

**INTERDISTRICT
PUBLIC SCHOOL CHOICE PROGRAM
ANNUAL REPORT
2003-2004 SCHOOL YEAR**



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**INTERDISTRICT PUBLIC SCHOOL CHOICE
ANNUAL REPORT
July 1, 2003 – June 30, 2004**

A. INTRODUCTION

The Interdistrict Public School Choice Program Act of 1999, at N.J.S.A. 18A:36B-11, requires the Commissioner of Education to report annually to the Legislature and the State Board of Education on the effectiveness of the interdistrict public school choice program. The first annual report provided information on the initial implementation of the school choice program. The second annual report provided information on the second year of implementation and offered three recommendations for modification of the program. The third annual report provided information on the third year of implementation of the program and set forth five recommendations for modification of the program. All reports are available on the Department of Education Web site at www.nj.gov/njded/choice/annrept/.

The 2003-2004 school year was the fourth year in which New Jersey students attended public schools outside their districts of residence under the Interdistrict Public School Choice Program. This report includes information on the fourth year of implementation of the school choice program, identifies expectations for the implementation of the fifth year of the program (the 2004-2005 school year), and makes recommendations for the reauthorization, expansion and modification of the program.

The Interdistrict Public School Choice Program Act established the choice program as a five-year pilot to explore whether public school choice could provide a viable educational option for New Jersey students and their families. Unless reauthorized by the New Jersey State Legislature, the program will expire on June 30, 2005. This report, as well as the reports previously issued by Commissioners of the department, provides a strong basis for the continuation and expansion of the school choice program throughout the state of New Jersey.

As is more fully discussed in the body of the report, in addition to offering previously unavailable opportunities to students and their parents, the school choice program has improved the quality of education in choice districts, and has had a positive impact on the participating sending districts. Both schools and students have benefited from the program.

Throughout its brief history of implementation, the school choice program has reflected a philosophy of cooperation and support. It has also involved the joint identification of potential problems and the development of solutions among the districts participating in the program, department staff and, where relevant, districts of residence of the students participating in the school choice program. The school choice program is an outstanding example of the department's

commitment to facilitate educational opportunities for the benefit of the children who are our ultimate clients.

The data included in this report are current as of the beginning of the 2004-2005 school year.

B. PROGRAM DESCRIPTION

The Interdistrict Public School Choice Program Act of 1999, N.J.S.A. 18A:36B-1 et seq., established in New Jersey for the first time a program to provide students with a public school choice funded directly by the state. Prior to the establishment of this law, public school choice was offered only to those students who attended county vocational-technical schools, students enrolled in in-district or, in rare cases, out-of-district magnet schools, charter school students, students who attended school in the district in which one of their parents was a teacher, and students whose families could afford either to move to another district or to pay tuition to the public school district of their choice. The school choice law created a very small, controlled five-year pilot test of public school choice that allows students to cross district lines at the state's expense. Provisions in the law limit the number of choice districts and the number of students who can participate in the program. There are also provisions in the law that control the impact of the program, ensure that student population diversity is maintained in all participating districts, and provide for an evaluation of the program. The current law is set to expire in June 2005.

The Commissioner is authorized to approve a total of 21 choice districts with no more than one per county during the five years of the pilot program. Choice districts are selected through a competitive application process based on criteria established in statute and regulation. To become a choice district, the district must have seats available for out-of-district students and must complete an application provided by the department. Charter schools and county vocational schools are not eligible to participate in the choice program, since those schools are already providing students with a choice. Districts in a sending-receiving relationship are eligible to participate in the program, unless otherwise legally prohibited.

Choice districts may limit their programs to a particular grade level or to areas of concentration in the district such as mathematics, science, or the arts, and may make seats available at any grade level from 1-10. To be eligible to enroll in a choice district, a student must be enrolled at the time of application in grades K-9 in a public school in his or her district of residence and remain enrolled for the full year immediately preceding enrollment in the choice district. Students can apply to choice districts for enrollment in the following school year during a two-cycle application process that occurs in both the fall and the spring. Choice districts that have open seats remaining after the spring application cycle may fill those seats from their waiting lists or, after the waiting lists are exhausted, may accept new applicants up until September 1 of the new school year. This change in procedure was initiated for the 2004-2005 school year by the department in recognition of the fact that students who have been accepted into choice districts and have indicated that they will attend those

districts in the fall, may change their minds for a variety of reasons over the summer. By allowing choice districts to replace those students, the department has chosen to ensure that choice is offered to as many of New Jersey's children as possible.

A choice district may establish reasonable criteria to select a prospective student. Criteria may include the student's interest in the program (this is usually applied only in choice districts with specialized programs), or any criteria for admission to a program that the choice district applies to its resident students. A choice district cannot discriminate in admissions policies, and if there are more applicants than there are seats available, the choice district must hold a lottery to select choice students. Choice districts may give preference to siblings of enrolled students.

A choice district may reject the application of a student who has been classified as eligible for special education services if that student's IEP could not be implemented in the district, or if enrollment of that student 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. However, a choice district may not prohibit the enrollment of a student based upon a determination that the additional cost of educating the student would exceed the amount of additional state aid received as a result of the student's enrollment.

A choice district may not enroll parent-paid tuition students while participating in the public school choice program. However, parent-paid tuition students who are enrolled at the time when a district is designated as a choice district by the Commissioner are entitled to remain enrolled in the choice district as choice students.

The choice district is responsible for transportation of choice students who reside more than two miles in grades K through eight or more than two and one half miles in grades nine through 12 and who reside 20 miles or fewer from the choice district's school. Parents are responsible for transportation beyond 20 miles. A choice district is authorized to provide aid in lieu of transportation. The legislation governing the program provides that all choice districts receive transportation aid for each enrolled choice student eligible for transportation services.

Choice districts must create and implement a regionwide public information program and must establish a parent information center to assist parents during the student application process.

All choice districts receive a new categorical aid called school choice aid for each enrolled choice student, whether or not that district receives core curriculum standards aid. School choice aid is current-year funded and is not included in the calculation for the spending growth limitation or cap. Choice districts in district factor groups A or B receive school choice aid at a rate equal to the weighted per-pupil maximum T&E amount. All other choice districts receive school choice aid at a rate equal to the weighted per-pupil T&E amount. The

law provides that choice districts also receive all associated categorical aids such as transportation or special education aid.

Controls have been built into the school choice program to minimize the impact on sending districts. A sending district is a district whose resident students seek to participate in the school choice program by applying to a choice district. A sending district may adopt a resolution to limit the number of its students participating in the school choice program to a minimum of two percent per grade per year and/or seven percent of the total student body, or to a maximum of 10 percent per grade per year and/or 15 percent of the total student body. If a sending district adopts a resolution establishing enrollment restriction percentages greater than the minimum, the Commissioner must approve the resolution. A sending district that has passed a resolution limiting participation of its resident students in the school choice program must hold a lottery if the number of its students seeking to apply to choice districts exceeds the number calculated by applying the percentage to enrollment.

Sending districts that receive core curriculum standards aid receive impact aid for their resident students enrolled in a choice district. Impact aid was designed to assist sending districts through a phase-out of aid that they would have otherwise received for these students. Sending districts receive 75 percent of core curriculum standards aid for their resident student in the first year in which their students participate in the school choice program, 50 percent in the second year, 25 percent in the third year, and 0 percent in year four and subsequent years.

The Commissioner is required to issue annual reports on the effectiveness of the program that are based on the annual and interim reports that the choice districts are required to provide to the department. The Commissioner's annual reports will contribute to a Joint Committee on the Public Schools report to the Legislature with recommendations on whether the program should be continued as is or be modified.

