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EDUCATION

42 N.J.R. 595(a)

DIVISION OF FIELD SERVICES OFFICE OF ACADEMIC STANDARDS

Notice of Receipt of Petition for Rulemaking

N.J.S.A. 18A:36-27 and 28 New Jersey High School Voter Registration Law

Petitioners: New Jersey Department of the Public Advocate, Trenton, New Jersey; Project Vote, Washington D.C.; and American Civil Liberties Union of New Jersey, Newark, New Jersey

Take notice that on January 8, 2010, the New Jersey Department of Education (the Department) received a petition for rulemaking concerning the New Jersey High School Voter Registration Law, N.J.S.A. 18A:36-27 and 28. Petitioners are governmental, local and national non-profit organizations.

Petitioners seek the adoption of following regulations to effectuate the Legislature's intent to engage students in public and non-public schools in the democratic process.

“SUBCHAPTER 1. VOTER EDUCATION PROGRAM IN PUBLIC AND CHARTER HIGH SCHOOLS

1.1 PURPOSE AND SCOPE

These rules establish the procedures for providing annual voter registration services and a voter education program to promote student involvement in the electoral process, as required by N.J.S.A. 18A:36-27, to students 17 years of age or older, enrolled at a school or educational program operated by a district board of education as defined below.

1.2 DEFINITIONS

“District board of education” means, for purposes of this subchapter, any of the entities below that enrolls students 17 years of age or older:

- (a) The board of education of a local or regional school district;
- (b) The board of education of a county special services school district or a county vocational school district;
- (c) The State district superintendent of a State-operated school district;
- (d) The governing body of an educational services commission or jointure commission;
- (e) The governing body of the Marie H. Katzenbach School for the Deaf;
- (f) The governing body of a charter school; or
- (g) The governing body or commissioner responsible for providing educational programs in State facilities operated by or under contract with the Department of Human Services, the Department of Corrections, and the Juvenile Justice Commission.

“Student” means, for purposes of this subchapter, a person enrolled in any school operated by a district board of education who is 17 years of age or older.

1.3 DISTRICT POLICIES AND PROCEDURES

- (a) As required under N.J.S.A. 18A:36-27, a district board of education shall provide both voter registration services and a voter education program to students at least once annually. The voter registration services and the voter education program shall be held during school hours, and shall be monitored by a qualified person appointed by the principal of each school. The voter registration services and the voter education program may be held in conjunction with each other, and preferably during either a class period that is mandatory for all students or a class assembly. The voter registration services and voter educa-

tion program, provided in the manner and at the time required by this subchapter, is in addition to, and not in replacement of, any educational requirements relating to history, civics, or voting, found in N.J.S.A. 18A:35-1 and -2, the Core Curriculum Standards for Social Studies, or in other legal or regulatory sources.

(b) Voter registration services.

1. A district board of education, at least once annually, shall provide all students with a voter registration application along with an opportunity, sufficient information, and sufficient time to complete and submit the application. In determining when to conduct this activity, the district board of education may consider the percentage of enrolled students who are eligible to register to vote at different times during the year as well as the pendency of elections that tend to generate interest in the voting public. The person providing the voter registration services shall inform students that:
 - i. they should carefully read and understand the eligibility requirements on the form and only sign and submit the form if they in fact meet all of the eligibility requirements;
 - ii. they may choose freely whether to register or not, and they cannot be rewarded or penalized in any way for choosing to register or not register;
 - iii. they need not register then and there if they previously registered to vote from their current address through some other means; and
 - iv. they can assist the students in completing the form and/or answer questions about how to properly complete the voter form.
2. A district board of education shall arrange for a responsible school employee to offer to collect the completed voter registration applications and deliver or mail those collected to the County Commissioner of Registration within seven (7) days

of the students' completion of the application or sooner if a relevant voter registration deadline occurs prior to that date.

3. A district board of education shall provide that voter registration applications will be made available in the principal's office, guidance office, or other similarly accessible locations throughout the school year.

(c) Voter education programs.

