NEW JERSEY DEFINITIONS AND STATISTICS

- According to the New Jersey Department of Education, a nonpublic school means an elementary or secondary school within the state, other than a public school, offering education for grades kindergarten through 12, or any combination of them, wherein any child may legally fulfill compulsory school attendance requirements and which complies with the requirements of Title VI of the Civil Rights Act of 1964 [N.J.S.A. 18A:46A-2(b)]. This DOES NOT include Charter Schools.

- According to a United States Department of Education 2011-2012 Survey the following numbers of private schools*, students, full-time equivalent (FTE) teachers, and 2010-11 high school graduates were in the United States and New Jersey:

<table>
<thead>
<tr>
<th></th>
<th>Schools</th>
<th>Students</th>
<th>FTE teachers</th>
<th>High school graduates 2010–11</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>30,861</td>
<td>4,494,845</td>
<td>420,880</td>
<td>305,842</td>
</tr>
<tr>
<td>New Jersey</td>
<td>1,289</td>
<td>166,508</td>
<td>16,847</td>
<td>12,979</td>
</tr>
</tbody>
</table>


- Nonpublic schools include homeschooled children. In New Jersey, the Legislature under the compulsory education law (N.J.S.A. 18A:38-25) has permitted children to receive “equivalent instruction elsewhere than at school,” including the home (Source: [http://www.state.nj.us/education/genfo/faq/faq_homeschool.htm](http://www.state.nj.us/education/genfo/faq/faq_homeschool.htm)).

- Because New Jersey parents are not required to inform school districts of the intent to homeschool, homeschooled student statistics for New Jersey are difficult to discern. According to the United States Department of Education, in the spring of 2011, an estimated 1.77 million students (1,770,000) were homeschooled in the United States.

- A child’s district of residence corresponds to where the child’s parents reside. Therefore, if a student boards at a nonpublic school, the district of residence would not be the same as the boarding school (Source: [http://www.nj.gov/education/nonpublic/pd/pres.pdf](http://www.nj.gov/education/nonpublic/pd/pres.pdf)).

* According to this survey, a private school is a school that is not supported primarily by public funds. It must provide classroom instruction for one or more of grades K–12 (or comparable ungraded levels), and have one or more teachers. Organizations or institutions that provide support for home schooling but do not offer classroom instruction for students are not included. These numbers include schools in which kindergarten is the highest grade level of instruction.

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• **Interscholastic** sports programs mean activities that are conducted between or among schools.

• Currently in New Jersey, the New Jersey State Interscholastic Athletic Association (NJSIAA) does not have any ruling on nonpublic students’ participation in interscholastic sports. However on November 9, 2011 the organization did amend their bylaws to make it clear that local school districts may allow homeschooled students to compete in interscholastic sports, provided the student (1) resides in the district for which he is playing, (2) obtains approval from his local school board and principal, (3) demonstrates that he is academically qualified and is receiving an equivalent education, and (4) complies with all requirements imposed on other members of the team. Similarly, the New Jersey Department of Education’s website states that local boards of education may allow homeschooled students “to participate in curricular and extra-curricular activities or sports activities.”
OTHER STATE LEGISLATION AND POLICY
Source: www.hslda.org

Alaska
Effective July 1, 2013, a full-time student who is enrolled in grades nine through 12 in an “alternative education program that is located entirely in the state and that does not offer interscholastic activities is eligible to participate in any interscholastic activities program available in a public school” if certain requirements are met.

Arizona
Homeschooled students are allowed to participate in the public schools’ interscholastic activities “in the same manner” as pupils who are enrolled in the public schools.

Arkansas
As of April 22, 2013, homeschooled students have the right to pursue sports and other interscholastic activities at their local public school if they score at the 30th percentile or higher on a nationally recognized norm-referenced test.

California
Rule 305 of the California Interscholastic Federation prohibits homeschoolers from playing on public school teams.

Colorado
Children participating in a nonpublic, home-based education program are allowed equal access to the public schools’ extracurricular and interscholastic activities.

Florida
Home-educated students are eligible to participate in the public schools’ interscholastic extracurricular activities.

Hawaii
Individual schools and schools districts have the authority to decide whether to allow homeschooled students to participate. Policies vary according to district.

Idaho
Any student who receives educational instruction outside a public school classroom is allowed to dual enroll in a public school to participate in any public school program, including nonacademic activities and post-secondary programs.

Illinois
Nonpublic school students may request to enroll part-time in public schools. The school board has the authority to accept such students into part-time attendance with restrictions but is not required by law to do so.

Indiana
Effective starting in the 2013-2014 school year, Indiana High School Athletic Association rules provide that a student enrolled full time in a non-public, non-accredited high school “may have eligibility” to play on teams of his local public school. The student must be enrolled in and attending one class at the public school for at least one full credit.

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Iowa
Students receiving “competent public instruction” may dual enroll with the public school to participate in any academic, instructional, or extracurricular activities offered by the school district.

Louisiana
On January 29, 2013, the Louisiana Supreme Court struck down the state statute (Louisiana Revised Statutes Annotated § 17:236.3) which had allowed home study students to participate in athletic activities.

Maine
Students receiving home instruction may enroll in any classes at the appropriate public school. This includes all academic, co-curricular and extracurricular activities.

Maryland
An intermediate appellate court ruled against private school students who sought to participate in a public school extracurricular activity.

Massachusetts
Several trial court decisions have ruled that homeschoolers must be allowed to participate on public school teams (because superintendents are allowed to approve home school programs).

