



Start·a·School

AN EDUCATION FREEDOM FOUNDATION INITIATIVE

New Jersey

Private School

The New Jersey Department of Education recognizes the role of nonpublic education as part of the entire state-wide education system. This site has been designed to inform nonpublic schools, school districts, and the public about the services that are available to New Jersey's nonpublic schools in accordance with state and federal law.

Definition of a Nonpublic School in New Jersey

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)].

A nonpublic school is a place where children attend and receive instruction equivalent to that provided in the public schools for children of similar grades and attainments (N.J.S.A. 18A:38.25). As such, a nonpublic school requires in-person attendance by children; virtual and hybrid schedules are not allowed.

Nonpublic schools are eligible to receive services for their students through several State and federal programs. The programs are administered through the public school district in which the nonpublic school is located. To be eligible for services, a nonpublic school must be [registered with the New Jersey Department of Education](#) (NJDOE) and must complete the Nonpublic Enrollment Report annually, located in the [NJDOE Homeroom](#).

The NJDOE is not an accrediting agency. Nonpublic schools that are registered with the NJDOE are not accredited by the NJDOE.

Steps to Start a Private School

1. Select a name for your school. Retain this name throughout the duration of the school's operation.

2. Designate a Chief Administrative Officer. Select a title, such as Director, Principal, Superintendent, etc.
3. Register as a corporation. This is usually a for-profit LLC. Register with your state's Division of Corporations.
4. Things to consider
 - 4.1. Accreditation: is optional. OptimaEd has been accredited by Cognia.
 - 4.2. Teacher Certification: Teacher certification is not required for teachers at private schools.
 - 4.3. Registration: Is required.
 - 4.4. Licensing: Business licensing may be required by local government.
 - 4.5. Approval: Is not required.
 - 4.6. Length of School Year and Days: No state policy currently exists.
 - 4.7. Curriculum: See statutes below for requirements.
 - 4.8. State Testing: No state policy currently exists.
 - 4.9. Health and Safety: Immunizations are required. Other requirements exist. See statutes below.
 - 4.10. Nursing and Health: Local boards of education provide nursing services for pupils enrolled full-time in nonpublic schools.

Register with the Department of Education

Nonpublic schools are eligible to receive services for their students through several State and federal programs. The programs are administered through the public school district in which the nonpublic school is located. To be eligible for services, a nonpublic school must be [registered with the New Jersey Department of Education](#) (NJDOE) and must complete the Nonpublic Enrollment Report annually, located in the [NJDOE Homeroom](#).

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Private School Statutes & Rules

The Education Freedom Foundation has relied on the [U.S. Department of Education's State Regulation of Private and Home Schools Map](#) for relevant statutes. Over time, the state pages on this map have been updated since their initial creation. In some cases, states have changed their laws without these updates being reflected on the map. Given the various methods each state uses to publicize changes to its laws, the most recent information for the Start-A-School project was often obtained directly from the U.S. Department of Education website. Users are encouraged to verify any information before making decisions based on it.

Accreditation, Registration, Licensing, and Approval

Note: The following does not apply to approved private schools for students with disabilities (APPSD), which operate under contract with local school districts to place students with special needs. APPSDs have their own approval requirements, which can be found in [New Jersey Administrative Code \(N.J. Admin Code\) title 6A:14-7](#).

- Accreditation: no requirements

- Registration: required
 - [Per the New Jersey Department of Education \(NJDOE\)](#), only if the school is registered will the school's eligible students receive state funded services, which include:
 - [Auxiliary and Handicapped Services for Nonpublic Schools \(Chapters 192 and 193\)](#)
 - Chapter 192 programs: [N.J.S.A. 18A:46A-1, et seq.; N.J.A.C. 6A:14-6.1, et seq.](#)
 - Chapter 193 programs: [N.J.S.A. 18A:46-19.1, et seq.; N.J.A.C. 6A:14-6.1, et seq.](#)
 - Basic nursing services, [N.J. Rev. Stat. §18A:40-23.](#)
 - Textbooks, [N.J. Rev. Stat. §18A:58-37.3.](#)
- Guidance and Technical Assistance
 - Special Guidance during the COVID-19 Pandemic - [Chapter 192 Compensatory Education Assessment Flexibility](#)
 - [Auxiliary and Remedial Services for Nonpublic Schools \(Chapters 192 and 193\) - Guidance](#), updated 2/2024
 - [Auxiliary and Remedial Services for Nonpublic Schools \(Chapters 192 and 193\) - Recommended Timeline](#)
 - Auxiliary and Handicapped Services for Nonpublic Schools (Chapters 192 and 193) - [PPT](#)
 - Resources for processing student applications (407-1 forms):
 - [Chapter 192/193 Suggested District Processes for Student Applications \(407-1 forms\)](#), updated 2/2024
 - [Chapter 192/193 Eligibility Documentation Checklist for Student Applications \(407-1 forms\)](#), updated 2/2024
 - [Chapter 192/193 Tracking Spreadsheet](#)
 - State Funding
 - [Report of Nonpublic Auxiliary and Handicapped Services for State Aid \(See CH192-193 in NJDOE Homeroom\)](#)
 - [Chapter 192/193 Funding Statement and Additional Funding Request \(See ADDL in NJDOE Homeroom\)](#)
- A nonpublic school must register as a business in order to operate per NJDOE policy.
- Licensing: no requirements
- Approval: no requirements

