

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

N.J.S.A. 18A:36B-14 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

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 12, Interdistrict Public School Choice, expires on December 21, 2016. See: 43 N.J.R. 1203(a).

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Subchapter 5, Choice Student Post Enrollment Policies, was repealed by R.2001 d.17, effective January 2, 2001.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.

Subchapter 10, Choice Program Reports, was repealed by R.2012 d.197, effective December 17, 2012. See: 44 N.J.R. 2085(a), 44 N.J.R. 3064(a).

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SUBCHAPTER 10. (RESERVED)**SUBCHAPTER 1. GENERAL PROVISIONS****6A:12-1.1 Purpose**

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

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.

Amended by R.2012 d.197, effective December 17, 2012.

See: 44 N.J.R. 2085(a), 44 N.J.R. 3064(a).

Substituted "Interdistrict Public School Choice Program" for "interdistrict public school choice program" and "that" for the first occurrence of "which" and updated the N.J.S.A. reference.

6A:12-1.2 Scope

(a) Any school district in the State established pursuant to Chapter 8 or Chapter 13 of Title 18A of the New Jersey Statutes will be eligible to apply to become a choice district. A choice district may accept non-resident students into an educational program in the choice district at the expense of the State.

(b) District boards of education may choose to apply to participate in the choice program as choice districts by receiving choice students pursuant to this chapter.

(c) District boards of education may not maintain at the same time both a tuition program pursuant to N.J.S.A. 18A:38-3 and a choice program in the grade levels that the school district has made available to choice students.

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

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.

Amended by R.2012 d.197, effective December 17, 2012.

See: 44 N.J.R. 2085(a), 44 N.J.R. 3064(a).

In (a), deleted the last sentence; and in (c), inserted "in the grade levels that the school district has made available to choice students".

6A:12-1.3 Definitions

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

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

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

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

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

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

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".

Amended by R.2012 d.197, effective December 17, 2012.

See: 44 N.J.R. 2085(a), 44 N.J.R. 3064(a).

Deleted definition "Annual maximum statutorily established amount"; rewrote definitions "Choice district" and "Sending district"; in definition "Choice program", updated the N.J.S.A. reference; and added definition "Non-public school 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 preschool through 12 in a public school of the sending district and have attended school in the sending district for at least one full year immediately preceding enrollment in a choice district including time spent at any school that a student in a particular district of residence is required by law to attend.

1. If a student attends public school in his or her district of residence and is counted in that district's October Application for State School Aid and the student's family moves during the school year and the student attends public school in his or her new district of residence for the remainder of the school year, the student shall have satisfied the one-year eligibility requirement for application to the school choice program.

2. The one-year requirement shall not apply to a student applying to enroll in kindergarten in a choice district if that student already has a sibling enrolled in and attending the choice district and if the district of residence of that student does not offer a public pre-school program.