Michigan
The Michigan Department of Education states that in order to participate in extracurricular activities at the public school, the student “should be enrolled part-time in the public school.” However, the Michigan High School Athletic Association’s eligibility rules require a student to be "on the school records for at least 66% of full credit load potential for a full time student" in order to play sports for a member school.

Minnesota
School districts “shall allow all resident pupils receiving instruction in a home school … to be eligible to fully participate in extracurricular activities on the same basis as public school students.” This does not include co-curricular activities.

Montana
The Supreme Court of Montana ruled that school district policy that kept nonpublic students from participating in sports programs was “reasonable.”

Nebraska
According to Bylaw 2.5 of the Nebraska School Activities Association, a student must be enrolled in at least 20 hours per week during the current and previous semester in order to represent a high school in athletic or non-athletic interscholastic competition.

Nevada
The board of trustees of the school district must allow homeschooled students to participate in classes, extracurricular and interscholastic activities, and sports in the district in which the student resides.

**New Hampshire**
Home-educated students have access to public school curricular courses and co-curricular programs.

**New Mexico**
A home school student is eligible to participate in up to three school district activities at the public school in the attendance zone in which the student resides.

**New York**
An appellate court ruled against homeschoolers who sought access to public school interscholastic sports. In addition, the Commissioner of Education’s regulations allow a nonpublic student in grades 9-12 to participate in an interscholastic public school sport only if she or he is a “bona fide student.

**North Dakota**
A homeschooled student may participate in extracurricular activities in his or her local school district.

**Ohio**
A public school must allow local homeschoolers to participate in extracurricular activities.

**Oregon**
School districts must allow homeschooled students access to public school interscholastic activities.

**Pennsylvania**
Homeschooled students meeting the same eligibility criteria as public school students may participate in extracurricular activities at their public school district of residence.

**Rhode Island**
Homeschooled students are eligible to participate in activities sponsored by the Rhode Island Interscholastic League

**South Carolina**
Homeschooled students may participate in "interscholastic activities" at their local public school if they have been homeschooled "for a full academic year prior to their participating in [the] interscholastic activity."

**South Dakota**
A homeschooled student can participate in public school sports subject to the approval of the school board.

**Tennessee**
The Tennessee Secondary School Athletic Association (TSSAA) permits a homeschooled student to participate in public school extracurricular athletics if

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that student’s parent has filed a notice of intent for that student and has otherwise complied with the requirements of Tennessee Code.

**Texas**
Individual schools and schools districts have the authority to decide whether to allow homeschooled students to participate in classes and activities.

**Utah**
Homeschooled students are eligible to participate in extracurricular activities at a public school subject to the same requirements as public school students.

**Vermont**
School boards are required to adopt rules to integrate home study students “into its schools through enrollment in courses, participation in co-curricular and extracurricular activities and use of facilities.”

**Virginia**
A school board has the option of allowing homeschooled students to take classes. A 1973 attorney general opinion says, “there is no law which prohibits a school board from accepting” a private school student who wants to take an individual class at a public school.

**Washington**
Homeschoolers have access to interscholastic contests and competitions because the Washington Interscholastic Activities Association (WIAA) deems homeschoolers to be “regular members” of the local public school where they have filed their notice of intent to home school.

**West Virginia**
The West Virginia Supreme Court has ruled that homeschooled students can be prohibited from participating in interscholastic athletics with public school students.

**Wyoming**
State law permits non-enrolled students to participate in any activities that are sanctioned by the Wyoming High School Activities Association (WHSAA) and are offered by the school district in which the student resides.
SENATE BILL 426
This bill was first introduced in the Senate during the 2012-2013 session. It was reintroduced this session. Below is the complete legislative history.

2012-2013 Session
S2028
Primary Sponsor: Joseph Pennacchio
Introduced to Senate on 11/14/2013
Referred to Senate Education Committee on 11/14/2013

2014-2015 Session
S426
Primary Sponsor: Joseph Pennacchio
Introduced to Senate on 1/14/2014
Referred to Senate Education Committee on 1/14/2014
EXPLORING THE SIDES OF SENATE BILL 426

There are many arguments on either side of this bill. The following are a sample of specific issues that you may raise with students during the Make-a-Law! Program. Please read the Constituent Letters for more information.

**In support of the bill:**

- Denying nonpublic students access to public school interscholastic sports programs is an act of discrimination and denies them equal protection under the law.

- Many families choose nonpublic education due to religious reasons. It is an unfair burden on a citizen’s freedom of religious expression if that right also means that he or she is denied access to public school activities.

- If a nonpublic student meets the same qualifications as a public school student, he or she should have access to the same educational and extracurricular opportunities.

- Nonpublic school families pay taxes. Just as it is not acceptable to deny nonpublic school families from publicly funded areas such as libraries, hospitals, and parks, it is also not acceptable to exclude them from public school programs.

**In opposition of the bill:**

- Nonpublic school students might crowd out public school students from interscholastic sports.

- Nonpublic school families have chosen an educational path, which unfortunately may mean forgoing certain opportunities, like interscholastic sports programs. If sports participation is that important to a family, steps should be taken to enroll their child/ren in a public school.

- Grading standards may be different in public schools compared to nonpublic schools. It is impossible to ensure that students are achieving the same academic goals when they are in different environments. Therefore, public school students may have to work harder to maintain grades that give them participation rights in interscholastic sports or vice versa.

- Public school administrators will be burdened with ensuring that nonpublic school sport participants meet the eligibility requirements of this law, drawing their focus away from other more important tasks.

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