C. CHOICE DISTRICTS

In the first five choice district application periods, the New Jersey Department of Education selected fifteen choice districts from among those districts that had submitted competitive applications. Ten choice districts were selected in the first year of the program with students enrolling for the first time for the 2000-2001 school year. One additional district was selected for the second year of the program with students enrolling for the first time for the 2001-2002 school year. Two additional districts were selected for the third year of the program with students enrolling for the first time for the 2002-2003 school year. One additional district was selected for the fourth year of the program with students enrolling for the first time for the 2003-2004 school year and one additional district was selected for the fifth year of the program with students enrolling for the first time for the 2004-2005 school year.

In spring 2004, eligibility to apply to become a choice district was open to districts in Cape May, Essex, Mercer, Middlesex, Somerset, and Sussex

counties. The department received four applications from districts in Cape May County. The Commissioner has announced the selection of the Lower Township School District which will enroll choice students beginning in the 2005-2006 school year, provided that the school choice program is reauthorized by the Legislature.

The current choice districts represent a broad spectrum of district types and District Factor Groups (DFGs). This has proven useful to the pilot test of interdistrict public school choice. As the choice districts table in Appendix A shows, there is one choice district in DFG A, there are six in DFG B, three in DFG CD, four in DFG DE, and two in DFG FG. The table also shows that there are five K-12 districts, one PreK-12 district, two PreK-8 districts, two K-8 districts, four K-6 districts, and two 9-12 districts. Choice districts have made seats available to choice students in grades one through 10. Three of the K-12 districts, Englewood, Salem and Upper Freehold, have limited their choice programs to the high school grades, although Salem has opened seats in lower grades for the 2004-2005 school year. There are more seats available at the high school level because both Englewood and Salem have created new programs for high school students. [See Appendix A]

While the Commissioner has the authority to approve one choice district per county, the department does not expect to establish a choice district in each of New Jersey's 21 counties. There are some counties in which every school district is experiencing increased student enrollment. These districts have no room for out-of-district students and thus are ineligible to become choice districts.

At the same time, there are counties that could sustain more than one choice district. In some counties, such as Warren, Cape May and Gloucester, more than one district has submitted an application to become a choice district. The department has also received inquiries from superintendents interested in the school choice program only to find that their districts are ineligible because their counties already have a choice district. Because of overcrowding in some counties and the statutory limitation of 21 choice districts with no more than one per county (see *N.J.S.A. 18A:36B-3*), it is anticipated that fewer than 21 districts will be approved as choice districts during the five-year pilot, thus further limiting the pilot's size.

The past four years have shown that choice district status is beneficial in different ways for specific districts and that not all districts will pursue choice district status. Districts interested in becoming choice districts usually share some of the following characteristics:

- Declining or low enrollment. Choice districts must have available seats for out-of-district students.
- No or low growth potential. For example, two of the choice districts are in the Pinelands where development is restricted and some are completely surrounded by other districts, thus limiting development potential.
- Smaller districts facing financial challenges. Some of the choice districts had to raise taxes every year before entering the school choice program. One choice district faced a 25-cent tax hike that was reduced to 5 cents in its first year of choice district status.

- Districts seeking to increase diversity. Several choice districts sought choice district status in order to increase diversity in their student bodies. One choice district has been able to address a long-standing desegregation challenge by admitting out-of-district students through the school choice program.
- Districts seeking to implement innovative programs. Some choice districts have used choice district status as a means to develop new programs or to improve current innovative programs; and
- Districts interested in reducing class size.

Englewood and Salem are choice districts that have seen choice district status as an opportunity to develop new programs that would help the districts to retain resident students and to attract a more diverse student body. These districts are implementing innovative programs that were introduced for the first time in the 2000-2001 school year. Salem has established a new Pathways program and Englewood has implemented the Academies @ Englewood. Both districts have faced challenges in recruiting choice students and had no choice students enrolled in the 2000-2001 school year. One choice program student enrolled in Englewood for the 2001-2002 school year. Both districts have had to overcome issues unrelated to school choice in order to attract new students. Englewood has been faced with the challenge of correcting long-standing segregated enrollment with the accompanying problems of community resistance to the process. Salem City has faced the challenges presented by changing racial and socioeconomic demographics over a prolonged period of time. Both districts have made strides in overcoming these challenges.

In the 2002-2003 school year, Englewood enrolled 55 choice students. An additional 63 enrolled for the 2003-2004 school year, and an additional 71 have enrolled for the 2004-2005 school year. The total number of choice students participating in the Academies@Englewood, the district's school choice program, is 179 for the 2004-2005 school year. The addition of the choice students to the Academies@Englewood has reduced the percentage of black students participating in the program from 52.03% (with only resident students participating) to 26.39% (with resident students and school choice program students participating), and has resulted in a population distribution of an approximately even percentage of students from each of the major ethnic/racial groups (Asian, Black, Caucasian and Hispanic).

Salem City's school choice program, Pathways, has enabled the district both to retain more of its resident students, and to bring some of its resident students back from out-of-district schools. The district enrolled 2 choice program students in the 2002-2003 school year, 5 additional choice program students in the 2003-2004 school year, and 8 additional choice program students. A total of 13 school choice program students are enrolled in the district for the 2004-2005 school year.

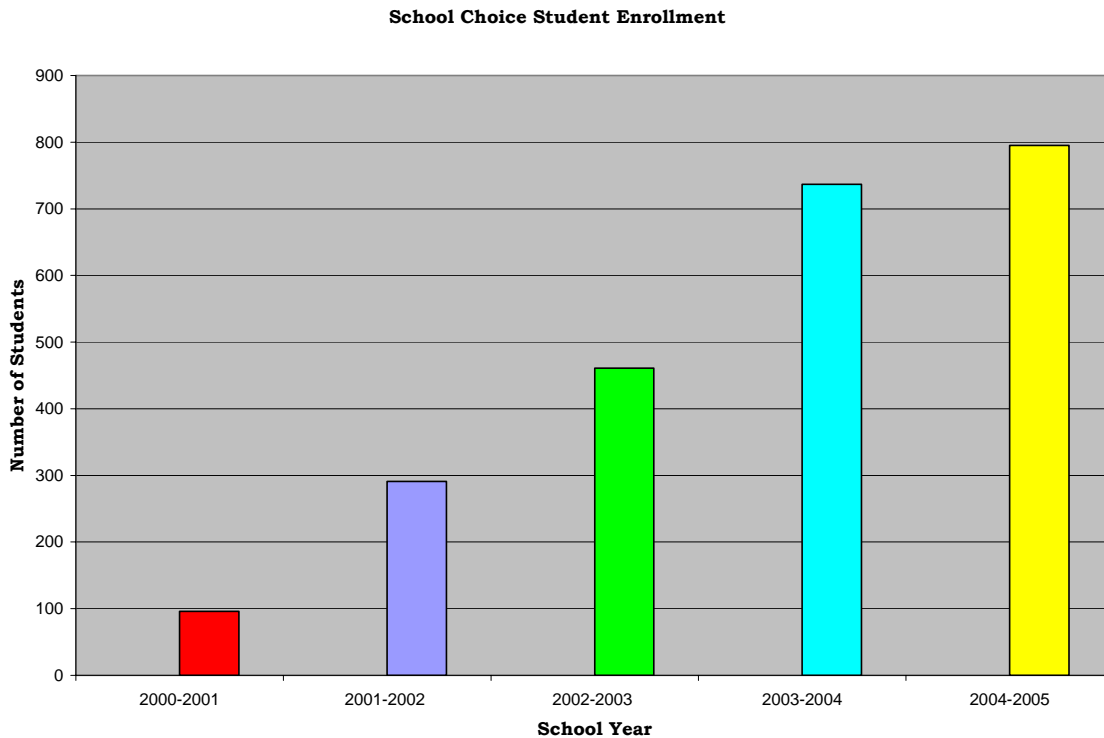
Two of the choice districts, Hoboken and Salem City are Abbott districts, and several of the choice districts, Cumberland Regional (Bridgeton), Kenilworth (Elizabeth and Plainfield), Hoboken (East Orange, West New York and Jersey City), Brooklawn (Camden and Gloucester City), Englewood (West New York)

Passaic-Manchester Regional (Paterson) and Bloomsbury (Phillipsburg), have enrolled students from Abbott districts.

