

**CHAPTER 12**  
**INTERDISTRICT PUBLIC SCHOOL CHOICE**

**Authority**

N.J.S.A. 18A:36B-1 et seq.

**Source and Effective Date**

R.2010 d.023, effective December 21, 2009.  
See: 41 N.J.R. 3166(a), 42 N.J.R. 179(a).

**Chapter Expiration Date**

Chapter 12, Interdistrict Public School Choice, expires on December 21, 2014.

**Chapter Historical Note**

Chapter 12, Interdistrict Public School Choice, was adopted as R.1999 d.343, effective October 4, 1999. See: 31 N.J.R. 1664(a), 31 N.J.R. 2918(a).

Subchapter 3, Choice Student Admissions, was adopted as new rules, and Subchapter 3, Application Procedures, was recodified as Subchapter 4, Application Procedures; Subchapter 5, Choice Student Post Enrollment Policies, and Subchapter 6, Appeals; and Subchapter 4, Administrative Responsibilities of Choice Districts, was recodified as Subchapter 7, Administrative Responsibilities of Choice Districts; Subchapter 5, Choice Student Post Enrollment Policies, was recodified from N.J.A.C. 6A:12-3.3(g) and (h), and Subchapter 5, Transportation, was recodified as Subchapter 8, Transportation; Subchapter 6, Appeals, was recodified from N.J.A.C. 6A:12-3.4, and Subchapter 6, Funding, was recodified as Subchapter 9, Funding; Subchapter 10, Choice Program Reports, was recodified from Subchapter 7, Choice Program Evaluation, by R.2000 d.477, effective December 4, 2000. See: 32 N.J.R. 3201(a), 32 N.J.R. 4255(a).

Subchapter 5, Choice Student Post Enrollment Policies, was repealed by R.2001 d.17, effective January 2, 2001. See: 32 N.J.R. 3695(a), 33 N.J.R. 31(a).

Chapter 12, Interdistrict Public School Choice, was readopted as R.2004 d.376, effective September 10, 2004. As a part of R.2004 d.376, Subchapter 5, Choice Student Post Enrollment Policies, was adopted as new rules, effective October 4, 2004. See: 36 N.J.R. 2593(a), 36 N.J.R. 4443(a).

Chapter 12, Interdistrict Public School Choice, was readopted as R.2010 d.023, effective December 21, 2009. See: Source and Effective Date.

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. GENERAL PROVISIONS**

- 6A:12-1.1 Purpose
- 6A:12-1.2 Scope
- 6A:12-1.3 Definitions

**SUBCHAPTER 2. CHOICE PROGRAM ELIGIBILITY CRITERIA**

- 6A:12-2.1 Eligibility criteria for district boards of education
- 6A:12-2.2 Eligibility criteria for students

**SUBCHAPTER 3. CHOICE DISTRICT APPLICATION PROCEDURES**

- 6A:12-3.1 Choice program application procedures for a district board of education
- 6A:12-3.2 Criteria to guide the Commissioner's approval of choice program applications

**SUBCHAPTER 4. CHOICE STUDENT ADMISSIONS**

- 6A:12-4.1 Sending district procedures
- 6A:12-4.2 Choice district procedures
- 6A:12-4.3 Choice student application procedures

**SUBCHAPTER 5. CHOICE STUDENT POST ENROLLMENT POLICIES**

- 6A:12-5.1 Choice student enrollment
- 6A:12-5.2 Choice student transfer

**SUBCHAPTER 6. APPEALS**

- 6A:12-6.1 Appeals from Commissioner determinations
- 6A:12-6.2 Appeals from denial of enrollment

**SUBCHAPTER 7. ADMINISTRATIVE RESPONSIBILITIES OF CHOICE DISTRICTS**

- 6A:12-7.1 General provisions

**SUBCHAPTER 8. TRANSPORTATION**

- 6A:12-8.1 Student transportation

**SUBCHAPTER 9. FUNDING**

- 6A:12-9.1 General provisions

**SUBCHAPTER 10. CHOICE PROGRAM REPORTS**

- 6A:12-10.1 Annual report

**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.

Amended by R.2000 d.477, effective December 4, 2000.  
See: 32 N.J.R. 3201(a), 32 N.J.R. 4255(a).

Amended N.J.S.A. citation.

Amended by R.2004 d.376, effective October 4, 2004.  
See: 36 N.J.R. 2593(a), 36 N.J.R. 4443(a).

Rewrote the section.

**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.

Amended by R.2000 d.477, effective December 4, 2000.  
See: 32 N.J.R. 3201(a), 32 N.J.R. 4255(a).

In (b), added "as choice districts" preceding "by receiving choice students" in the first sentence; and deleted (e) through (i).

Amended by R.2004 d.376, effective October 4, 2004.

See: 36 N.J.R. 2593(a), 36 N.J.R. 4443(a).

Rewrote (a); in (b), inserted "apply to" following "may choose to" in the first sentence, deleted the second sentence.

### 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 Title 18A 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.

Amended by R.2000 d.477, effective December 4, 2000.  
See: 32 N.J.R. 3201(a), 32 N.J.R. 4255(a).

In "Choice program", amended N.J.S.A. citation and in "Sending district" inserted "choice" preceding "student's".

Amended by R.2004 d.376, effective October 4, 2004.

See: 36 N.J.R. 2593(a), 36 N.J.R. 4443(a).

Amended "Annual maximum statutorily established amount", "Choice district" and "Choice student".

## 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.

Amended by R.2000 d.477, effective December 4, 2000.

See: 32 N.J.R. 3201(a), 32 N.J.R. 4255(a).

Inserted "from the Commissioner" preceding "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.

Amended by R.2000 d.477, effective December 4, 2000.

See: 32 N.J.R. 3201(a), 32 N.J.R. 4255(a).

Designated existing paragraph as (a) and added (b).

Amended by R.2004 d.376, effective October 4, 2004.

See: 36 N.J.R. 2593(a), 36 N.J.R. 4443(a).

In (a), inserted "public" following "grades K through 9 in a", in the introductory paragraph, added 1.

## 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 school district. The application shall include, but not be limited to, the following information: