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42 N.J.R. 733(a)

DIVISION OF FIELD SERVICES OFFICE OF ACADEMIC STANDARDS

Notice of Action on 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 above petitioners filed a petition with the New Jersey Department of Education received a petition for rulemaking requesting that the State Board adopt rules requiring local districts to provide both voter registration services and a voter education program to students annually. The voter registration services shall include distributing to every high school student 17 years or older a voter registration form, instructions on how to complete it and the necessary time to complete it. The voter education programs shall include instruction about the importance of voting, the role of citizens, and voter registration eligibility requirements. In addition, all public and private schools would be required to demonstrate compliance with these mandates, with public schools demonstrating compliance through the New Jersey Quality Single Accountability Continuum (NJQSAC) process. Schools would also be required to collect and transmit voter registration forms to elections officials or provide students the option to return the forms themselves. A notice acknowledging receipt of the petition was published in the February 16, 2010 New Jersey Register at 42 N.J.R. 595(a).

In accordance with applicable law, the Department reviewed the petition and has determined that additional time is needed to deliberate about this petition. The Governor's Education Transition Team has recommended in its Subcommittee Report that the implementation of NJQSAC needs to be re-examined and the Department agrees with this recommendation. As a part of this re-examination, related issues will need to be considered. For example, NJQSAC is not currently designed to monitor the compliance of specific content area statutes and regulations (for example, social studies, health and physical education). Accordingly, there is currently no provision that would allow monitoring compliance in this area. Moreover, further deliberation is needed to determine under which category a regulation about providing materials related to voter's registration would be placed and the appropriate point value.

Time is also needed to collect data in order to analyze the extent of current compliance with N.J.S.A. 18A:6-27 which requires that high schools provide voter registration forms and materials describing the role of citizens and the importance of voting to each eligible high school student. Accordingly, pursuant to N.J.A.C. 6A:6-4.2(b)3, this matter will be referred for further deliberation for a period not to exceed 90 days.

A copy of this public notice is being mailed to the petitioners.