1. A district board of education shall provide a voter education program to all students.
2. The voter education program shall include:
 - i. a summary of voter registration eligibility requirements;
 - ii. information on the role of a citizen and the importance of voting; and
 - iii. instruction on when, where and how a person casts a ballot.
3. The voter education program may include information on:
 - i. the different political offices;
 - ii. when elections are scheduled;
 - iii. what a sample ballot looks like;
 - iv. a voting machine's basic layout;
 - v. polling place locations so students know where to vote;
 - vi. election officials' contact information so students can learn directly from officials;
 - vii. voting by a mailed or absentee ballot, including how a college-bound student can vote in that manner or register at a college address;
 - viii. how students can conduct nonpartisan voter registration drives in the school, in their community, or elsewhere, and what organizations and resources are available to assist in such drives; and

- ix. such other relevant information as the district board of education deems appropriate.
- 4. A district board of education whose curriculum incorporates, and actually teaches, to pupils in grades 9-12, the information in (c)(2) above, need not conduct an annual voter education program, but the annual voter registration services required by (b) above are required regardless.
- (d) All materials and instruction comprising the voter registration services and voter education program shall be nonpartisan and conform to the provisions of N.J.S.A. 18A:42-4, which prohibits the distribution of literature that promotes, favors, or opposes any candidate, bond issue, or other public question to be submitted at an election.

1.4 ANNUAL REPORTING

Each district board of education subject to the Quality Single Accountability Continuum (QSAC) reporting requirement, pursuant to N.J.S.A. 18A:7A-3 et seq., shall report compliance with this subchapter as specified in the QSAC reporting forms.

Each district board of education that is not subject to the QSAC reporting requirement shall provide an annual report of the voter registration services and voter education program. The annual report is to be filed with the Department of Education no later than July 1 of each calendar year. The annual report shall be filed on a reporting form prescribed for that purpose by the Department. The annual report shall include the following information:

- (a) An affirmation that in the prior school year the district board of education complied with 1.3 above;
- (b) The number of students known to have completed voter registration applications;

- (c) The number of such applications transmitted to the County Commissioner of Registration;
- (d) A written narrative by the school administrator or a designee that describes any special achievements, events, problems or initiatives in carrying out the voter registration services and voter education program prescribed by 1.3 above.

SUBCHAPTER 2. VOTER EDUCATION PROGRAM IN NONPUBLIC HIGH SCHOOLS

2.1 PURPOSE AND SCOPE

These rules establish the procedures for providing annual voter registration services and a voter education program to promote student involvement in the electoral process, as required by N.J.S.A. 18A:36-27, to students 17 years of age or older, enrolled at a nonpublic school.

2.2 DEFINITIONS

“Nonpublic school” means, for purposes of this subchapter, a secondary school within the State, other than a school operated by a district board of education as defined in § 1.2, offering education for grades 9 through 12, or any combination thereof, wherein any child may legally fulfill compulsory school attendance requirements.

“Student” means, for purposes of this subchapter, a person enrolled in any nonpublic school who is at least 17 years old.

2.3 NONPUBLIC SCHOOL POLICIES AND PROCEDURES

(a) As required under *N.J.S.A. 18A:36-27*, the chief administrator of each nonpublic school shall provide both voter registration services and a voter education program to students at least once annually. The voter registration services and the voter education program shall be held during school hours, and shall be monitored by a qualified person appointed by the principal or other head of each school. The voter registration services and the voter education program may be held in conjunction with each other, and preferably during a class period that is mandatory for all students.

(b) Voter registration services.

1. The chief administrator of each nonpublic school, at least once annually, shall provide all students with a voter registration application along with an opportunity, sufficient information, and sufficient time to complete and submit the application. In determining when to conduct this activity, the chief administrator may consider the percentage of enrolled students who are eligible to register to vote at different times during the year as well as the pendency of elections that tend to generate interest in the voting public. The person providing the voter registration services shall inform students that:

- i. they should carefully read and understand the eligibility requirements on the form and only sign and submit the form if they in fact meet all of the eligibility requirements;
- ii. they may choose freely whether to register or not, and they cannot be rewarded or penalized in any way for choosing to register or not register;
and
- iii. they need not register then and there if they previously registered to vote from their current address through some other means; and
- iv. they can assist the students in completing the form and/or answer questions about how to properly complete the voter form.

2. The chief administrator of each nonpublic school shall arrange for a responsible school employee to offer to collect the completed voter registration applications and deliver or mail those collected to the County Commissioner of Registration within seven (7) days of the students' completion of the application or sooner if a relevant voter registration deadline occurs prior to that date.
3. The chief administrator of each nonpublic school shall provide that voter registration applications will be made available in the principal's office, guidance office, or other similarly accessible locations throughout the school year.

(c) Voter education programs.