Curriculum

- The compulsory education law requires attendance at a public school 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. [N.J. Rev. Stat. §18A:38-25.](#)
- Private schools must provide regular courses of instruction in the constitution of the United States from the seventh grade through high school. [N.J. Rev. Stat. §18A:6-3.](#)
- Private schools must provide regular courses of instruction in accident and fire prevention. [N.J. Rev. Stat. §18A:6-2.](#)

- An educational services commission may enter into contracts to provide educational services and programs to nonpublic schools. [N.J. Rev. Stat. §18A:6-63.](#)
- The local boards of education have a duty to loan educational materials developed by the commissioner of education on the nature and effects of drugs, alcohol, anabolic steroids, tobacco and controlled dangerous substances to pupils attending nonpublic schools. [N.J. Rev. Stat. §18A:40A-5.](#)
- The New Jersey Commission on Holocaust Education provides assistance and advice to private schools on the implementation of Holocaust education and awareness programs. [N.J. Rev. Stat. §18A:4A-3.](#)
- Private secondary school students are eligible to participate in a legislative internship program operated in cooperation with the New Jersey Association of High School Councils. [N.J. Rev. Stat. §52:13G-2.](#)
- A local education agency will establish information and resource centers that will provide the following services: “a lending library of educational and instructional materials; preparation of media and materials for informational and instructional purposes; an educational information storage and retrieval system; special topic seminars and conferences; and consultant advice, information and expertise.” [N.J. Rev. Stat. §18A:6-95.1.](#)

Health and Safety Requirements

- Private schools must ensure compliance with the State Sanitary Code governing immunizations required for attending school. [N.J. Rev. Stat. §26:1A-9.](#)
- A child is exempt from pertussis (whooping cough) vaccine as a condition for admission to a private school if the child’s physician states in writing that the vaccine is medically contraindicated. [N.J. Rev. Stat. §26:2N-4.](#)
- Private schools may close due to an epidemic. [N.J. Rev. Stat. §26:4-5.](#)
- The administrator of a nonpublic school must develop a policy governing the emergency administration of epinephrine via an auto-injector to a pupil for anaphylaxis. This includes having a supply of auto-injectors prescribed by a licensed physician or advanced practice nurse to be administered by a school nurse or trained personnel to a student without a known history of anaphylaxis when it is believed the student is having an anaphylactic reaction. New Jersey can provide funds for this policy to nonpublic schools to encourage compliance. [N.J. Rev. Stat. §§18A:40-12.5–18A:40-12.6,](#) and [18A:40-12.6e.](#)
- Each nonpublic school must have and maintain for the use of pupils at least one nebulizer in the office of the school nurse or a similar accessible location. [N.J. Rev. Stat. §18A:40-12.7.](#)
- Each nonpublic school must have and maintain an automated external defibrillator (AED). The AED must be accessible during the school day and any other time when a school-sponsored athletic event or team practice is taking place. A staff member trained in cardiopulmonary resuscitation and the use of the AED must be present during each athletic event or team practice. [N.J. Rev. Stat. §18A:40-41a.](#)
- Each nonpublic school must have a person who coaches an interscholastic sport or cheerleading complete the NJDOE interscholastic athletic head injury safety training program. In addition, each nonpublic school that participates in an interscholastic sports

