board acknowledges that **a parents, guardian, or other person having custody and control of a child has** ~~have~~ a constitutional right to choose the type and character of education they feel is best suited for their child(ren), be it secular or sectarian. Home schooling is an option ~~that parent(s) or legal guardian(s) may choose to educate their children. When parents choose~~ **and when chosen** this option the ~~program~~ will be carried out in the pupil's home rather than the school.

In the event ~~the Superintendent determines there is credible evidence the parent, legal guardian, or other person having custody and control of a school-aged child is not causing the child to receive equivalent instruction elsewhere than at school, the Superintendent may request a letter of intent from the parent, legal guardian, or other person confirming the~~ a child is receiving **equivalent instruction elsewhere than at school** ~~an education outside the district schools.~~ The Superintendent may report to the appropriate municipal authorities children whom he/she has reason to believe are not **receiving an education in accordance with N.J.S.A. 18A:38-25** ~~offered instruction outside the schools equivalent to that offered in the public schools for children of similar ages or attainments. If the Superintendent makes such report, the parent(s) or~~



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~~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.~~ **The New Jersey Department of Education encourages the parent, legal guardian, or other person having custody and control of a school-aged child to notify the Superintendent of the intent to educate the child elsewhere than at school to avoid questions with respect to compliance with the compulsory education laws.**

The parent(s) or legal guardian(s) or other person having **custody** ~~charge~~ and control of a child between the ages of six and sixteen, who ~~shall~~ fails to comply with any of the compulsory education provisions of N.J.S.A. 18A:38 et seq. relating to his/her duties, shall be deemed to be a disorderly person and shall be subject to a fine.

If a child ~~who~~ seeks admission to this ~~the~~ school district from a program of home schooling, the school district will evaluate the work of the child to determine his/her appropriate grade placement. The Superintendent or designee will objectively evaluate the child's skill and achievement levels, as it would with any transfer pupil, before making a determination as to the acceptability of credits and/or the appropriate grade level placement.

When children are **home schooled** ~~educated at home~~ and are not enrolled in a school, the school district **is not required to**

Choose one of the following:

will not

is not required to

provide any of the entitlements or privileges of pupils enrolled in the school district unless **an entitlement or privilege is** specifically provided in **Board Policy or required by Federal law, or State statute or administrative code** ~~the Federal special education laws.~~ **The school district's curriculum and other public record information will be provided to the parent, legal guardian, or other person having custody and control of a child upon request in accordance with the Open Public Records Act and Policy and Regulation**

8310.



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Home Schooling and Equivalent Education
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A child educated at home shall not receive a State endorsed high school diploma from the Board of Education.

N.J.S.A. ~~18A:38-25~~; 18A:38-25 through 18A:38-31

U.S.C.A. 1401 et seq.

**New Jersey Department of Education – Frequently Asked Questions:
Home Schooling**

Adopted:



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R 9270 HOME SCHOOLING AND EQUIVALENT EDUCATION OUTSIDE THE SCHOOLS

Home schooling is an educational program provided at home, usually by the parent(s), ~~or~~ legal guardian(s), **or other person having custody and control** 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.

For the purpose of this Regulation, “parent” shall mean parent, legal guardian, and other person having custody and control of a child between the ages of six and sixteen.

A. Legal Requirement for Compulsory Attendance

1. N.J.S.A. 18A:38-25 requires all children **between the ages of six to sixteen** ~~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. **In the event the Superintendent determines there is credible evidence the parent, legal guardian, or other person having custody and control of a school-aged child is not causing the child to receive equivalent instruction elsewhere than at school, the Superintendent may request a letter of intent from the parent, legal guardian, or other person confirming the child is receiving equivalent instruction elsewhere than at school. 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.**



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4. If the Superintendent makes a report, the parent(s), ~~or legal guardian(s)~~, of a pupil receiving instruction elsewhere other than school may, **but is not required to**, 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. A ~~p~~Parent(s) ~~or legal guardian(s)~~ of a home schooled **child pupil is** ~~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.
 6. **The New Jersey Department of Education encourages a parent to notify the Superintendent of the intent to educate the child elsewhere than at school to avoid questions with respect to compliance with the compulsory education laws.**
- 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 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~~ **is** 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~~ **the child is not receiving an education in accordance with N.J.S.A. 18A:38-25.**
- C. District Requirements for Home Schooled Pupils
1. **The Board is not required by law to allow a child educated elsewhere than at school to participate in the regular school curriculum or in extra-curricular or sports activities unless specifically provided in Board Policy, or required by Federal law, or State statute or administrative code. Unless requested**



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~~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.~~

23. A child educated at home shall not receive a State endorsed high school diploma from the Board of Education.

D. Pupils With Disabilities

1. **Any written request from a parent of a home schooled child for a special education evaluation of their child will be reviewed in a meeting of the Child Study Team (CST), the parent, and the regular education teacher in accordance with the provisions of N.J.A.C. 6A:14-2.3. At this meeting, the current information about the child shall be reviewed to determine whether an evaluation is warranted. The Superintendent will consider requests for evaluation of all potentially disabled home schooled children and make determinations whether or not to conduct evaluations.**

- a. **If an evaluation is warranted, another determination shall be made regarding the assessment procedures. Written notice of the determinations shall be provided to the parent. Once the assessments are completed, a meeting in accordance with N.J.A.C. 6A:14-2.3 shall be held to determine whether the child is eligible for special education and related services. If the school district's Child Study Team (CST) determines that an**



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~~evaluation is required, the procedures as outlined in N.J.A.C. 6:28-3.4 are followed.~~

- b. If the child is eligible for special education **and related services**, the CST will determine a classification category and develop an Individualized Education Program (IEP) in accordance with N.J.A.C. **6A:14-3.7** ~~6:28-3.6~~. **If the child is eligible for special education and related services, the district shall make a free, appropriate public education available only if the child enrolls in the district.**
- ~~e. 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.~~
- ce. 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.
- df. 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)~~ **in accordance with the provisions of N.J.A.C. 6A:14 et seq.**

~~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.~~



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

[Required for school districts that send to a shared-time County Vocational School District

E. Shared-Time Vocational School District

4. Home schooled **children** ~~pupils~~ are permitted to enroll in shared-time vocational programs, and once enrolled they become public school pupils and are entitled to payment of tuition and 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~~

**New Jersey Department of Education – Frequently Asked Questions:
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