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ANTHONY P. SCIARRILLO
ATHINA LEKAS CORNELL
JEFFREY R. MERLINO
ISABEL MACHADO
DENNIS MCKEEVER
CHRISTINE M. MARTINEZ
LISA M. GINGELESKIE
KENNETH J. SORIERO

edlawgroup@lindabury.com

New Jersey Office
P. O. Box 2369
53 Cardinal Drive
Westfield, NJ 07091
(TEL) 908-233-6800
(FAX) 908-518-2967

New York Office
Suite 2300
26 Broadway
New York, NY 10004
(TEL) 212-742-3390
(FAX) 212-269-5016

Pennsylvania Office
Two Penn Center Plaza
Suite 200
Philadelphia, PA 19102
(TEL) 215-854-4090
(FAX) 215-569-0216

www.lindabury.com

Three New Laws Affecting New Jersey's Public Schools

By Anthony P. Sciarrillo

This Alert is to advise you of three new bills that were recently signed into law affecting New Jersey's public schools.

Disabled Students Eligibility for District's Athletic Program

A2391 (January 4, 2006) permits a disabled child who is placed by parents or guardians in a nonpublic school to participate in the interscholastic athletic program of the student's resident school district, provided the student meets the eligibility requirements of the program, and the board, by way of resolution, approves the student's participation in same. A disabled student who is placed by a member school district in a school outside the district is also eligible to participate in that member school district's interscholastic athletic program, provided the aforementioned requirements are met. Boards should review policies concerning athletic program eligibility to determine if they include how to respond to requests from parents seeking to have their disabled child participate in the district's athletic program.

Credit for Education at Juvenile Detention Centers

A212 (January 5, 2006) requires school districts to accept all days of attendance and course work of students who previously participated in certain educational programs in county juvenile detention centers. The Office of Education in the Juvenile Justice Commission, in consultation with the Commissioner of Education, has developed standards for a "thorough and efficient education" that the educational programs in the detention centers must meet. Provided these standards are met, attendance records and course credit from the detention centers are to be taken into account for purposes of elementary and middle school requirements and/or high school graduation.

Non-Participation in Animal Dissection

A2233 (January 5, 2006) requires school districts to provide alternative education projects to K-12 public school students who (➔)

refuse to participate in or observe the dissection, vivisection, capture or other destruction of animals as part of a course. Under this law, school districts must notify students and parents or guardians at the beginning of each school year of the right to refuse participation in such activities. Within two weeks of receiving notice, the student or parent(s) or guardian(s) must notify the board as to whether the student will exercise the right to refuse. If so, the school must then offer that student an “alternative education program,” which is defined as follows,

The use of videotapes, models, films, books, computers, or any other tools which provide an alternative method for obtaining and testing the knowledge, information, or experience required by [the] course.

The student also has the right to refuse to participate in the alternative education

program should that program involve any harmful use of animals or animal parts. A2233 prohibits the district from discriminating in grading or in any other manner against a student who has chosen not to participate in the dissection of animals.

Boards should review their policies regarding grading and student participation in science courses. They should also begin to draft a notice to students and parents regarding the student’s right to decline participation in the dissection of animals and the student’s right to participate in an alternative education program.



The information provided here is necessarily general and is not intended as legal advice or a substitute for legal advice. If you have any questions regarding this Alert, please contact Anthony P. Sciarrillo of the Education Law Group at edlawgroup@lindabury.com.

