SENATE, No. 5013

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED NOVEMBER 23, 2026

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

SYNOPSIS

Establishes procedures for withdrawal of certain children from public school.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning school enrollment, amending N.J.S.18A:38-25, and supplementing chapter 38 of Title 18A of the New Jersey Statutes.

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

1. (New section) As used in sections 2 through 4 of P.L. , c. (C.) (pending before the Legislature as this bill):

"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.).

"Public school" means a school located in New Jersey, under collegiate grade, which is operated by a school district, a charter school established pursuant to P.L.1995, c.426 (C.18A:36A-1 et seq.), or a renaissance school project established pursuant to P.L.2011, c.176 (C.18A:36C-1 et seq.).

2. (New section) a. No later than August 1st of the second full school year following the date of enactment of P.L. , c. (C.) (pending before the Legislature as this bill), and each August 1st thereafter, a parent, guardian, or other person having charge and control of a child who will be at least six years old on or before October 1st of the school year shall:

(1) enroll, or otherwise continue enrolling, the child in a public school that the child is eligible to attend; or

(2) submit a withdrawal form established pursuant to section 3 of P.L. , c. (C.) (pending before the Legislature as this bill) and a physical evaluation form established pursuant to section 4 of P.L. , c. (C.) (pending before the Legislature as this bill) to the resident school district.

b. (1) A parent, guardian, or other person having charge and control of a child who submits the withdrawal form and physical evaluation form pursuant to paragraph (2) of subsection a. of this section shall submit the forms to the resident school district in each school year in which the child does not enroll in public school until the school year in which the child legally fulfills compulsory school attendance requirements pursuant to N.J.S.18A:38-25.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined <u>thus</u> is new matter.

(2) Notwithstanding the provisions of paragraph (2) of subsection a. of this section and paragraph (1) of this section to the contrary, a nonpublic school may submit the withdrawal form and physical evaluation form to the resident school district on behalf of the parent, guardian, or other person having charge and control of a child enrolled in the nonpublic school.

c. The resident school district shall provide academically equivalent curriculum to provide guidance to any parent, guardian, or other person having charge and control of a child who submits a withdrawal form and physical evaluation form pursuant to this section.

3. (New section) a. The Commissioner of Education shall develop a withdrawal form that provides notification that a child will be withdrawing from, or otherwise not attending, a public school.

b. The withdrawal form shall be submitted in accordance with section 2 of P.L. , c. (C.) (pending before the Legislature as this bill) and, shall, at a minimum, provide:

(1) the name, date of birth, and grade of the child; and

(2) an indication of whether the child will be enrolled in a nonpublic school or receiving instruction in a home education program.

4. (New section) a. The Commissioner of Education, in consultation with the Commissioner of Health, the New Jersey Academy of Family Physicians, and the American Academy of Pediatrics, shall develop a physical evaluation form for a child who will be withdrawing from, or otherwise not attending, a public school.

b. The physical evaluation form shall be submitted in accordance with section 2 of P.L. , c. (C.) (pending before the Legislature as this bill) and, shall, at a minimum, include a:

(1) history and physical examination component, which shall be conducted by a licensed physician, advanced practice nurse, physician assistant, or the school nurse of the resident school district 30 days prior to the submittal of the form pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill); and

(2) certification statement that is signed by the licensed physician, advanced practice nurse, physician assistant, or school nurse who performed the physical examination.

5. N.J.S.18A:38-25 is amended to read as follows:

18A:38-25. Every parent, guardian, or other person having custody and control of a child between the ages of six and 16 years shall cause **[**such**]** the child to regularly **[**to**]** attend:

a. the public schools of the resident school district [or a day school in which there is given];

b. a charter school or renaissance school project that the child is eligible to attend;

c. a nonpublic school that provides instruction equivalent to that provided in the public schools for children of similar grades and attainments; or [to]

d. a home education program, as that term is defined in section 1 of P.L. , c. (C.) (pending before the Legislature as this bill), where a child will receive equivalent instruction elsewhere than at school.

(cf: N.J.S.18A:38-25)

6. Sections 1, 2, and 5 of this act shall take effect immediately. Sections 3 and 4 of this act shall take effect 90 days after the date of enactment, except that the Commissioners of Education and Health may take any anticipatory administrative action in advance as may be necessary for the implementation of sections 3 and 4 of this act.

STATEMENT

This bill establishes procedures for the withdrawal of certain children from public school.

Under the bill, a parent, guardian, or other person having charge and control of a child who will be at least six years old on or before October 1st of the school year is required to either: enroll, or otherwise continue to enroll, the child in a public school; or submit a withdrawal form and physical evaluation form to the resident school district. The decision to enroll a child in a public school or to submit the withdrawal and physical evaluation forms is required to be made under the bill no later than August 1st of each school year.

The bill also requires a parent, guardian, or other person having charge and control of a child to submit the withdrawal form and physical evaluation form in each school year in which the child is not enrolled in a public school. The forms would continue to be submitted until the school year in which the child is 16 years old, which is the age in which the child would legally fulfill the compulsory school attendance requirements under current law. The bill permits a nonpublic school to submit the forms on behalf of a child's parent, guardian, or other person having charge and control of the child.

Under the bill, the resident school district will provide academic equivalent curriculum guidance to any parent, guardian, or other person having charge and control of a child who submits a withdrawal form and physical evaluation form.

This bill requires the Commissioner of Education to develop the withdrawal form within 90 days of enactment of the bill. The withdrawal form will, at a minimum, require: the name, date of birth, and grade of the child; and an indication of whether the child will be enrolled in a nonpublic school or receiving instruction in a home education program.

The bill also requires the commissioner, in consultation with the Commissioner of Health, the New Jersey Academy of Family Physicians, and the American Academy of Pediatrics, to develop a physical evaluation form for a child who will be withdrawing from, or otherwise not attending, a public school. The physical evaluation form will, at a minimum, include: a history and physical examination component that was conducted by a licensed physician, advanced practice nurse, physician assistant, or the school nurse of the resident school district 30 days prior to the submittal of the form; and a certification statement that is signed by the provider who performed the physical examination.

Finally, the bill amends the compulsory education law. Under current law, every parent, guardian, or other person having custody and control of a child between the ages of six and 16 years is required to cause the child regularly to attend the public schools of the district or a day school in which there is given instruction equivalent to that provided in the public schools for children of similar grades and attainments or to receive equivalent instruction elsewhere than at school. The bill amends this law to clarify that a student is required to regularly attend a public school in the district, a charter school or renaissance school project, a nonpublic school, or a home education program.