SENATE, No. 5012

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED NOVEMBER 23, 2026

Sponsored by:
Senator JOHN J. BURZICHELLI
District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Requires school districts to allow students enrolled in nonpublic schools and home education programs to participate in school-sponsored extracurricular activities.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning the participation of certain students in extracurricular activities and supplementing chapter 42 of Title 18A of the New Jersey Statutes.

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

1. a. As used in this section:

"Home education program" means an educational program in which a child receives equivalent instruction elsewhere than at school pursuant to N.J.S.18A:38-25.

"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," Pub.L.88-352 (42 U.S.C. s.2000d et seq.).

b. A board of education shall permit a student enrolled in a nonpublic school or home education program to try out for, and participate in, any school-sponsored extracurricular activity, including, but not limited to, clubs, musical ensembles, interscholastic athletics, and theatrical productions, in the student's district of residence in accordance with the same criteria established for students enrolled in the district. A student enrolled in a nonpublic school shall only be eligible to participate in a school-sponsored extracurricular activity of the district of residence if the nonpublic school does not sponsor the extracurricular activity in which the student wishes to participate.

c. A student enrolled in a nonpublic school or home education program who wishes to participate in a school-sponsored extracurricular activity in the resident district pursuant to subsection b. of this section shall:

(1) provide proof that the student resides in the district;

(2) meet the eligibility and try out criteria for participation in the activity; and

(3) comply with all policies, rules, and regulations of the governing organization of the extracurricular activity.

d. In the event that the extracurricular activity is interscholastic athletics, the student shall demonstrate to the board of education that the student did not transfer to a nonpublic school or home education program for athletic advantage. A student who withdraws from a public school to enroll in a nonpublic school or home education program and who is ineligible to participate in interscholastic athletics at the time of withdrawal from the public school due to a failure to meet academic, behavioral, or eligibility

standards, shall be ineligible to compete in interscholastic athletic competition.

e. If the school-sponsored extracurricular activity requires the completion of a physical examination or medical test as a condition of participation and the school district of residence offers the requisite examination or test to the students enrolled in the school district, the school district shall permit a student enrolled in a nonpublic school or home education program to access the examination or test and shall publish the dates and times of the examination or test on its Internet website.

2. This act shall take effect immediately.

STATEMENT

This bill requires school districts to allow students enrolled in a nonpublic school and home education programs to participate in any school-sponsored extracurricular activity, including, but not limited to, clubs, musical ensembles, interscholastic athletics, and theatrical productions, in the student's district of residence in accordance with the same criteria established for students enrolled in the district.

The bill clarifies that a student enrolled in a nonpublic school will only be eligible to participate if the nonpublic school does not sponsor the extracurricular activity in which the student wishes to participate.

Under the bill, a student enrolled in a nonpublic school or home education program who wishes to participate in an extracurricular activity in the resident district is required to:

(1) provide proof that the student resides in the district;

(2) meet the eligibility and try out criteria for participation in the activity; and

(3) comply with all policies, rules, and regulations of the governing organization of the extracurricular activity.

In the event that the extracurricular activity involves participation in interscholastic athletics, the student is required to demonstrate to the board of education that the student did not transfer to a nonpublic school or home education program for athletic advantage.

Under the bill, if the extracurricular activity requires the completion of a physical examination or medical test as a condition of participation and the school district of residence offers the examination or test to the students enrolled in the school district, then the school district is required to allow a student enrolled in a

nonpublic school or home education program to access the examination or test and publish the dates and times of the examination or test on its Internet website.