The school choice program clearly has proven to be beneficial for choice districts, choice students, and their parents. In addition, students who reside in the choice districts, their parents, and their communities have benefited from smaller class sizes, the establishment of innovative programs, the expansion of classes in art, music, literature and technology, the increase in instructional hours or days, and the enrichment of the school community through the addition of students of different backgrounds and with different experiences from those of the district's resident students. All choice district superintendents agree that the program should be continued with some changes that will be discussed in the recommendation section.

D. CHOICE STUDENTS

Choice students have been attending choice districts since the 2000-2001 school year. The chart entitled School Choice Student Enrollment shows that the program got off to a slow start with a total of only 96 students enrolled in 10 districts for the 2000-2001 school year. In the 2001-2002 school year 291 students were enrolled in 11 districts; in 2002-2003 461 students were enrolled in 13 districts; 736 students enrolled in 14 districts for the 2003-2004 school year, and 795 students are enrolled in 15 districts for the 2004-2005 school year.

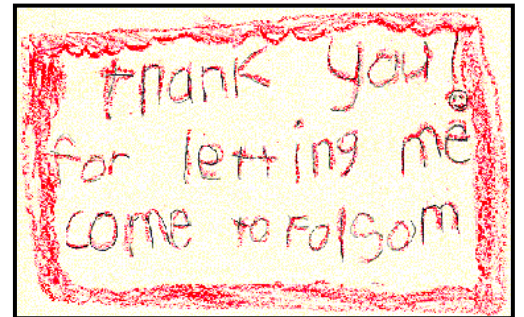


Six hundred thirteen seats are available in the current choice districts for the 2005-2006 school year. Some of these seats will replace those of students who are graduating or otherwise leaving the program. Several choice districts have reached, or anticipate reaching, a limit to the number of choice program students they will be able to absorb into their student bodies. As the students accepted in the past five years remain in the choice districts, the number of available seats for choice program students decreases. For example, Kenilworth, which enrolled 97 choice program students in September 2003, again has enrolled 97 choice program students in September 2004, and can only offer 21 seats to new choice program students for the 2005-2006 school year. There are 15 seats in grade 7, five seats in grade 9 and one seat in grade 10. The district consistently reports receiving over three times as many inquiries from parents as there are seats available in the district.

Many of the choice districts have received so many applications for their available seats that they have had to hold lotteries each year to select the students admitted to the choice program.

The increase in the total number of choice students is indicative of the success that the school choice program has had in increasing choice opportunities for New Jersey's students in the communities surrounding choice districts. At the same time the limited number of seats available in the choice districts clarifies the need for the expansion of the program.

As this poster drawn by a first grade Folsom choice program student for Back-to-School Day with the Legislature demonstrates, choice students are very happy in their new schools. These are students who never would have had the opportunity to select a different public school without the school choice program. In some cases, choice students move from overcrowded districts to smaller districts where they receive extra attention. In some cases, parents send their children to a choice district because they had attended the district as children, but do not currently live in the district. Parents of the choice students are enthusiastic supporters of the school choice program and have become strong advocates for the program in their communities, and frequently have assisted in the recruitment of new choice students.



Although they were uncertain at first, choice district staff report how pleased they are to have opened their doors to out-of-district students. Choice students have been a welcome addition in the choice district classrooms. Choice district superintendents agree that choice students fit right into their districts. For the most part, the composition of choice students mirrors the composition of the resident student body.

1. Choice Student Characteristics

As the pie chart in Figure 1 shows, 51% of the students participating in the school choice program for the 2004-2005 school year are male, and 48% are female. There is no information on the remaining 1%.

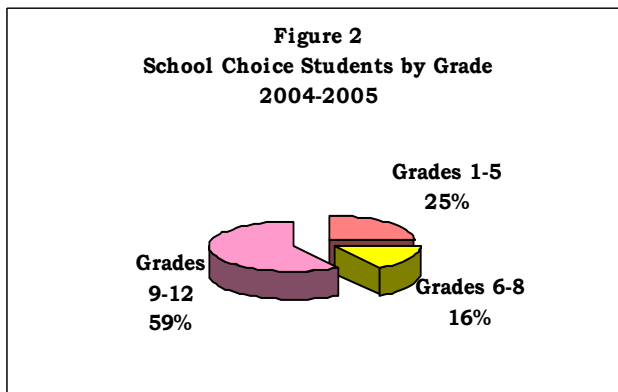
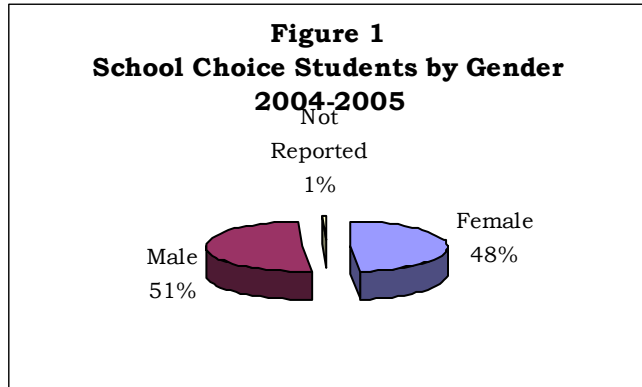


Figure 2 shows 25% of the choice program students are enrolled in elementary school; 16% are enrolled in middle school; and 59% are enrolled in high school.

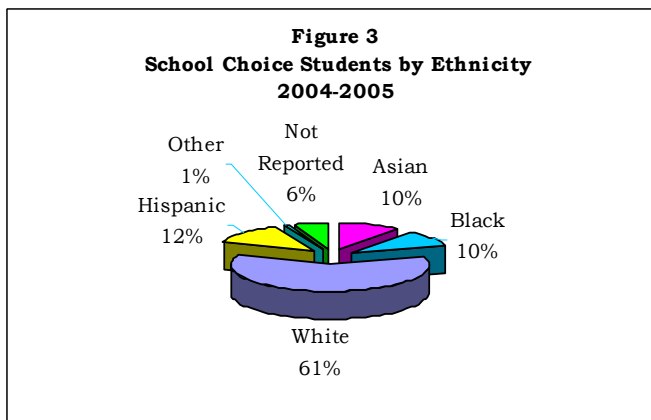


Figure 3 shows that 10% of the choice program students enrolled in choice districts for the 2004-2005 school year are Asian; 10% are Black; 61% are White; 12% are Hispanic; 1% are reported as Other and ethnicity was not reported for 6% of the students.

The ethnicity figures must be read with the understanding that the Academies@Englewood program and the Salem City program were designed to attract students of other ethnicities to districts whose populations were predominately Black. In Englewood, 42.78% of the choice program students are Asian, 6.95% are Black, 34.22% are White, 15.51% are Hispanic and one student is of mixed racial heritage. In Salem City, all 13 choice program students are White.

Children in need of special education have applied to and been accepted by most of the choice districts. The following chart shows the number and percentage of special education students enrolled in the choice districts for the 2004-2005 school year.

