

CHAPTER 12

INTERDISTRICT PUBLIC SCHOOL CHOICE

Authority

N.J.S.A. 18A:7F-3 and 18A-36B-1 et seq.

Source and Effective Date

R.1999 d.343, effective October 4, 1999.
See: 31 N.J.R. 1664(a), 31 N.J.R. 2918(a).

Executive Order No. 66(1978) Expiration Date

Chapter 12, Interdistrict Public School Choice, expires on October 4, 2004.

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SUBCHAPTER 1. GENERAL PROVISIONS

6A:12-1.1 Purpose

The purpose of this chapter is to establish the rules for an 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 provide greater choice to parents and students in selecting a school which best meets the needs of the student and thus improves educational opportunities for New Jersey citizens. The choice program has the potential to improve the degree to which the education system is responsive to parents and students. It can also improve education and enhance efficiency by allowing a redistribution of students where some districts are overcrowded and others are under-enrolled. Finally, it can improve quality 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.

6A:12-1.2 Scope

(a) Any school district in the State will be eligible to become a choice district whereby students outside of the district attend an educational program in the choice district free of charge. However, for the first year following the enactment of this chapter, there shall be in operation no more than 10 choice districts Statewide and no more than one per county; for the second year, no more than 15 choice districts Statewide and no more than one per county; and for the third, fourth and fifth years, no more than 21 choice districts Statewide and no more than one per county.

(b) District boards of education may choose to participate in the choice program as choice districts by receiving choice students pursuant to this chapter. District boards of education shall not prevent or discourage students from participating in the choice program.

(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).

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 non-public school students in accordance with N.J.S.A. 18A:39-1.

“Choice district” means a district board of education which chooses to participate in the choice program by receiving choice students and applies for and receives Commissioner approval of the 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 a student who applies for acceptance 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”.

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 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.

(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).

SUBCHAPTER 3. CHOICE STUDENT ADMISSIONS

Authority

N.J.S.A. 18A:7F-3 and 18A:36B-1

Source and Effective Date

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

Subchapter Historical Note

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, by R.2000 d.477, effective December 4, 2000. See: Source and Effective Date.

6A:12-3.1 Sending district procedures

(a) 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 (b)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 a maximum of 10 percent of the number of students per grade per year, limited by any resolution adopted pursuant to this paragraph, and a maximum of 15 percent of the total number of students enrolled in the sending district, provided that the Commissioner determines that the resolution:

- i. Is in the best interest of the district’s students;
- ii. Will not adversely affect the district’s programs, services, operations, or fiscal conditions; and
- iii. Will not adversely affect or limit the diversity of the remainder of the student population in the district that do not participate in the choice program.

3. The district board of education of a sending district shall not compound enrollment restriction percentages adopted by any resolution pursuant to (a)1 and 2 above from year to year and shall base the enrollment counts for the year preceding on the sending district’s initial year of participation in the choice program.

i. In any year of the program in which there is an increase in enrollment in the sending district, the percentage enrollment restriction may be applied to the increase and the result added to the preceding year's count of students eligible to attend a choice district. If there is a decrease in enrollment in the sending district at any time during the duration of this program, the number of students eligible to attend a choice district shall be the number of students enrolled in the choice

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

ii. The enrollment counts in this paragraph shall be the enrollment counts as reported on the October Application for State School Aid for the year preceding the initial school year in which an enrollment restriction resolution is applicable.