



STATE OF NEW JERSEY

DEPARTMENT OF EDUCATION

A Memo from the New Jersey Department of Education

Date: February 12, 2025
To: Local Educational Agency Leads
Route To: Principals, School Psychologists, School Counselors, School Social Workers, Teachers
From: Kathy Ehling, Assistant Commissioner
Division of Educational Services
Samantha Price, Assistant Commissioner
Division of Legal and External Services

Supporting Student Participation in Court Proceedings

The New Jersey Department of Education (NJDOE) encourages school districts to develop attendance policies that support student attendance at required or optional court appearances. While court appearances do not qualify as a state-excused absence, school districts have local discretion and can create policies that ensure students are not recommended for truancy or otherwise penalized due to court appearances.

Supporting Student Participation in Permanency Hearings

Permanency hearings affect approximately 2,000 New Jersey public school students who reside in foster care or other out-of-home placements. Pursuant to N.J.S.A. 30:4C-61.2 and 45 CFR 1355.20, students are entitled to attend permanency hearings accompanied by their attorney (law guardian). Participation allows students to express their wishes directly to the judge about their preferred permanent living arrangement. While judges are encouraged to schedule permanency hearings outside of school hours, some hearings may take place during school hours based on case-specific circumstances. Although in-person attendance at permanency hearings is encouraged, students may participate virtually if that is their preference.

NJDOE recommends that schools facilitate virtual participation, when appropriate, by providing students with a private space to utilize during the hearing, along with a laptop or tablet if the student does not have one. Schools should be prepared to support students through the social-emotional challenges that can coincide with the potential trauma experienced during these circumstances. After attending a hearing during the school day, it may be best to offer support through a school-based mental health professional (school psychologist, school counselor, school social worker) before students return to class. Teachers are encouraged to provide make-up opportunities for any class time missed, and coaches and extra-curricular activity leaders are encouraged to refrain from penalizing students for any missed practices or meetings.

Please contact [Diana Sierotowicz](#) with any questions.

c: Members, State Board of Education
NJDOE Staff
Statewide Parent Advocacy Network
Garden State Coalition of Schools
NJ LEE Group