INTERDISTRICT PUBLIC SCHOOL CHOICE 2003-2004 SCHOOL YEAR SPECIAL EDUCATION STUDENTS		
District	Number of Students	Percentage of Choice Students
Belvidere	4	26.70%
Bloomsbury	1	3.80%
Brooklawn	4	6.00%
Cumberland	15	14.40%
Englewood	1	.05%
Folsom	10	7.60%
Hoboken	6	13.30%
Kenilworth	4	4.10%
Mine Hill	0	0
Passaic Manchester Reg.	0	0
Salem	2	15.40%
South Harrison	0	0
Stafford Twp	0	0
Upper Freehold	7	13.50%
Washington Twp	1	16.70%
TOTALS:	55	7.00%

These numbers and percentages change from year to year and districts that do not show any special education students for the 2004-2005 school year may have enrolled such students in the past or may enroll them in future years. In the 2002-2003 school year, approximately 13 percent of the 461 choice program students enrolled in the choice districts were classified as in need of special education, and in the 2003-2004 school year approximately nine percent of the 737 choice program students enrolled in the choice districts were classified as in need of special education. In each year of the school choice program's implementation, the total percentage of students classified as in need of special education has approximated the statewide percentage. These figures do not take into consideration students who are classified by the choice district once they attend school in the choice district. The special education students have been accommodated successfully in the choice districts.

Choice student demographics are determined by parental decisions about where their children should go to school. The demographics are also a reflection of the location of each choice district, the demographics of each choice district and its surrounding potential sending districts, and the lotteries

held in both sending districts and the choice districts during the student application process.

2. Application Process

The choice student application process has been modified since the initial implementation of the school choice program. Originally the program was designed with a single student application cycle which began in the fall and was concluded by the end of January. After the conclusion of the first student application process, the department established a two-cycle application process in response to feedback from the choice districts. This process allowed more time for choice districts to recruit students. It also benefited parents and students who had additional time to explore their options and to make a choice.

During the four years of experience with the two-cycle application process, in most choice districts more choice students enrolled during the first application cycle than during the second cycle. Some choice districts, such as Kenilworth, have been unable to hold a second application cycle because the districts filled all available seats in the first application cycle. However, several districts have found that parents and students are not making their plans for the next school year early in the current year; therefore, those districts have received more applications from potential choice students during the second application cycle.

For the student application process for the 2001-2002 and 2002-2003 school years, the department added the development of waiting lists in the sending districts and the choice districts for those potential choice program students who were not selected in the district lottery. Student application timelines were expanded to include a period in which the choice districts could accept students from the waiting list to fill the seats which students who won the lottery had declined. (See Appendix B) During the application process for the 2003-2004 school year the use of the waiting list was extended to permit the choice districts to fill vacated choice seats for the upcoming school year up until August 15. For the 2004-2005 school year the department extended the use of the waiting list until September 1. In addition, districts with vacant seats but without a waiting list are now permitted to fill the seats with newly applying students until September 1. The creation and use of waiting lists has extended to more students the opportunity to participate in the school choice program. In addition, the choice districts have found that, not infrequently, family events, such as an unanticipated move, result in a delayed application. Where a choice district has seats available, the newly-established policy allowing the districts to accept summer applications has resulted in choice for more students and their families.

The Academies@Englewood, which were first implemented in the 2002-2003 school year, compete with the very successful Bergen Academies for out-of-district students in Bergen County and surrounding areas. The implementation of the standard student application cycle for students applying to the Academies@Englewood revealed a problem specific to that choice district. Students who had been accepted into the Englewood school choice program following the standard student application timelines then applied to the Bergen Academies and, if accepted, withdrew from the Englewood program, leaving

Englewood with unfilled school choice program seats. Working with the Englewood School district, the department developed student application timelines for the Academies@Englewood to correspond to the application schedule for the Bergen Academies. (See Appendix C) The Academies@Englewood first implemented these customized student application cycle timelines for the 2003-2004 school year, and the continuation of this process has resulted in fewer conflicts with the Bergen Academies' program.

The evolution of the student application process and the student application timelines over the five years of their implementation illustrates the strong cooperative and mutually supportive ethos of the choice districts and department staff involved in the Interdistrict Public School Choice Program, as well as all parties' commitment to ensuring that the school choice program provides public school choice to as many New Jersey students as possible.

E. IMPACT OF THE SCHOOL CHOICE PROGRAM

As noted earlier in this report, throughout the first four years of implementation, the school choice program clearly has had an overall positive impact on all participants. Choice districts, choice students and their parents, as well as resident students of the choice districts, their parents, and their communities, have benefited from smaller class sizes, the establishment of innovative programs, the expansion of classes in art, music, literature and technology, the increase in instructional hours and/or days, and the enrichment of the school community through the addition of students of different backgrounds and with different experiences from those of the district's resident students.

The provision in the school choice program requiring choice districts to provide transportation to choice students has been effective in promoting choice opportunities for students. In other states with similar school choice programs, parents are required to provide transportation. The school choice program in New Jersey provides choice districts with transportation aid and allows districts to provide aid in lieu of transportation.

In many cases, the school choice program also has been positive for sending districts, especially those that are overcrowded. Because each choice district makes only a limited number of seats available, and prospective choice students from all of the surrounding sending districts must compete for the limited number of available seats, sending districts have not experienced a significant reduction in their student populations. While many sending districts have exercised their right to pass resolutions limiting the participation of their resident students in the school choice program, many have not chosen to do so. In addition, sending districts that qualify for core curriculum standards aid receive impact aid for their students who attend a choice district.

However, the positive impact on parents and students stemming from the creation of new choice opportunities is limited. The design of the school choice program as a small pilot with restrictive student eligibility criteria has limited the number of New Jersey students and parents who are provided with an

affordable educational choice. There are many parents and students who want to participate who are either ineligible or do not live near a choice district.

In the 2004-2005 school year choice program, students will come from 103 different sending districts. (See Appendix D) Based on the latest information collected by the department, it appears that fewer than half of the current sending districts have passed resolutions to limit the participation of their students, suggesting that some sending districts do not need to pass a resolution. This could mean either that the district is overcrowded or that the loss of students is so minimal as to have little or no impact on the district. A few sending districts that had passed resolutions have subsequently rescinded them.

After three years of implementing the school choice program, it has become apparent that the number of participating students will be limited whether or not a sending district passes a resolution, as a result of the limited number of seats that choice districts make available to interested students, and of competition for those limited seats among interested students from various sending districts. Furthermore, most choice districts have limited their program to students who live within 20 miles of the choice district. These natural limitations have made it unnecessary, in many instances, for a sending district to pass a resolution limiting their student participants.

F. ADMINISTRATIVE CODE

During the 2004-2005 school year, department staff began work on the readoption with amendments of the Administrative Code governing the Interdistrict Public School Choice Program (*N.J.A.C. 6A:12*). Although the readoption was not finalized during the 2003-2004 school year, it is included in this report as Appendix E to provide a more thorough understanding of the school choice program regulations as they currently are being implemented.

The major changes in the rules governing the program include:

A new paragraph at *N.J.A.C. 6A:12-2.2(a)1* provides that a student whose family moves during the school year but who attends public school both in the district from which the family moves and the district to which the family moves is eligible to apply to become a choice student.

The calculation of enrollment restriction percentages, where a district of residence has passed a resolution limiting the percentage of its students who may participate in the school choice program, has been clarified at *N.J.A.C. 6A:12-4.1(a)4* as follows:

4. The calculation of the enrollment restriction percentage shall be conducted at the beginning of each school year and shall be based on the enrollment count as reported on the Application for State School Aid in the October preceding the school year during which the restriction on enrollment shall be applicable.

i. 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.

ii. When the multiplication of the grade level enrollment by the percentage established in the sending district's resolution adopted pursuant to (a) above results in a number with a decimal, the number will be rounded to the next whole number. *[Note: This change had been recommended in previous Interdistrict Public School Choice Program Annual Reports.]*

iii. The sending district's resolution restricting its students' participation may not be applied to the final grade level available in the sending district.