- program or cheerleading program must distribute annually to the parents or guardians of its student-athletes and cheerleaders the educational fact sheet and shall obtain a signed acknowledgement of the receipt of the fact sheet by the student-athlete or cheerleader and his/her parent or guardian. [N.J. Rev. Stat. §18A:40-41.2.](#)
- All nonpublic schools with students participating on interscholastic and intramural athletic teams must comply with the requirements of the Scholastic Student-Athlete Safety Act (P.L. 2013, c.71).
 - Each nonpublic school must distribute a pamphlet on sudden cardiac arrest from the commissioner of education to the parents or guardians of students participating in athletic activities. The parents or guardians, and students must sign a form acknowledging a review of the pamphlet each year. [N.J. Rev. Stat. §18A:40-41.](#)
 - A physical exam using a pre-participation physical evaluation form is required for student-athletes who participate in interscholastic or intramural athletics and cheerleading, [N.J. Rev. Stat. §18A:40-41.7.](#)
 - Any physician, advanced practice nurse, or physician's assistant who performs a nonpublic school student-athlete's annual physical examination prior to the student's participation on a school-sponsored interscholastic or intramural athletic team must complete the student-athlete cardiac screening professional development module. Each health care provider must certify that they received this training when signing a student's pre-participation physical evaluation form. [N.J. Rev. Stat. §18A:40-41d.](#)
 - Nonpublic schools must distribute annually to parents or guardians an educational fact sheet on sports-related eye injuries, [N.J. Rev. Stat. §18A:40-41.9.](#)
 - Schools of two or more rooms or of one room located on a second floor or higher, must have at least one fire drill and one security drill each month, including the summer if the school is providing instruction during that time. If provided, fire escapes must be used during the drill. Teachers must keep all doors and exits of their rooms and buildings unlocked during school hours. [N.J. Rev. Stat. §18A:41-1.](#)
 - Schools having a furnace room, hallway, or stair-tower fire or smoke doors must keep them closed when the building is occupied. [N.J. Rev. Stat. §18A:41-2.](#)
 - Nonpublic schools may require applicants for positions involving regular contact with pupils to have a criminal history record check for information that would disqualify the individual for employment. [N.J. Rev. Stat. §18A:6-4.13.](#)
 - Substitute employees rehired annually at nonpublic schools that require a criminal history record check need only undergo a record check upon initial employment. [N.J. Rev. Stat. §18A:6-4.17.](#)
 - Any private school personnel who in good faith reports a person, including pupils, in an attempt to help cure his or her dependency on a controlled substance will not be liable for civil damages. [N.J. Rev. Stat. §§2A:62A-4](#) and [18A:40A-14.](#)
 - School bus drivers used by private schools for transportation to and from school must submit to a medical exam for the presence of alcohol, narcotics or habit-producing drugs. [N.J. Rev. Stat. §39:3-10.1a.](#)
 - A municipality may authorize the chief executive officer to close any portion of a street within a block of a private school to resolve a safety problem for ingress and egress to

the school or for the provision of recreational facilities for children attending the school. Closure must not exceed one hour between 7:30 and 10 a.m., two hours between 11 a.m. and 2 p.m., and one hour between 2:30 and 4:30 p.m. when school is in session. [N.J. Rev. Stat. §40:67-16.7.](#)

- Employees of private schools are prohibited from inflicting corporal punishment upon a pupil attending school. However, employees may use reasonable and necessary force to quell a disturbance or a threat of physical injury to others, to obtain a weapon from a student, for self-defense, and for the protection of persons or property. [N.J. Rev. Stat. §18A:6-1.](#)
- It is illegal for a municipality or county to discriminate between public and private nonprofit elementary or high schools accredited by the state Department of Education regarding zoning ordinances governing the use of land. [N.J. Rev. Stat. §40:55D-66.](#)
- The New Jersey Nonpublic Security Aid Program is authorized by language in the state's [FY 2016 Appropriations Act](#) appropriating state aid to school districts for allocation to nonpublic schools within the district to help ensure a safe and secure school environment for nonpublic school students.
 - The program requires the board of education in each public school district to provide security services, equipment and technology to all qualifying nonpublic schools located in the public school district. The security services, equipment and technology may be provided directly by the board of education, by contracts with an educational services commission or an independent contractor. [N.J. Rev. Stat. §18A:58-37.8](#) to [18A:58-37.14](#)

Length of School Year and Days

- No state policy currently exists.

Nursing and Health

- Local boards of education provide nursing services for pupils enrolled full-time in nonpublic schools. The services include, but are not limited to, medical examinations, dental screening, hearing examinations, and maintenance of student health records. In addition, the emergency care provided to public school pupils is extended to nonpublic school students who are injured or become ill at school or during athletic activities. [N.J. Rev. Stat. §18A:40-23](#) et seq.
- Nonprofit nonpublic schools participating in the National School Lunch Program will be reimbursed with federal funds, and if insufficient for the cost, may be supplemented with state funds. (Nonpublic schools are defined within this provision as schools offering K–12 education, fulfilling compulsory school attendance requirements, and complying with Title VI of the Civil Rights Act of 1964.) [N.J. Rev. Stat. §18A:58-7.1](#) et seq.

Other

- Parents of any minor who injure any nonpublic school property are liable for all damages incurred. [N.J. Rev. Stat. §18A:37-3.](#)

- “Private school” is defined under New Jersey’s education provisions as “a school, under college grade, which does not derive its support entirely or in part from public funds.” [N.J. Rev. Stat. §18A:1-1](#).
- The New Jersey Constitution makes games of chance legal for education or religious organizations when the net proceeds are devoted to educational or religious uses. New Jersey Constitution Art. 4, 7, par. 2A.

Professional Development

- By statute, nonprofit, nonpublic schools are represented by two members on the board of directors governing the educational information and resource center. [N.J. Rev. Stat. §18A:6-97](#).

Public Aid for Private Education

- Constitutional Provisions: The New Jersey Constitution does not have a provision related to public aid for private education.
- Programs for financial assistance for attendance at private schools: There are no such programs at this time.

Recordkeeping and Reports

- Private schools must annually report statistics relating to the conduct of the institution as required by the commissioner on or before August 1. No private schools may be required to report expenses or finances; nor shall any such report prepared by the school be made public. [N.J. Rev. Stat. §18A-6-4](#).
- The Office of Student Assistance prepares an annual report listing all sources of financial assistance available to New Jersey students attending any institution of higher education. The report is distributed to each private secondary school in the state. [N.J. Rev. Stat. §§18A:3-14.1](#) and [18A:3-14.2](#).
- Private school officials must provide a voter registration form and related nonpartisan materials to each eligible high school pupil in conjunction with the voter registration drive. [N.J. Rev. Stat. §18A:36-27](#).

Reimbursement for Performing State and Local Functions

- No state policy currently exists.

Special Education

- Local boards of education must provide for the identification of nonpublic school students, ages 5–21, who cannot be accommodated through the school facilities usually provided because of handicaps. [N.J. Rev. Stat. §18A:46-6](#).
- The examination and classification of disabled nonpublic school children occurs in a location determined by the local board and approved by the commissioner. [N.J. Rev. Stat. §18A:46-8](#).

- New Jersey provides for the public placement of handicapped children in accredited nonpublic schools if a child study team determines that 1) a suitable special education program cannot be provided otherwise; 2) the nonpublic school is the most appropriate placement for the child; 3) services are nonsectarian; 4) the school is not specifically approved for the education of handicapped pupils; and 5) the board of education places the child with the consent of the commissioner or by a court order. [N.J. Rev. Stat. §18A:46-14](#) and [N.J. Admin. Code title 6A:14-4.2](#) and [6A:14-6.5](#).
- Tuition rates at private schools may not exceed the actual cost per pupil determined under rules prescribed by the commissioner and approved by the state board of education. [N.J. Admin. Code title 6A:14-7.8](#).
- The board of education of a district in which a nonpublic school is located is required to provide remedial services to eligible nonpublic school students residing in the state and enrolled full-time in a nonpublic school located within the district. [N.J. Rev. Stat. §18A:46-19.1](#) et seq.
 - Remedial services, commonly referred to as Chapter 193 programs, provide nonpublic school students with evaluation for determination of eligibility for special education and attendant services that are supplemental to both regular and federal Individuals with Disabilities Education Act programs, including speech-language services. [N.J. Rev. Stat. §18A:46-19.1](#) et seq. Remedial services are provided only upon the consent of the parent or guardian and will be provided in a location determined by the local board pursuant to rules and regulations of the state board. [N.J. Rev. Stat. §18A:46-19.5](#). If student transportation is necessary to receive services, the local board of education will provide transportation. [N.J. Rev. Stat. §18A:46-19.6](#).
- The board of education of a district in which a nonpublic school is located is required to provide auxiliary services, commonly referred to as Chapter 192 programs, to eligible nonpublic school students residing in the state and enrolled full-time in a nonpublic school located within the district. [N.J. Rev. Stat. §18A:46A-3](#).
 - Auxiliary services provide nonpublic school students with services designed to assist pupils who have academic needs that prevent them from succeeding in regular school programs, including compensatory education (supplemental to the regular programs) for the improvement of math and language arts literacy skills, English as a second language and home instruction. [N.J. Rev. Stat. §18A:46A-1](#) et seq. Auxiliary services are provided only upon the consent of the parent or guardian in a location determined by the local board of education. [N.J. Rev. Stat. §18A:46A-5](#). If student transportation is necessary to receive services, the local board of education will provide transportation. [N.J. Rev. Stat. §18A:46A-6](#).

Tax Exemption

- The New Jersey Constitution provides that tax exemptions cannot be repealed for real and personal property owned by a corporation/association organized for religious, educational, or charitable purposes and used exclusively for those purposes. New Jersey Constitution Art. 8, 1, par. 2.

- Corporations operated exclusively for educational purposes are exempt from sales tax if the earnings do not benefit any private individual, and the organization’s activities do not attempt to influence legislation or intervene in any political campaign. [N.J. Rev. Stat. §54:32B-9](#).
- Private or parochial schools conducting a course in driver education approved by the state department of education are not charged license fees. N.J. Rev. Stat. §39:12-2.

Teacher Certification

- No state policy currently exists.

Technology

- The New Jersey Nonpublic School Technology Initiative Program is authorized by the state’s [FY 2016 Appropriations Act](#), and authorizes aid to be paid to school districts and allocated for nonpublic school pupils to: (1) provide nonpublic school students with computers, educational software, distance learning equipment and other technologies that can improve their education by meeting their specific educational needs; and (2) give nonpublic school teachers the skills, resources and incentives to use educational technologies effectively to improve teaching and learning in the classroom. [N.J. Rev. Stat. §18A:58-37.8 to 18A:58-37.14](#)
- County educational audiovisual commissions may contract with nonprofit private schools within the county to provide educational audiovisual aids to such schools. [N.J. Rev. Stat. §18A:51-6](#).

Testing

- No state policy currently exists.

Textbooks

- Each local board of education has the responsibility to purchase and loan textbooks to all nonpublic students in the district on individual request. [N.J. Rev. Stat. §18A:58-37.3](#).
- There is an educational information and resource center to provide support and services to nonprofit, nonpublic schools on request. The services provided by the center include “a lending library of educational and instructional materials; preparation of media and materials for informational and instructional purposes; an educational information storage and retrieval system; special topic seminars and conferences; and consultant advice, information and expertise.” [N.J. Rev. Stat. §18A:6-95.1](#).

Transportation

- The New Jersey Constitution declares that the state legislature may, within a reasonable distance, provide student transportation (ages 5–18) to and from any school. New Jersey Constitution Art. 8, 4, par. 3.

- Pupils attending nonprofit, nonpublic schools not more than 20 miles from their residence are entitled to transportation if the school district provides transportation for public school pupils. If the cost of the transportation exceeds a set amount (\$884 for FY 2016) or the amount determined for subsequent years pursuant to [N.J. Rev. Stat §18A:39-1a](#), the allocation will be given to the parent/guardian toward the cost of the transportation. [N.J. Rev. Stat. §18A:39-1](#).
- The governing body of a nonpublic school may authorize qualified personnel or parents to transport school children to related school activities in a private vehicle with a capacity of eight people or less. The transportation will be exempt from any additional requirements imposed on the transportation of pupils by school bus. [N.J. Rev. Stat. §18A:39-20.1](#).

Resources

Contact Information – State and Federal Departments of Education

- New Jersey Department of Education
P.O. Box 500
100 Riverview Plaza
Trenton, NJ 08625-0500
Phone: (609) 292-4469
Fax: (609) 777-4099
Website: <http://www.state.nj.us/education/>
- U.S. Department of Education, [New Jersey](#)

Information and Legislation

- [New Jersey Department of Education: Nonpublic School Services](#)
- [New Jersey Department of Education: Frequently Asked Questions: Homeschooling](#)
- [New Jersey Department of Education: Nonpublic School Textbook Program](#)
- [New Jersey Department of Education: Auxiliary and Handicapped Services for Nonpublic Schools \(Chapters 192 and 193\)](#)
- [New Jersey Department of Education: Nonpublic School Health Services](#)
- [New Jersey Department of Education: New Jersey Nonpublic School Technology Initiative Program](#)
- [New Jersey Department of Education: Nonpublic School Security Aid Program](#)
- [New Jersey Legislature](#)
- [New Jersey Statutes](#)

School Choice Programs

New Jersey currently does not have an Education Savings Account (ESA) program.