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5117 INTERDISTRICT PUBLIC SCHOOL CHOICE

Introduction

New Jersey's Interdistrict Public School Choice Program Act provides interested New Jersey school districts an opportunity to apply to the New Jersey Department of Education to become a public school choice school district that can make available classroom seats within the school district for the Board to accept non-resident pupils. A choice district may enroll pupils across district lines in designated schools of the choice district.

For the purpose of this Policy, "choice district" means a public school district, established pursuant to Chapter 8 or Chapter 13 of Title 18A of the New Jersey Statutes, which is authorized under the Interdistrict Public School Choice Program Act to open a school or schools to pupils from sending districts. "Sending district" means the district of residence of a choice pupil. "Commissioner" shall mean the New Jersey Commissioner of Education.

Choice District Application Process

A proposed choice school district shall submit an application to the Commissioner of Education no later than April 30 in the year prior to the school year in which the choice program will be implemented. The application shall include, but not be limited to, the following information:

1. A description of programs, schools, and the number of pupil openings in each school identified by grade level which are available for selection;

2. The provision for the creation of a parent information center;

3. A description of the pupil application process and any criteria required for admission; and

4. An analysis of the potential impact of the program on pupil population diversity in all potential participating districts and a plan for maintaining diversity in all potential participating districts, which plan shall not be used to supersede a court-ordered or administrative court-ordered desegregation plan.

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The Commissioner shall notify a choice district of the approval or disapproval of its application no later than July 30, and the reasons for disapproval shall be included in the notice. The Commissioner shall notify the New Jersey State Board of Education of the approval of a choice district application and the State Board shall include a public notice of the approval on the next agenda for its public monthly meeting.

The Commissioner may take appropriate action, consistent with State and Federal law, to provide that student population diversity in all districts participating in a choice district program is maintained. Student population diversity shall include, but not be limited to, the ethnic, racial, economic, and geographic diversity of a district's student population. The actions may include, but need not be limited to:

1. Directing a choice district to take appropriate steps to successfully implement the district's plan for maintaining student population diversity;

2. Restricting the number of choice pupils from a sending district or the authority of a choice district to accept choice pupils in the future; and

3. Revoking approval of the choice district. Any choice pupil who is attending a designated school in a choice district at the time of the Commissioner's revocation of approval shall be entitled to continue to be enrolled in that school until graduation.

Evaluation of Choice District Applications

The Commissioner shall evaluate an application submitted by a proposed choice district according to the following criteria:

1. The fiscal impact on the district;

2. The quality and variety of academic programs offered within the district;

3. The potential effectiveness of the pupil application process and of the admissions criteria utilized;

4. The impact on student population diversity in the district; and

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5. The degree to which the program will promote or reduce educational quality in the choice district and the sending districts.

Application to a Choice District

The parent or guardian of a pupil shall notify the sending district of the pupil's intention to participate in the choice program and shall submit an application to the choice district, indicating the school the pupil wishes to attend, no later than the date specified by the Commissioner. To be eligible to participate in the program, a pupil shall be enrolled at the time of application in grades preschool through twelve in a school of the sending district and have attended school in the sending district for at least one full year immediately preceding enrollment in the choice district, provided that the sending district is the school district that a pupil in a particular district of residence is required by law to attend. This one-year requirement shall not apply to a pupil enrolling in preschool or Kindergarten in the choice district if that pupil has a sibling enrolled in the choice district. Openings in a designated school of a choice district shall be on a space-available basis and if more applications are received for a designated school than there are spaces available, a lottery shall be held to determine the selection of pupils. Preference for enrollment may be given to siblings of pupils who are enrolled in a designated school.

If there is an opening in a designated school of a choice district and there is no pupil who is enrolled in a sending district who meets the attendance requirements of the law, including a pupil who has been placed on a waiting list based on a lottery held in the choice district, then the choice district may fill that opening with a public school pupil who does not meet the attendance requirements of the law or a nonpublic school pupil.

A choice district may evaluate a prospective pupil on the pupil's interest in the program offered by a designated school. The district shall not discriminate in its admission policies or practices on the basis of athletic ability, intellectual aptitude, English language proficiency, status as a handicapped person, or any basis prohibited by State or Federal law.