A new paragraph at *N.J.A.C. 6A:12-4.1(a)3* provides that a district of residence may not restrict the participation of its students in a specialized program that is offered by a choice district and is not offered by the district of residence. This change makes the choice program rules consistent with the administrative code governing vocational education that provides, at *N.J.A.C. 6A:19-3.1(b)*:

[s]tudents shall be permitted to enroll in programs of vocational instruction offered by local district boards of education other than their resident district so long as the resident local district board of education.... does not offer an identical type of program, which is approved and meets or exceeds current program performance standards, with the same Classification of Instructional Programs (CIP) code....

Lottery procedures for both the district of residence [*N.J.A.C. 6A:12:4.1(a)5*] and choice districts [*N.J.A.C. 6A:12-4.2(a)6*] have been delineated. Both sending districts and choice districts are specifically given permission to give preference to siblings of students already enrolled in and attending the choice district.

N.J.A.C. 6A:12-4.2(a)5 has been revised to provide that once a district has been approved by the Commissioner as a choice district, no additional students may be admitted on a parent-paid tuition basis. *This change had been recommended in previous Interdistrict Public School Choice Program Annual Reports.*

G. RECOMMENDATIONS

The Interdistrict Public School Choice Program was designed to explore whether public school choice would provide a viable educational option for New Jersey students and their families. The school choice program offers flexibility to parents and students in selecting a public school program that best meets the needs of the individual student. In addition to increasing educational opportunities for individual students, the school choice program has successfully improved the quality of education in the choice districts, made progress toward improving efficiency through a redistribution of students from overcrowded to under-enrolled school districts, and has succeeded in limiting the impact of the program on sending districts.

New Jersey's experience with the school choice program over the past four school years has made clear that students and their parents throughout the state are vitally interested in having the opportunity to make public school choices for their education. Staff of the Office of Interdistrict Public School Choice at the New Jersey Department of Education hear virtually daily from parents who are eager to participate in public school choice but who are frequently disappointed to learn that this opportunity is not available to them and to their children.

As might be expected, inquiries from parents interested in learning more about public school choice have increased since the passage of the federal *No Child Left Behind Act*. Most of the choice districts have found it necessary to conduct lotteries in at least some of the grades in which they have seats available for choice program students. There are not enough choice districts and there are not enough seats available in the existing choice districts, to meet the demand of the parents and children throughout the state who want to participate in the school choice program.

In addition, as districts continue in the program over the course of several years, they have filled their available seats and, each year, are limited to seats that are vacated by students graduating, moving or otherwise leaving the district, resulting in fewer available seats over time. Appendix A shows 613 seats available for students in the choice districts for the 2005-2006 school year. However, many of the students accepted into the program will be replacing students who are leaving the program. Even if all the seats are filled, there will not be an *increase* of 613 students. This phenomenon shows clearly in the rapid increase in the numbers of choice students in the first four years of the program, while there is a relatively small increase from the 2003-2004 school year to the 2004-2005 school year.

The department is currently discussing recommendations to modify and clarify the Interdistrict Public School Choice Program during the reauthorization process. Primary among these are the following.

The first and most significant recommendation to be made is:

RECOMMENDATION 1:

Reauthorize the Interdistrict Public School Choice Program and increase the number of choice districts in New Jersey by eliminating the restriction of one choice district per county. If there must be restrictions, provide, at a minimum, that there be enough choice districts in the county to offer the program at all grade levels and consider modifying restrictions to take geographic considerations into account.

This is the first and most significant recommendation.

As discussed in the previous section, the interest expressed in the Interdistrict Public School Choice Program by parents throughout the state has made it clear that there are not enough choice districts and there are not enough seats

available in the existing choice districts to provide choice opportunities for all interested students.

In addition, geographic constraints have effectively eliminated some of the students in some counties from participation in the program. In at least one county most of the students in the county have been eliminated from participation. For example, Burlington County extends across the state from the Delaware River to Atlantic County. The choice district in Burlington County is Washington Township which is located in the Pinelands in the southeastern corner of the county. All of the out-of-district students who have attended school in Washington Township under the school choice program come from districts in Atlantic County. The distance across Burlington County is such that there is no practical way for children from the populous western sections of Burlington County to travel to Washington Township for school. These children do not have access to the school choice program despite the existence in their county of a choice district.

While this is the most extreme example, districts such as Mine Hill in the far western reaches of Morris County and Bloomsbury in the northwestern part of Hunterdon County are not really accessible to many of the students within those counties. In fact, most of Bloomsbury's students come from Phillipsburg in Warren County.

The limitation to one choice district per county also has effectively eliminated access to interdistrict public school choice for students at certain grade levels. If the district selected as a choice district in a given county is a K-8 district, then students in grades 9-12 in that county do not have access to the choice program. Similarly, in several counties, the choice district offers a specific program to high school students. Elementary and middle school students in those counties do not have access to school choice.

Finally, several counties in New Jersey report most, if not all, of their districts to be full or overcrowded. It is unlikely that a district from those counties will apply to become a choice district. However, there may be a district with space for choice students located in an adjacent county which, if it were selected as a choice district, could offer the interdistrict public school choice program alternative to students in the county without a choice district. However, if there is already a choice district in the adjacent county, and it is not geographically or grade-level accessible to students in the county that has no choice district, then those students will have no chance to participate in the program as it is currently constructed.

RECOMMENDATION 2:

Option A: Revise the choice student eligibility criteria to permit students entering kindergarten to apply for participation in the school choice program. It makes little sense educationally to insist that a child attend school in one district for a year and then transfer in the next year.

Option B: Consider that many districts are now offering preschool programs. Students who participate in these programs meet the

requirement that a student be enrolled in a public school of his or her district of residence at the time of application to the school choice program. Revise the choice student eligibility criteria to allow choice districts to accept into kindergarten students who have attended a full year of preschool in their districts of residence.

Option C: Revise the choice student eligibility requirements to provide an exception for siblings of students enrolled in and attending a choice district. Siblings of kindergarten age should be allowed to apply to enroll in the kindergarten in the choice district attended by their siblings, where the choice district has kindergarten seats available, regardless of whether the applicant has attended preschool in his or her district of residence.

N.J.S.A. 18A:36B-37(a) provides that “To be eligible to participate in the program, a student shall be enrolled at the time of application in grades K through 9 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.” This language restricts student enrollment in a choice district to grades 1 through 10.

This issue was raised in testimony before the Joint Committee on the Public Schools, and there has been general agreement among choice districts, parents, and department staff throughout the life of this program that the eligibility requirements should be revised to allow admission to a choice district of a kindergarten student whose sibling is already enrolled in and attending the choice district. The philosophical basis for this exception is a belief that siblings should not be unnecessarily separated for what is a technicality – the requirement that the kindergartner attend public school in the district of residence for one full year before being eligible for admission to the school choice program. The programmatic basis for this exception is found in *N.J.A.C. 6A:12-4.2(a)6v* “...a choice district may give preference for enrollment to siblings of enrolled students.”

RECOMMENDATION 3:

Rescind the restriction that prevents 11th and 12th grade students from participating in the school choice program.

Eleventh and twelfth grade students were restricted from participating in the school choice program under the original statute and code because of concerns that students in those grades would be interested in enrolling in choice districts in order to participate on varsity athletic teams. Surely it is as questionable for the law to base academic decisions on athletic considerations as it would be for students to make judgments in the same way.