1. The chief administrator of each nonpublic school shall provide a voter education program to all students.
2. The voter education program shall include:
 - i. a summary of voter registration eligibility requirements;
 - ii. information on the role of a citizen and the importance of voting; and
 - iii. instruction on when, where and how a person casts a ballot.
3. The voter education program may include information on:
 - i. the different political offices;
 - ii. when elections are scheduled;
 - iii. what a sample ballot looks like;
 - iv. a voting machine's basic layout;
 - v. polling place locations so students know where to vote;
 - vi. election officials' contact information so students can learn directly from officials;
 - vii. voting by a mailed or absentee ballot, including how a college-bound student can vote in that manner or register at a college address;

- viii. how students can conduct nonpartisan voter registration drives in the school, in their community, or elsewhere, and what organizations and resources are available to assist in such drives; and
 - ix. such other relevant information as the nonpublic school deems appropriate.
4. A nonpublic school whose curriculum incorporates, and actually teaches, to pupils in grades 9-12, the information in (c)(2) above, need not conduct an annual voter education program, but the annual voter registration services required by (b) above are required regardless.
- (d) All materials and instruction comprising the voter registration services and voter education program shall be nonpartisan and conform to the provisions of *N.J.S.A. 18A:42-4*, which prohibits the distribution of literature that promotes, favors, or opposes any candidate, bond issue, or other public question to be submitted at an election.

2.4 ANNUAL REPORTING

Each nonpublic school shall provide an annual report of the voter registration services and voter education program. The annual report is to be filed with the Department of Education no later than July 1 of each calendar year. The annual report shall be filed on a reporting form prescribed for that purpose by the Department. The annual report shall include the following information:

- (a) An affirmation that in the prior school year the nonpublic school complied with 2.3 above;
- (b) The number of students known to have completed voter registration applications;
- (c) The number of such applications transmitted to the County Commissioner of Registration;

- (d) A written narrative by the school administrator or a designee that describes any special achievements, events, problems or initiatives in carrying out the voter registration services and voter education program prescribed by 2.3 above.”

NJ QSAC AMENDMENT

NEW JERSEY QUALITY SINGLE ACCOUNTABILITY CONTINUUM
DISTRICT PERFORMANCE REVIEW (DPR)
INSTRUCTION AND PROGRAM

District: _____

County Office: _____

Period of Review: _____

F. HIGH SCHOOL/GRADUATION	SUGGESTED DOCUMENTATION	POINT VALUE	DISTRICT SCORE			COUNTY SCORE			COMMENTS (COUNTY USE ONLY)
			Y E S	N O	S C O R E	Y E S	N O	S C O R E	
<i>The district implements programs that prepare students for graduation, post-secondary education, and careers</i>		18 [16]							
1. (no change)									
2. (no change)									
3. (no change)									
4. (no change)									
5. (no change)									
6. a. The district provides voter registration forms to all students eligible to register to vote (N.J.S.A. 18A:36-27; N.J.A.C. 6A:_____).	Copies of materials distributed to eligible students, number of forms distributed annually, description of distribution methods.	2							
b. The district conducts a voter education program directed to students eligible to register to vote that describes the role of a citizen and the importance of voting (N.J.S.A. 18A:36-27; N.J.A.C. 6A:_____).									
7. [6] (no change)									
TOTAL POINTS - Section F		18 [16]							

NEW JERSEY QUALITY SINGLE ACCOUNTABILITY CONTINUUM
DISTRICT PERFORMANCE REVIEW (DPR)
INSTRUCTION AND PROGRAM

District: _____ County Office: _____ Period of Review: _____

SCORING

PART I	POINT VALUE	POINTS EARNED
Section A: Student Performance	59	
Section B: Curriculum	17	
Section C: Instruction	24	
Section D: Mandated Programs	6	
Section E: Early Childhood	3	
Section F: High School/Graduation	18 [16]	
Total Points mandated Sections A, B, C, & D (59+17+24+6)	106	
Total Possible Points A-F (59+17+24+6+3+ 18 [16])	127 [125]	
Total Possible Points A-E (59+17+24+6+3)	109	
Total Possible Points A-D & F (50+17+24+6+ 18 [16])	124 [122]	
TOTAL POINTS EARNED		

(additions indicated in boldface **thus**; deletions in brackets [thus])

In accordance with N.J.A.C. 6A:6-4.2, the Department shall subsequently mail to the petitioners and file with the Office of Administrative Law a notice of action on the petition.