

N.J.A.C. 6A:12, Interdistrict Public School Choice

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Chapter 12. Interdistrict Public School Choice

Subchapter 1. General Provisions

6A:12-1.1 Purpose

The purpose of this chapter is to establish the rules for the Interdistrict Public School Choice Program (choice program) in the Department of Education (Department) as provided for in N.J.S.A. 18A:36B-14 et seq. The choice program is necessary to increase options and flexibility for parents and students in selecting a school that best meets the needs of each student, thereby improving educational opportunities for New Jersey citizens. The choice program has increased the degree to which the education system is responsive to parents and students. It has also effected systemic improvements such as enhancing academic achievement and improving efficiency through a voluntary redistribution of students from overcrowded to under-enrolled school districts. Ultimately, the choice program can improve the quality of public school education in New Jersey by creating a healthy competition among school districts.

6A:12-1.2 Scope

- (a) Any school district in the State established pursuant to Chapter 8 or Chapter 13 of Title 18A of the New Jersey Statutes will be eligible to apply to become a choice district. A choice district may accept non-resident students into an educational program in the choice district at the expense of the State.
- (b) District boards of education may choose to apply to participate in the choice program as choice districts by receiving choice students pursuant to this chapter.
- (c) District boards of education may not maintain at the same time both a tuition program pursuant to N.J.S.A. 18A:38-3 and a choice program in the grade levels that the school district has made available to choice students.

- (d) District boards of education currently in a sending/receiving relationship are eligible to participate in the choice program unless otherwise legally prohibited.

6A:12-1.3 Definitions

The following words and terms, as used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise.

"Choice district" means a public school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes that is authorized under the Interdistrict Public School Choice Program to open a school or schools to students from a sending district.

"Choice program" means the Interdistrict Public School Choice Program authorized in N.J.S.A. 18A:36B-14 et seq.

"Choice student" means an out-of-district student who is accepted into a choice district.

"Non-public school student" means any student who is obtaining academic instruction outside of a public school at the time of his or her application to the choice district.

"Sending district" means the choice student's district of residence, charter school, or any school the student is required by law to attend.

Subchapter 2. Choice Program Eligibility Criteria

6A:12-2.1 Eligibility criteria for district boards of education

A district board of education of a school district established pursuant to Chapter 8 or Chapter 13 of Title 18A of the New Jersey Statutes is eligible to participate in the choice program if it has classroom space available, completes an application form provided by the Department pursuant to this chapter, and receives approval from the Commissioner to participate.

6A:12-2.2 Eligibility criteria for students

- (a) To be eligible to participate in the program, a student shall be enrolled at the time of application in grades preschool through 12 in a public school of the sending district and have attended school in the sending district for at least one full year immediately preceding enrollment in a choice district including time spent at any school that a student in a particular district of residence is required by law to attend.
1. If a student attends public school in his or her district of residence and is counted in that district's October Application for State School Aid and the student's family moves during the school year and the student attends public school in his or her new district of residence for the remainder of the school year, the student shall have satisfied the one-year eligibility requirement for application to the school choice program.
 2. The one-year requirement shall not apply to a student applying to enroll in kindergarten in a choice district if that student already has a sibling enrolled in and attending the choice district and if the district of residence of that student does not offer a public pre-school program.
- (b) A public school student who does not meet the eligibility requirements found in (a) above or a non-public school student may nonetheless apply to enroll pursuant to N.J.S.A. 18A:36B-20.a. If a choice district allows for non-public school student enrollment, it may not make distinctions between such students on the basis of where they receive this academic instruction.
- (c) Students residing out of State may not participate in the choice program.

Subchapter 3. Choice District Application Procedures

6A:12-3.1 Choice program application procedures for a district board of education

An eligible applicant for a choice district shall complete an Interdistrict Public School Choice Program application, which shall be made available by the Department and which shall be submitted pursuant to N.J.S.A. 18A:36B-17.

6A:12-3.2 (Reserved)

Subchapter 4. Choice Student Admissions

6A:12-4.1 Sending district procedures

- (a) A sending district may not restrict the participation of its students in the choice program where the district's students provide written notice of intent to apply to a specialized educational program that is offered by the choice district and not offered in the sending district.
- (b) 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.
 - 1. Students from the sending district who are already enrolled in and attending a school choice program shall not be included in the newly calculated number of students eligible to attend a school choice district.
 - 2. When the multiplication of the grade level enrollment by the percentage established in the sending district's resolution adopted pursuant to N.J.S.A. 18A:36B-21.a(1) results in a number with a decimal, the number will be rounded to the next whole number.
 - 3. The sending district's resolution restricting its students' participation may not be applied to the final grade level available in the sending district.
- (c) Where a district board of education of a sending district has adopted a resolution pursuant to N.J.S.A. 18A:36B-21.a(1) to impose a limit on the number of its students participating

in the choice program pursuant to this subsection, and when the student notices of intention to participate in the choice program exceed that limit, the sending district shall:

1. Hold a public lottery to determine the selection of students for participation in the choice program;
2. Notify the parent or guardian of every student who has submitted notice of intent to participate in the choice program of the date and time of the lottery;
3. Assign a number to each student participating in the lottery and notify the parent or guardian of the number assigned to their child(ren); and
4. Develop a waiting list based on the lottery.

(d) Where a district board of education of a sending district has adopted a resolution to impose a limit on the number of its students participating in the choice program pursuant to this subsection, and when the student notices of intention to participate in the choice program exceed that limit, before conducting the lottery, the sending district may give preference to siblings of its resident students already enrolled in and attending the choice district.

1. In the event that the sending district elects to give preference to siblings of its resident students already enrolled in and attending the choice district and there are more sibling applicants than there are available spaces, then the sending district shall conduct a lottery first for the siblings only to determine the selection of students for participation and for placement on the waiting list.
2. In the event that the sending district elects to give preference to siblings of its resident students already enrolled in and attending the choice district and there are no spaces available after granting permission to participate in the choice program to siblings of resident students already enrolled in and attending the choice district, then the sending districts shall conduct a lottery for the remaining applicants to assign them a place on the waiting list.

- (e) Prior to any lottery that may be held according to this section, the sending district shall verify that the student is enrolled in the sending district and was reported on the Application for State School Aid in October of the current school year.
- (f) Prior to any lottery that may be held according to this section, the sending district shall notify the applicants of the date and time of such lottery.
- (g) Any lottery held according to this section must be held prior to the deadline set by the Commissioner for written notification to the parent that the student is eligible to participate in the school choice program.

6A:12-4.2 Choice district procedures for students meeting the eligibility requirements

- (a) Choice districts shall admit choice students on a space available basis.
 - 1. A district board of education shall not prevent students from participating in the school choice program.
 - 2. A choice district may not impose admission criteria upon prospective choice program students other than those permitted by statute.
 - 3. A choice district may give preference for enrollment to siblings of enrolled students.
 - 4. When a choice district receives more applications than there are spaces available, the choice district shall hold a public lottery to determine the selection of students for participation in the choice program.
 - i. The choice district shall develop a waiting list based on the lottery.
 - ii. The choice district shall notify the parent or guardian of every student who has submitted an application to participate in the choice program of the date and time of the lottery.

- iii. The choice district shall assign a number to each student participating in the lottery and shall notify the parent or guardian of the number assigned to their child(ren).
- iv. Before conducting the lottery, the choice district may give preference to siblings of students already enrolled in and attending the choice district.
 - (1) In the event that the choice district elects to give preference to siblings of students already enrolled in and attending the choice district and there are no spaces available after granting permission to participate in the choice program to siblings of students already enrolled in and attending the choice district, then the choice district shall conduct a lottery first for the siblings only to determine the selection of students for participation and placement on the waiting list.
 - (2) In the event that the choice district elects to give preference to siblings of students already enrolled in and attending the choice district and there are no spaces available after granting permission to participate in the choice program to siblings of students already enrolled in and attending the choice district, then the choice district shall conduct a lottery first for the remaining applicants to assign them a place on the waiting list.

6A:12-4.3 Choice student application procedures

- (a) The Commissioner shall establish a student application timeline each year no later than September 1.

- (b) Within five business days of the due date set by the Commissioner pursuant to the timeline in (a) above, the choice district shall provide to the Department electronic notification of the number of students who enroll.
- (c) The choice district shall provide written notification of receipt of each notice of enrollment to each sending district's board of education within 10 days of the due date for receipt of such notice of enrollment from a choice student resident in that sending district.
- (d) A choice student applicant may seek from the Commissioner by a showing of good cause a waiver of the student application deadlines established in the timeline in (a) above.

6A:12-4.4 Choice district procedures for students not meeting eligibility requirements

- (a) If seats remain available in a choice district after exhausting the list of applicants who meet the requirements of N.J.A.C. 6A:12-2.2(a), including those on any waiting list that has been established through the application process, then the choice district may elect to fill the seats with public school students who do not meet the requirements of N.J.A.C. 6A:12-2.2(a), and with non-public school students.
- (b) Choice districts may accept applications from public school students who do not meet the requirements of N.J.A.C. 6A:12-2.2(a) and/or non-public school students up until the deadline set by the Commissioner.
- (c) Upon the receipt of an application from a public school student who does not meet the requirements of N.J.A.C. 6A:12-2.2(a) or a non-public school student, the choice district shall send a letter to the parent of the student including the following information:
 - 1. Whether the choice district will consider public school students who do not meet the requirements of N.J.A.C. 6A:12-2.2(a) and non-public school students for admission to the district. If the choice district has not yet decided, inform the parents of when the decision is expected to be made;

2. That public school students who do not meet the requirements of N.J.A.C. 6A:12-2.2(a) and non-public school students will not be considered for admission until the choice district has conducted the application cycle and has exhausted its waiting list of students who meet the requirements of N.J.A.C. 6A:12-2.2(a) for the grade level to which they have applied;
3. That the choice district may need to conduct a lottery to select the students to be offered admission to the choice district depending on the seats available and the number of applications received from public school students who do not meet the requirements of N.J.A.C. 6A:12-2.2(a) and/or non-public school students; and
4. That the parents of those public school students who do not meet the requirements of N.J.A.C. 6A:12-2.2(a) and non-public school students will be fully informed of the lottery process in the event that a lottery is required, the date it will be held, and what number has been assigned to the applicant.

Subchapter 5. Choice Student Post Enrollment Policies

6A:12-5.1 Choice student enrollment

- (a) Once enrolled in a choice district, the choice student may remain enrolled and is not required to submit annual or periodic applications.
- (b) Upon acceptance of a choice student, the choice district is obligated to retain the choice student until graduation or until the choice student voluntarily withdraws.
- (c) In the event of termination of the choice program in that district or Statewide, any student enrolled in that choice district shall be entitled to remain enrolled in that district until graduation.
- (d) In the event that a public school student who is currently a choice student attending school in a choice district moves to another district, that public student is eligible to remain in the choice district as a choice student without application.

- (e) A resident student of a choice district who moves during the school year may be allowed to remain in the choice district until the end of the school year. The student may apply to the choice program as a funded student for the next school year. If the student moves after the application deadline or otherwise is unable to receive funding as a choice student in the school district for the subsequent school year, the choice school district may enroll the student as an unfunded choice student in that year, and automatically convert the student's enrollment to a funded choice student if he or she remains in the choice program.

Subchapter 6. Appeals

6A:12-6.1 Appeals from Commissioner determinations

An appeal of any determination by the Commissioner not to grant an application for participation in the choice program may be filed by an eligible choice district applicant according to N.J.A.C. 6A:4.

6A:12-6.2 Appeals from denial of enrollment

An appeal of any denial of a choice student applicant for enrollment in a choice district may be filed by the parent or legal guardian with the Commissioner in accordance with N.J.A.C. 6A:3.

Subchapter 7. Administrative Responsibilities of Choice Districts

6A:12-7.1 General provisions

- (a) Choice districts shall accept all credits toward graduation that were awarded by another district board of education for each choice student it accepts.
1. Choice districts shall award a diploma to a choice student participating in the program if that student meets the graduation requirements of the choice district and of the State of New Jersey.
- (b) A choice district shall establish and maintain a parent information center.

1. The center shall collect and disseminate information about participating programs and schools, and shall assist parents and legal guardians in submitting applications for enrollment of students in an appropriate program and school.
 2. The information about participating programs and schools shall be posted on the choice district's website.
- (c) A choice district shall file reports with the Department at the end of each application cycle. A choice district's reports shall include demographic and student participation information, fiscal and programmatic information, and updates on the number of available openings.

Subchapter 8. Transportation

6A:12-8.1 Student transportation

Each sending district shall have the responsibility for the transportation of enrolled choice students who are eligible for transportation services both to and from the choice school in which that student is accepted. Each sending district shall provide transportation or aid in lieu of transportation in accordance with N.J.S.A. 18A:36A-13 and N.J.A.C. 6A:27-4.

Subchapter 9. Funding

6A:12-9.1 General provisions

- (a) Choice students participating in this program shall qualify for State aid pursuant to N.J.S.A. 18A:36B-14 et seq. The sending district will receive transportation aid pursuant to N.J.A.C. 6A:12-8.1.
- (b) The sending district shall maintain fiscal responsibility for any choice student enrolled in or determined to require a private day or residential school, except that the choice district

will be required to contribute any State aid received for such a student and the sending district will be responsible for the balance.

Subchapter 10. (Reserved)