In the 2003-2004 school year, the department initiated the 12th Grade Option Program that provides alternatives to a traditional senior year such as college and university partnerships carried out on high school campuses or on site at an institute of higher education; technical courses, on- or off-site; service-learning partnerships conducted in field settings with close supervision,

including, but not limited to, full- or part-time service with AmeriCorps organizations; work-based internships and apprenticeships in conjunction with local businesses; advanced placement programs; mentorships with teachers at elementary, middle or high school level; and student in-depth research projects designed for mastery learning, culminating with exhibition and assessment. Participation in the interdistrict public school choice program is another option that should be provided for these students.

Both statute and code require that choice districts establish a mechanism for screening out applicants *at any grade level* “who wish to attend a school for athletic, extracurricular or social reasons.” These mechanisms would remain in place.

RECOMMENDATION 4:

Raise the standard percentages which a sending district can adopt to restrict participation of its resident students to five percent per grade per year and /or 10 percent of the total student population of the district.

Under the current provisions of the law and code, a sending district may restrict the percentage of its resident students who may participate in the school choice program to two percent per grade per year and/or seven percent of the entire student population of the district. However, this restriction actually limits the number of students who may *apply* to participate in the program, since in most cases the students will face a lottery process in the choice district. Raising the percentages to five percent per grade per year and/or ten percent of the entire student population of the district will provide the chance to participate to more students and their parents.

H. CONCLUSION

The Interdistrict Public School Choice Program was established as a five-year pilot program designed to explore whether public school choice would provide a viable educational option for New Jersey students and their families. The school choice program offers flexibility to parents and students in selecting a public school program that best meets the needs of the individual student. In addition to increasing educational opportunities for individual students, it was anticipated that the school choice program would effect systemic improvements, such as enhancing academic achievement and improving efficiency through a redistribution of students from overcrowded to under-enrolled school districts.

The Interdistrict Public School Choice Program continues to be successful for all involved. Choice districts, choice students and their parents, as well as students who reside in the choice districts, their parents and their communities, have benefited from smaller class sizes, the establishment of innovative programs, the expansion of classes in art, music, literature and technology, the increase in instructional hours and/or days, and the enrichment of the school community through the addition of students of different backgrounds and with different experiences from those of the district's resident students.

The program has been effective in promoting educational choices for New Jersey's students. It has been effective in improving the quality of education in the choice districts. It has been effective in ameliorating possible negative impacts in the sending districts.

Implementation of the program as a small pilot has provided the department and the participating districts with the opportunity to explore the successes and the challenges of a school choice program and to develop the knowledge and experience to move on to the next level.

The knowledge and experience gained through the implementation of the Interdistrict Public School Choice Program also has helped to place New Jersey in a better position to address the school choice requirements of the federal *No Child Left Behind Act*.

The Interdistrict Public School Choice Program has met and exceeded the expectations and aspirations of the New Jersey Legislature and the Department of Education in creating the program. School choice is working in New Jersey and working so well that the program should be expanded as part of New Jersey's ongoing commitment to enhancing the opportunities for all students to achieve academic excellence in the public schools of the state.

CHOICE DISTRICTS
June 30, 2004

County	District	District Type	DFG	Choice Students 2000-2001	Choice Students 2001-2002	Choice Students 2002-2003	Choice Students 2003-2004	Choice Students 2004-2005	Seats Available 2005-2006	Estimated Total Student Enrollment 2004-2005	% Choice Students in District 2004-2005
Atlantic	Folsom	PreK-8	CD	17	42	72	119	131	37	311	42.12%
Bergen	Englewood	K-12	DE							2654.5	
	Choice Program	9-12		0	1	55	121	179	75	179	6.74%
Burlington	Washington Twp.	K-8	B	5	7	8	11	6	56	109	5.50%
Camden	Brooklawn	PreK-8	B			36	59	67	44	290	23.10%
Cape May	Lower Township	K-6	B						106	1521	N/A
Cumberland	Cumberland Reg.	9-12	B	9	33	48	86	104	36	1235.5	8.42%
Gloucester	South Harrison	K-6	DE			5	5	4	4	241	1.66%
Hudson	Hoboken	K-12	B	3	23	33	57	45	24	2166	2.08%
Hunterdon	Bloomsbury	K-8	DE	13	30	21	28	26	35	139	18.71%
Monmouth	Upper Freehold Reg.	K-12	FG								
	Choice Program	9-12		11	27	39	58	52	14	802.5	6.48%
Morris	Mine Hill	K-6	FG	16	51	43	57	47	24	420	11.19%
Ocean	Stafford Twp.	K-6	B				0	1	20	2276	0.04%
Passaic	Passaic-Manchester Regional HS	9-12	CD					8	10	784.5	1.02%
Salem	Salem City	K-12	A								
	Choice Program	9-12		0	0	2	9	13	107	553	2.35%
Union	Kenilworth	K-12	CD	22	61	75	97	97	21	1178	8.23%
Warren	Belvidere	PreK-12	DE		16	24	30	15	0	973.5	1.54%
TOTALS:				96	291	461	737	795	613		



**NEW JERSEY DEPARTMENT OF EDUCATION
Interdistrict Public School Choice**

**STUDENT APPLICATION TIMELINES
for the
2005-2006 SCHOOL YEAR**

FIRST CYCLE Must be received by:	Document	Sent from/to:	SECOND CYCLE Must be received by:
November 1, 2004	Notice of Intent to Participate in the School Choice Program	Parent/Guardian must submit this notice to the Superintendent of the district in which the student resides.	March 1, 2005
November 29, 2004	Written notification to the parents that the student may or may not participate in the school choice program	District of residence sends notification to parent/guardian.	March 25, 2005
December 6, 2004	Student Application to choice district, <i>including written notification from district of residence*</i>	Parent/Guardian submits the application to the choice district.	April 5, 2005
January 5, 2005	Choice district Notice of Acceptance or Rejection of the student's application	Choice district sends this notice to parent/guardian <i>and to the district of residence.</i>	May 5, 2005
January 17, 2005	Student's Notice of Intent to Enroll in the choice district	Parent/Guardian sends this notice to the choice district. Choice district notifies district of residence.	May 17, 2005
January 25, 2005	Notice of Acceptance to next student(s) on waiting list.	If the choice district does not receive Notices of Intent to Enroll by the due date from all students accepted in the first round, the choice district sends the Notice of Acceptance to the next students on the waiting list, in order, to fill the seats available.	May 25, 2005
February 4, 2005	Student's Notice of Intent to Enroll in the choice district	Parent/Guardian sends this notice to the choice district. Choice district notifies district of residence.	June 4, 2005

*In the event that the district of residence fails to provide timely notification to the student's parent or legal guardian stating whether or not the student may participate in the school choice program, the parent or legal guardian of the student may participate in the school choice program without the district of residence notification.



**NEW JERSEY DEPARTMENT OF EDUCATION
Interdistrict Public School Choice**

**STUDENT APPLICATION TIMELINES
for the
2005-2006 SCHOOL YEAR**

ACADEMIES AT ENGLEWOOD

Must be received by:	Document	Sent from/to:
January 12, 2005	Notice of Intent to Participate in the School Choice Program	Parent/Guardian must submit this notice to the Superintendent of the district in which the student resides.
January 26, 2005	Written notification to the parents that the student may or may not participate in the school choice program	District of residence sends notification to parent/guardian.
February 2, 2005	Student Application to choice district, <i>including written notification from district of residence*</i>	Parent/Guardian submits the application to the choice district.
April 7, 2005	Choice district Notice of Acceptance or Rejection of the student's application	Choice district sends this notice to parent/guardian <i>and to the district of residence.</i>
April 21, 2005	Student's Notice of Intent to Enroll in the choice district	Parent/Guardian sends this notice to the choice district. Choice district notifies district of residence.
April 28, 2005	Notice of Acceptance to next student(s) on waiting list.	If the choice district does not receive Notices of Intent to Enroll by April 21st from all students accepted in the first round, the choice district sends the Notice of Acceptance to the next students on the waiting list, in order, to fill the seats available.
May 13, 2005	Student's Notice of Intent to Enroll in the choice district	Parent/Guardian sends this notice to the choice district. Choice district notifies district of residence.

