



## NJDOE News

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### State Board of Education Considers Revised [Regulations for School Choice](#)

Commissioner of Education David Hespe today submitted to the State Board of Education revised regulations that would establish an interdistrict public school choice program in New Jersey.

"We are seeking the adoption of these regulations for one purpose only - to improve education for the children of New Jersey," said Hespe. "Providing parents and students with additional educational opportunities will increase parental involvement and improve the ability of students to achieve the core curriculum content standards."

Hespe said the program would give families the ability to choose the school best suited to the particular interests, abilities and learning needs of students.

The regulations, the fourth version to be considered by the State Board of Education over the past 18 months, incorporate most of the provisions and compromises embodied in the school choice bills still pending in both houses of the Legislature. In addition, the regulations embody many of the suggestions heard by the State Board during its public input process.

"We believe the new regulations comply with legislative intent as reflected in the current versions of the school choice legislation," Hespe said. "They are also responsive to the public comments provided in the past to the State Board. We believe the result is a better, stronger school choice program."

The State Board began an extensive examination of the school choice issue in 1997. Regulations were drafted and discussed by the Board several times in 1998. Five public testimony sessions were held. Still, the process was put on hold to give the Legislature time to implement a school choice program by statute.

It has been a year since bills creating an interdistrict public school choice program were introduced in the Assembly and Senate, and nearly six months since they were released from committee.

"There has been no movement on the bills since late January due to disagreements over issues unrelated to interdistrict public school choice," Hespe noted, "and it is clear there will be no movement before the Legislature recesses for the summer. Governor Whitman and I agree that this issue is too important to the future of our children to wait any longer."

Commissioner Hespe asked the State Board to consider them for adoption at its September 1 meeting. If the regulations are adopted on schedule, the school choice program would be operational in the fall of 2000.

"To demonstrate her commitment to school choice, Governor Whitman has pledged to provide additional funding for the program in the 2000-2001 budget," Hespe said. "These funds would be used as incentive awards to encourage district participation in the program and to address any financial hardships for sending districts that may materialize."

The only significant difference between the revised regulations and the pending legislation involves charter schools. The legislation contains provisions that would limit the number of students a district could lose to a charter school regardless of whether pupils are participating in a public school choice program. However, Hespe said the State Board lacks the statutory authority to impose any such restriction on charter schools.

Under the regulations, the maximum number of choice districts that could be formed would be 21, phased in over a three-year period. No more than 10 choice districts could be operational the first year, no more than 15 the second year and no more than 21 in the third, fourth and fifth years of the program. There could be no more than one choice district per county. Due to overwhelming testimony in opposition, the concept of choice consortia was deleted from the regulations.

A sending district, upon adoption of a resolution, could limit enrollment loss to school choice to 7 percent of its total enrollment and 2 percent of enrollment per grade per year.

The regulations ensure that special education and bilingual students do not become the victims of discrimination

because of the cost factors associated with their education. A provision also is included that clarifies, expands and strengthens the requirement for the maintenance of racial diversity. The commissioner would have the power to take appropriate steps to maintain the diversity of the student population.

To protect students in the event the school choice program is discontinued, choice students enrolled in choice districts outside their district of residence would be able to remain enrolled in the choice district until their graduation.

The regulations also direct the commissioner to commission an independent study of the first two years of the school choice program and to submit an annual review to the State Board of Education and the Legislature.

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