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Home Schooling and Equivalent Education
Outside the Schools

R 9270 HOME SCHOOLING AND EQUIVALENT EDUCATION OUTSIDE THE SCHOOLS

Home schooling is an educational program provided at home, usually by the parent, ~~or~~ legal guardian, **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 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** 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 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.**
4. If the Superintendent makes a report, the parent 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.
5. A **parent** of a home schooled **child is** not required to seek approval from the district or to submit materials to the Superintendent in



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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. Once the district receives written notification, the district will get board approval.**
- 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 is challenged in court by the Superintendent or Board, the district must demonstrate **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.**
 2. 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**



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about the child shall be reviewed to determine whether an evaluation is warranted.

- 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.**
- 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. 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.**
- c. The school district will notify the parent 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.
- d. 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 **in accordance with the provisions of N.J.A.C. 6A:14 et seq.**

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

Issued:

