

ASSEMBLY, No. 3123

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED SEPTEMBER 22, 2008

Sponsored by:

Assemblywoman SHEILA Y. OLIVER

District 34 (Essex and Passaic)

Assemblyman L. HARVEY SMITH

District 31 (Hudson)

SYNOPSIS

Requires registration and oversight of home education programs.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning home education programs and supplementing
2 Title 18A of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Prior to the establishment of a home education program and
8 annually thereafter, on or before August 1, a parent or guardian
9 shall submit to the superintendent of the resident school district a
10 notarized letter registering his child in a home education program.

11 The letter shall include:

12 a. the name and age of each student participating in the home
13 education program;

14 b. the name of the supervisor of the home education program
15 responsible for the provision of instruction;

16 c. the address and telephone number of the home education
17 program site;

18 d. evidence that such subjects as required by law will be offered,
19 including an outline of proposed education objectives by subject
20 area;

21 e. evidence that each student being registered has been
22 immunized in accordance with the provisions of the State Sanitary
23 Code adopted pursuant to section 7 of P.L.1947, c.177 (C.26:1A-7)
24 and that the student has received the health and medical services
25 required by State law for students of the child's age; and

26 f. a certification to be signed by the supervisor that the
27 supervisor, all adults living in the home, and persons having legal
28 custody of a child in a home education program have not been
29 convicted of the criminal offenses enumerated in section 1 of
30 P.L.1986, c.116 (C.18A:6-7.1) within the preceding five years.

31

32 2. a. A home education program shall provide instruction to
33 each registered student for a minimum of 180 days each year.

34 b. A home education program shall include courses in such areas
35 as determined by the Commissioner of Education pursuant to
36 section 3 of this act and such other areas as determined by the
37 supervisor of the home education program.

38

39 3. The Commissioner of Education shall develop guidelines for
40 home education programs that provide for a sequential course of
41 study for each grade, K-12.

42

43 4. The resident school district shall, at the request of the parent
44 or guardian of a student registered in a home education program,
45 lend copies of the school district's planned curriculum, textbooks,
46 and other instructional materials appropriate to the student's age
47 and grade level. The parent or guardian may be charged for the cost

1 of copying documents in accordance with the rates established
2 pursuant to section 6 of P.L.2001, c.404 (C.47:1A-5).

3

4 5. a. The resident school district shall permit a student
5 registered in a home education program to participate in the
6 district's extracurricular activities, including interscholastic
7 athletics, provided that the student:

8 (1) meets the eligibility criteria or their equivalent for
9 participation in the activity that apply to a student enrolled in the
10 school district;

11 (2) meets the tryout criteria or their equivalent for participation
12 in the activity that apply to a student enrolled in the school district;
13 and

14 (3) complies with all policies, rules, and regulations of the
15 governing organization of the activity.

16 b. In the event that the school district requires a student to
17 complete a medical or physical examination as a condition of
18 participation in the activity, and the school district offers the
19 medical or physical examination to its enrolled students, the school
20 district shall permit a student registered in a home education
21 program to access the examination. The school district shall
22 provide written notification to supervisors of home education
23 programs in the district of the dates and times of the examination.

24

25 6. A supervisor of a home education program shall maintain on
26 file for each student enrolled in the home education program a
27 portfolio of records and materials including, but not limited to:

28 a. a student record that lists reading materials used, samples of
29 writings, worksheets, workbooks, or creative materials used or
30 developed by the student;

31 b. for students in grade levels three, five, and eight, the results
32 of nationally normed standardized achievement tests in
33 reading/language arts and mathematics administered by the
34 supervisor or the results of Statewide tests administered by the
35 resident school district. The test administrator shall not be the
36 student's parent or guardian; and

37 c. an annual written evaluation of the student's educational
38 progress as determined by a qualified evaluator, who may be a
39 licensed psychologist or a certified school psychologist, a teacher or
40 administrator of a public or nonpublic school in the State, or any
41 other individual approved by the superintendent of the resident
42 school district. The evaluator shall not be the supervisor or his
43 spouse or the student's parent or guardian. The evaluation shall be
44 based on an interview with the child and a review of the materials
45 collected pursuant to subsections a. and b. of this section and shall
46 certify whether or not an appropriate education is occurring in the
47 home education program.

1 7. a. The supervisor of a home education program shall
2 annually submit the portfolio required pursuant to section 6 of this
3 act to the resident school district on or before June 30th.

