

# ***GENERAL LEGAL INFORMATION***

**THE FOLLOWING INFORMATION DOES NOT CONSTITUTE THE GIVING OF LEGAL ADVICE AND SHOULD NOT BE REGARDED AS SUCH. YOU MAY NEED TO SEEK LEGAL COUNSEL.**

New Jersey does not have any statute governing home education per se, but does have a compulsory school attendance law.

Home educators should become familiar with N.J. Statutes Annotated 18A:38-25, and *State v. Massa*, 95 N.J. Super. 382 (Morris County, 1967), and the *Frequently Asked Questions about Homeschooling*. An analysis and court record are on the following pages. Read and become familiar with this important court decision.

Law and legal precedent in New Jersey does not require home educators to give notice or ask permission from anyone to home educate their children. Although not codified in New Jersey law, it is generally recognized as the basic right of parents to direct the upbringing and education of their children. Parents must demonstrate that they are providing an equivalent education (in subjects covered) to the local district only when challenged in a court of law.

If you remove your student/s from a public school you must deal with the school authorities. ENOCH's position has been that, if parents wish to withdraw a child from a public school context, they should do so only before or after the school year - not during. If parents must withdraw the child during the school year, they should seriously consider joining Home School Legal Defense Association (HSLDA) **before** taking any such action for counsel and legal protection. It is recommended that all home educators join HSLDA.

**HSLDA's phone number is: (540) 338-5600**

It may be necessary to **notify** the local superintendent of your intent to home educate (not ask permission) in cases where your children have already been registered or have attended schools in the district, or if other circumstances warrant. In notifying, you would contact the local district superintendent. You may want to include a list of the curriculum being used and scope-and-sequence. To be safe, send it by certified mail, with a cover letter stating your intentions in a business-like manner and send along a copy of the *Frequently Asked Questions about Homeschooling*. (*Samples following*).

DO NOT list your hours of schooling, a daily schedule, or how you approach learning.

DO NOT submit to testing by school officials. If you wish to have your child(ren) tested, check the lists of testing companies in the back of this booklet and do it on your own or through a private (Christian) school or a support group.

DO NOT let any official into your home without a search warrant. Warrantless searches are illegal if done against your wishes. (*See Escalation chart and Affidavit samples following.*)