

Home-Schooling In New Jersey: Parents' Rights And State's Expectations

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New Jersey law (N.J.S.A. 18A:38-25) gives parents the right to home school their children in lieu of a traditional public education. Parents do not need to be certified as teachers to home school their children. However, the permission to home school does come with a standard that the parents provide home schooling that is an “academic equivalent” to the public-school option. Plus, the failure to provide adequate instruction can lead to a disorderly person offense in New Jersey. Such failure is known as educational neglect which is a quasi-criminal offense with penalties.

What is an “academic equivalent” for home schooling in New Jersey?

The elements of an “academic equivalent” home schooling addresses academics only and does not include social development. In DC v. VC (1/27/21) citing State vs. Massa (6/1/67), the Court analyzed the legislative intent regarding the academic equivalent standard and found that social development comes from education in group settings. Therefore, social development was not intended to be expected in a home-school setting.

Can parents who home school challenge a charge of educational neglect?

In short answer, yes, parents can challenge a charge of educational neglect by proving that their home schooling is the “academic equivalent” of an education in the public school system.

“Academic equivalency” is supported by the results of assessments and educational screenings. A child is expected to test at grade level with their peers.

How can parents ensure the home schooling is academically equivalent?

Parents who home school children are expected to conduct regular assessments to ensure that their children are at grade level with their peers, otherwise there is a risk that the State will challenge the right to home school and potentially charge the parent with educational neglect. To ensure that a parent is providing his/her child with the proper assessments, the parent should confer with his/her school district as to what assessments they use and/or approve.

Are these academic standards the same for home schooling children with special needs?

Yes, the standards are the same, but arguments can be made that the standard for home schooling **children with special needs** should be different. For example, if a child's special needs are such that he/she would be behind their grade level even if they were being educated in the public school system, then the standard should not be the same. To properly home school a child with special needs, it is advisable to consult with an educational law attorney to address the "academic equivalency," discuss whether or not it can be met, and plan what to do if the standard cannot be met so the parent does not lose the right to home school the child.