A choice district shall not prohibit the enrollment of a pupil based upon a determination that the additional cost of educating the pupil would exceed the amount of additional State aid received as a result of the pupil's enrollment. A choice district may reject the application for enrollment of a pupil who has been classified as eligible for special education services pursuant to Chapter

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46 of Title 18A of the New Jersey Statutes if that pupil's individualized education program could not be implemented in the district, or if the enrollment of that pupil would require the district to fundamentally alter the nature of its educational program, or would create an undue financial or administrative burden on the district.

A pupil whose application is rejected by a choice district shall be provided with a reason for the rejection in the letter of notice. The appeal of a rejection notice may be made to the Commissioner. Once a pupil is enrolled in a designated school, the pupil shall not be required to reapply each school year for enrollment in any designated school of the choice district and shall continue to be permitted to be enrolled until graduation. A pupil shall be permitted to transfer back to a school of the sending district or may apply to a different choice district during the next application period.

A choice district shall accept all of the credits earned toward graduation by a pupil in the schools of the sending district. A choice district shall notify a sending district upon the enrollment of a choice pupil resident in that district.

Enrollment Restrictions

The Board of Education of a sending district may adopt a resolution to restrict enrollment of its pupils in a choice district to a maximum of ten percent of the number of pupils per grade level per year and/or fifteen percent of the total number of pupils enrolled in the sending district. This resolution shall be subject to approval by the Commissioner upon a determination that the resolution is in the best interest of the district's pupils and that it will not adversely affect the district's programs, services, operations, or fiscal conditions, and that the resolution will not adversely affect or limit the diversity of the remainder of the student population in the district who do not participate in the choice program.

Enrollment restriction percentages adopted by the resolution shall not be compounded from year to year and shall be based upon the enrollment counts for the year preceding the sending district's initial year of participation in the choice program, except that in any year of the program in which there is an increase in enrollment, the percentage enrollment restriction may be applied to the increase and the result added to the preceding year's count of pupils eligible to attend a choice district. If there is a decrease in enrollment at any time during the duration of the program, the number of pupils eligible to attend a choice district shall be the number of pupils enrolled in the choice program in the initial year

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of the district's participation in the program, provided that a pupil attending a choice district school shall be entitled to remain enrolled in that school until graduation.

The calculation of the enrollment of a sending district shall be based on the enrollment count as reported on the Application for State School Aid in October preceding the school year during which the restriction on enrollment shall be applicable.

A choice district shall not be eligible to enroll pupils on a tuition basis pursuant to N.J.S.A. 18A:38-3 while participating in the Interdistrict Public School Choice Program. Any pupil enrolled on a tuition basis prior to the establishment of the choice program shall be entitled to remain enrolled in the choice district as a choice pupil.

Transportation

Transportation, or aid in-lieu-of transportation, shall be provided to an elementary school pupil who lives more than two miles from the choice district school of attendance and to a secondary school pupil who lives more than two and one-half miles from the choice district school of attendance, provided the choice district school is not more than twenty miles from the residence of the pupil.

Transportation, or aid in-lieu-of transportation, shall be the responsibility of the sending district. The choice district and the sending district may enter into a shared service agreement in accordance with the "Uniform Shared Services and Consolidation Act," sections 1 through 35 of P.L. 2007, c.63 (C.40A:65-1 through C.40A:65-35). Notwithstanding the provisions of section 20 of P.L. 2007, c.260 (C.18A:7F-62) to the contrary, the sending district shall receive State aid for transportation calculated pursuant to section 15 of P.L. 2007, c.260 (C.18A:7F-57) for a pupil transported or receiving aid-in-lieu-of transportation pursuant to N.J.S.A. 18A:36B-22.

Parent Information Center

A choice district shall establish and maintain a parent information center. The center shall collect and disseminate information about participating programs and schools and shall assist parents and guardians in submitting applications for enrollment of pupils in an appropriate program and school. The information about

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participating programs and schools shall be posted on the choice district's website.

Annual Report

The Commissioner shall annually report to the State Board of Education, the Legislature, and the Joint Committee on the Public Schools on the effectiveness of the Interdistrict Public School Choice Program. The Commissioner's annual report shall be posted on the New Jersey Department of Education's website and on the website of each choice district.

N.J.S.A. 18A:36B-14 through 18A:36B-24

Adopted: 2012-05-21