4 b. At such other times throughout the school year as is
5 necessary, the superintendent of the resident school district may
6 submit a written request to the supervisor of a home education
7 program to review all or part of a home schooled child's portfolio,
8 if the superintendent has reason to believe that an appropriate
9 education is not occurring. Within 30 days of receipt of the written
10 request, the supervisor of the home education program shall submit
11 the requested documentation to the superintendent of the resident
12 school district.

13 c. In the event that the supervisor of a home education program
14 fails to submit the documentation required pursuant to this section,
15 the home education program shall be deemed unsatisfactory in
16 providing an appropriate education and children in the home
17 education program between the ages of six and 16 shall be promptly
18 enrolled in the resident school district or a nonpublic school.

19

20 8. a. In the event that the superintendent of the resident school
21 district determines, based on his review of the portfolio submitted
22 pursuant to section 6 of this act, that the home education program is
23 unsatisfactory in providing an adequate education, he shall provide
24 written notification of his determination, specifying what aspects of
25 the program are inadequate, to the supervisor of the home education
26 program.

27 b. Upon receipt of the written notification, the supervisor of the
28 home education program shall have 20 days to submit additional
29 documentation demonstrating that an appropriate education is
30 taking place for the child in the home education program.

31

32 9. a. In the event that the supervisor of a home education
33 program fails to submit additional documentation pursuant to
34 subsection b. of section 8 of this act, the home education program
35 shall be deemed unsatisfactory in providing an appropriate
36 education and children in the home education program between the
37 ages of six and 16 shall be promptly enrolled in the resident school
38 district or a nonpublic school.

39 b. In the event that the supervisor of a home education program
40 submits additional documentation pursuant to subsection b. of
41 section 8 of this act, the superintendent shall review the additional
42 materials and issue a new determination on the adequacy of the
43 program. If the superintendent again finds the home education
44 program to be unsatisfactory in providing an appropriate education,
45 the matter shall be referred to the local board of education to
46 consider termination of the program. The board shall have a
47 hearing no later than 30 calendar days following the day on which
48 the superintendent issued his final determination. The decision of

1 the board shall be made within five days after the close of the
2 hearing. If the board finds the home education program to be
3 unsatisfactory in providing an appropriate education, children in the
4 home education program between the ages of six and 16 shall be
5 promptly enrolled in the resident school district or a nonpublic
6 school. Any appeal of the board's decision shall be made to the
7 Commissioner of Education within 90 days of the decision.

8

9 10. This act shall take effect immediately and shall first apply to
10 the 2009-2010 school year.

11

12

13

STATEMENT

14

15 This bill requires a parent or guardian seeking to educate his
16 child at home to register with the resident school district prior to the
17 establishment of the home education program. The bill provides
18 that the registration must include: certain descriptive information
19 about the child, his home education supervisor, and the program; a
20 statement that the child will be provided instruction in such subjects
21 as required by law; evidence that the child has been properly
22 immunized and has received necessary health and medical services;
23 and a certification that the supervisor, all adults living in the home,
24 and persons having legal custody of a child in a home education
25 program have not been convicted of certain criminal offenses.

26 Under the bill, a home education program must provide
27 instruction for a minimum of 180 days each year and must include
28 courses in such areas as determined by the Commissioner of
29 Education. The bill directs the Commissioner of Education to
30 develop guidelines for home education programs that provide for a
31 sequential course of study for each grade, K-12.

32 The bill directs the resident school district to lend the parent or
33 guardian of a home schooled child copies of the school district's
34 planned curriculum, textbooks, and other instructional materials, as
35 requested. The bill also provides that the resident school district
36 must permit a student registered in a home education program to
37 participate in the district's extracurricular activities, including
38 interscholastic athletics, provided that certain conditions are met.
39 Under the bill, the district must provide the student with access to a
40 medical or physical examination, if one is required as a condition of
41 participation in the activity and if the school district offers the
42 medical or physical examination to its enrolled students.

43 The bill requires the supervisor of a home education program to
44 maintain a portfolio of records and materials demonstrating the
45 student's work and progress, including the results of standardized
46 tests and an independent evaluation of the student's educational
47 progress. The bill provides a process for reviewing the adequacy of
48 home education programs. The bill also provides a process for the

A3123 OLIVER, L. SMITH

6

- 1 termination of a home education program determined to be
- 2 inadequate.