*In the event that the district of residence fails to provide timely notification to the student's parent or legal guardian stating whether or not the student may participate in the school choice program, the parent or legal guardian of the student may participate in the school choice program without the district of residence notification.

CHAPTER 12

INTERDISTRICT PUBLIC SCHOOL CHOICE

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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-1 et seq. The choice program is necessary to increase options and flexibility for parents and students in selecting a school which 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. However, there shall be in operation no more than 21 choice districts Statewide and no more than one per county.

(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.

(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.

“Annual maximum statutorily established amount” means the amount established for transportation of nonpublic school students in accordance with N.J.S.A. 18A:39-1a.

“Choice district” means a public school district established pursuant to chapter 8 or chapter 13 of the New Jersey Statutes that chooses to participate in the choice program by receiving choice students and that applies for and receives Commissioner approval of its choice program application.

“Choice program” means the Interdistrict Public School Choice Program authorized in N.J.S.A. 18A:36B-1 et seq.

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

“Sending district” means the choice student’s district of residence.

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 K through nine 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.

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 eligibility requirement for application to the school choice program.

(b) 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

(a) An eligible district board of education which chooses to participate in the choice program shall submit a completed application on a form provided by the Department no later than April 30 in the year prior to the school year in which the choice program will be implemented in the district. The application shall include, but not be limited to, the following information:

1. The number of available openings for choice students by program, grade level and school building;

2. A list of the districts likely to participate in the choice program as sending districts;

3. A description of the student selection process and any criteria required for admission which includes at least the following information:

i. A mechanism for screening out choice student applicants during the application process who wish to attend for extracurricular, athletic or social reasons;

ii. A mechanism to ensure that no choice student's learning ability is inhibited due to an excessive amount of time in transit; and

iii. A mechanism to ensure that choice students who are accepted are selected through a random unbiased process;

4. Establishment of a regionwide public information program and a parent information center as set forth in N.J.A.C. 6A:12-7.1(b) and (c);

5. A description of the choice district, its schools, its programs, its policies and procedures; and

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

(b) The Commissioner shall notify applicants regarding approval or denial of program participation no later than July 30. The notification to applicants who are not approved shall include reasons for the denial.

(c) The Commissioner shall annually prepare a list of approved choice districts and make the list available to the public.

(d) 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 action 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; and/or

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

3. Revoking the approval of the choice district. Any choice student 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.

6A:12-3.2 Criteria to guide the Commissioner's approval of choice program applications

(a) The Commissioner shall take into account the following in evaluating applications and selecting approved choice districts:

1. The quality and variety of programs offered for choice student(s) participation;
2. The potential effectiveness of the student selection mechanisms and of the admissions criteria established in the application;
3. The status of the applicant district(s) in Statewide monitoring and assessment;
4. The applicant's previous experience with choice programs;
5. The budgetary ramifications for the applicant district(s);
6. The fiscal ramifications of approval on any district(s) currently in a sending/ receiving relationship;
7. The impact on student population diversity in the district; and
8. The degree to which the program will promote or reduce educational quality in the choice district and the sending districts.

SUBCHAPTER 4. CHOICE STUDENT ADMISSIONS

6A:12-4.1 Sending district procedures

(a) A district board of education shall not prevent or discourage students from participating in the school choice program. However, upon adoption of a resolution, the district board of education of a sending district may limit the number of its students participating in the choice program.

1. The district board of education of a sending district may limit the total number of its students participating in the choice program to:
 - i. Two percent of the number of students per grade per year in the sending district limited by any resolution adopted pursuant to (a)1ii below; and/or
 - ii. Seven percent of the total number of students enrolled in the sending district.
2. The school board of a sending district may adopt a resolution to exceed the enrollment restriction percentages of (a)1i and ii above to:
 - i. A maximum of 10 percent of the number of students per grade per year, limited by any resolution adopted pursuant to (a)2ii below; and/or
 - ii. A maximum of 15 percent of the total number of students enrolled in the sending district, provided that the Commissioner determines that the resolution:

(1) Is in the best interest of the district's students;

(2) Will not adversely affect the district's programs, services, operations, or fiscal conditions; and

(3) Will not adversely affect or limit the diversity of the remainder of the student population in the districts that do not participate in the choice program.

3. 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.

4. The calculation of the enrollment restriction percentage shall be conducted at the beginning of each school year and shall be based on the enrollment count as reported on the Application for State School Aid in the October preceding the school year during which the restriction on enrollment shall be applicable.

i. 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.

ii. When the multiplication of the grade level enrollment by the percentage established in the sending district's resolution adopted pursuant to (a) above results in a number with a decimal, the number will be rounded to the next whole number.

iii. The sending district's resolution restricting its students' participation may not be applied to the final grade level available in the sending district.

5. 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, the sending district shall:

i. Hold a public lottery to determine the selection of students for participation in the choice program;

ii. 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.

iii. 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

iv. Develop a waiting list based on the lottery to be used in accordance with N.J.A.C. 6A:12-4.3(c)4.

6. 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.

i. 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 district shall conduct a lottery for the remaining applicants in order to assign them a place on the waiting list.

ii. 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, in order to determine the selection of students for participation and for placement on the waiting list; and then conduct a lottery for any remaining students to determine their placement on the waiting list behind the siblings on the waiting list.

(b) The sending district's board of education may restrict enrollment of a student on the basis of an exceptional circumstance that would affect the sending district's instructional program upon the adoption of a resolution detailing the reason for the restriction. The restriction shall be subject to the approval of the Commissioner.

6A:12-4.2 Choice district procedures

(a) Choice districts shall admit choice students on a space available basis.

1. A choice district may limit admissions to a particular grade level or to areas of concentration in the schools of the choice district such as mathematics, science, or the arts.

2. A district board of education shall not prevent or discourage students from participating in the school choice program. However, a choice district may establish reasonable criteria to evaluate prospective choice students, including the student's interest in the program offered by the choice district. These criteria shall be outlined in the district board of education's application for choice program participation.

3. A choice district may not impose admission criteria upon prospective choice program students other than those used by the choice district to determine admission of its resident students to the program for which the prospective choice students are applying.

4. A choice district may give preference for enrollment to siblings of enrolled students.

5. Any student enrolled on a tuition basis in a district at the time of the approval by the Commissioner of the district as a choice district shall be entitled to remain enrolled in the choice

district as a choice program student. Once the district is approved by the Commissioner as a choice district no additional students may be admitted on a parent-paid tuition basis.

6. 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 to be used in accordance with N.J.A.C.6A:12-4.3(g).

ii. The choice district shall give preference for enrollment in both application cycles to those students on the waiting list in accordance with N.J.A.C. 6A:12-4.3(e)1 and (g).

iii. 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.

iv. 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).

v. 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 for the remaining applicants in order to assign them a place 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 more sibling applicants than there are available spaces, then the choice district shall conduct a lottery first for the siblings only, in order to determine the selection of students for participation and for placement on the waiting list; and then conduct a lottery for any remaining students to determine their placement on the waiting list behind the siblings on the waiting list.

(b) No applicant to become a choice student shall be discriminated against on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a student with disabilities, proficiency in the English language, or any other basis prohibited by State or Federal law.

(c) A choice district shall not prohibit the enrollment of a student based upon a determination that the additional cost of educating the student would exceed the amount of additional State aid received as a result of the student's enrollment. A choice district may reject the application for enrollment of a student who has been classified as eligible for special education services pursuant to chapter 46 of Title 18A of the New Jersey Statutes if that student's individualized education program could not be implemented in the district, or if the enrollment of that student 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.

6A:12-4.3 Choice student application procedures

(a) The Commissioner shall establish two student application cycles to ensure that parents have adequate opportunities to participate in the choice program. The first cycle shall be held in the fall. The second cycle shall be held in the spring when there are open seats in the choice district not filled during the first cycle.

(b) In the first application cycle, the student's parent or legal guardian shall provide to the sending district a written notice of the student's intention to participate in the choice program no later than November 1 or, if November 1 falls on a weekend or holiday, no later than the first business day following November 1, for initial enrollment in a choice district beginning the following school year. In the second application cycle, the written notice shall be provided no later than March 1 or, if March 1 falls on a weekend or holiday, no later than the first business day following March 1.

(c) In the first application cycle, the sending district board of education shall provide written notification to the student's parent or legal guardian no later than November 27 or, if November 27 falls on a weekend or holiday, no later than the first business day following November 27, that the student may participate in the choice program or that the student may not participate in the choice program. In the second application cycle, the written notice shall be provided no later than March 25 or, if March 25 falls on a weekend or a holiday, no later than the first business day following March 25.

1. Prior to any lottery that may be held according to N.J.A.C. 6A:12-4.1(a)5, and prior to the provision of any notice required under (c) above, 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.

2. The notice shall state the reason that the student may not participate in the choice program, if any, and shall, where appropriate, provide information regarding the waiting list established pursuant to N.J.A.C. 6A:12-4.1(a)5.

i. Except as provided in N.J.A.C. 6A:12-4.1(b), a student determined to meet the eligibility requirements set forth in N.J.A.C. 6A:12-2.2(a) may be denied permission to participate in the program only because he or she did not win the lottery conducted by the sending district.

3. When the district board of education of a sending district adopts a resolution to impose a limit on the number of its students participating in the choice program, the sending district shall determine, in the second application cycle, when the limit has been reached based on the notices of intent to enroll that it receives from a choice district pursuant to (h) below.

4. In the event that the district board of education of a sending district holds a lottery as required in N.J.A.C. 6A:12-4.1(a)5, the notice for the second application cycle required in (c) above shall be provided to the parent or legal guardian of the next student(s) on the waiting list developed pursuant to N.J.A.C. 6A:12-4.1(a)5.

5. In the event that a sending district fails to provide timely notification in compliance with (c) above, the student's parent or legal guardian may submit an application to the choice district notwithstanding the requirement in (d)2 below.

(d) In the first application cycle, the student's parent or legal guardian must submit an application to the choice district no later than December 5 or, if December 5 falls on a weekend or a holiday, no later than the first business day following December 5, for initial enrollment beginning the following school year. In the second application cycle, the application shall be submitted no later than April 5 or, if April 5 falls on a weekend or holiday, no later than the first business day following April 5.

1. The parent or legal guardian shall identify the student, the student's district of residence, the grade level and school the student is currently attending in the district of residence, and the program, grade level and school building of the choice district for which the student is applying.

2. The student's parent or legal guardian must also submit with the application the written notification from the sending district that the student may participate in the choice program pursuant to (c) above, except in the event that a sending district fails to provide timely notification as provided for in (c)5 above.

(e) In the first application cycle, the choice district shall notify the parent or legal guardian in writing no later than January 5 or, if January 5 falls on a weekend or a holiday, no later than the first business day following January 5, whether the application has been accepted or rejected. In the second application cycle, the written notice shall be provided no later than May 5 or, if May 5 falls on a weekend or a holiday, no later than the first business day following May 5.

1. If an application is rejected, the choice district shall state the reason for rejection in the notification and shall provide information regarding the waiting list required pursuant to N.J.A.C. 6A:12-4.2(a)6.

2. In the event that the district board of education of a choice district holds a lottery as required in N.J.A.C. 6A:12-4.2(a)6, the notice for the second application cycle required in (e) above shall be provided first to the parent or legal guardian of the next student(s) on the waiting list developed pursuant to N.J.A.C. 6A: 12-4.2(a)6.

(f) In the first application cycle, the parent or legal guardian shall provide written notification to the choice district no later than January 15 or, if January 15 falls on a weekend or holiday, no later than the first business day following January 15, whether the choice student intends to enroll in the choice district. In the second application cycle, the written notice of intent to enroll shall be provided no later than May 15 or, if May 15 falls on a weekend or holiday, no later than the first business day following May 15.

1. Signing and submission of the notice of intent to enroll in the choice district obligates the choice student to attend the choice district during the following school year, unless the sending district and the choice district agree in writing to allow the choice student to transfer back to the sending district.

2. The notice of intent to enroll is not binding if the choice student's parents or legal guardians change residence to another district.

(g) During the first application cycle, in the event that a choice district does not receive enough notices of intent to enroll to fill all available spaces, the choice district shall provide a written notice, no later than January 25 or, if January 25 falls on a weekend or a holiday, no later than the first business day following January 25, to the parent or legal guardian of the next student(s) on the waiting list established pursuant to N.J.A.C. 6A:12-4.2(a)6 that the student(s) is accepted. In the second application cycle, the notice shall be provided no later than May 25 or, if May 25 falls on a weekend or a holiday, no later than the first business day following May 25.

1. In the first application cycle, the parent or legal guardian shall provide written notification to the choice district no later than February 4 or, if February 4 falls on a weekend or a holiday, no later than the first business day following February 4, whether the choice student intends to enroll in the choice district. In the second application cycle, the written notice of intent to enroll shall be provided no later than June 4 or, if June 4 falls on a weekend or a holiday, no later than the first business day following June 4.

(h) The choice district shall provide written notification of receipt of each notice of intent to enroll to each sending district's board of education within 10 days of the due date for receipt of such notice of intent to enroll from a choice student resident in that sending district.

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, except as limited by N.J.A.C. 6A:12-4.3(f)1 and 2.

(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.

6A:12-5.2 Choice student transfer

(a) A choice student may transfer back to the sending district except as limited by N.J.A.C. 6A:12-4.3(f)1.

(b) A choice student may apply to attend a different choice district by following the choice student application procedures set forth in N.J.A.C. 6A:12-4.3.

SUBCHAPTER 6. APPEALS

6A:12-6.1 Appeals from Commissioner determinations

(a) 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 with the State Board of Education according to N.J.A.C. 6A:4.

6A:12-6.2 Appeals from denial of enrollment

An appeal of any denial of an eligible 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 its graduation requirements and the requirements of the State of New Jersey.

(b) Each choice district is required to establish a regionwide public information program to provide information to the public about the interdistrict public school choice program in general and the choice program offered by the district in particular. The public information program must be targeted to all communities from which the choice district can anticipate attracting students. Choice districts may not utilize the public information program to target a specific community or communities. The regionwide public information program must include the following:

1. Notification that the district is a choice district;

2. A description of the choice program offered by the district;
3. Information regarding student application procedures;
4. Information regarding the district, its schools, its programs, its policies and procedures; and
5. Any other information a choice district deems appropriate.

(c) A choice district[s] shall establish and maintain a parent information center.

1. The center shall assist parents and legal guardians in submitting applications for enrollment of students in an appropriate program and school.
2. All materials available through the regionwide public information program established pursuant to (b) above shall be made available to parents and legal guardians at the parent information center.

(d) 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 choice 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 choice 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-1 et seq.

(b) The sending district shall maintain fiscal responsibility for any choice student enrolled in or determined to require a private day or residential school.

SUBCHAPTER 10. CHOICE PROGRAM REPORTS

6A:12-10.1 Annual report

(a) The Commissioner shall annually report to the State Board of Education and the Legislature on the effectiveness of the choice program