

# REGULATION

## A. Definitions

1. "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 pupils from a sending district.
2. "Choice program" means the Interdistrict Public School Choice Program authorized in N.J.S.A. 18A:36B-14 et seq.
3. "Choice student" or "choice pupil" means an out-of-district pupil who is accepted into a choice district.
4. "Commissioner" means the New Jersey Commissioner of Education.
5. "Department" means New Jersey Department of Education.
6. "Non-public school student" or "non-public school pupil" means any pupil who is obtaining academic instruction outside of a public school at the time of his or her application to the choice district.
7. "Sending district" means the choice pupil's district of residence, charter school, or any school the pupil is required by law to attend.

## B. Eligibility Criteria for Boards of Education

1. A Board of Education is eligible to participate in the choice program if it has classroom space available, completes an application form provided by the Department pursuant to N.J.A.C. 6A:12-1.1 et seq., and receives approval from the Commissioner to participate.

## C. Eligibility Criteria for Pupils

1. To be eligible to participate in the program, a pupil shall be enrolled at the time of application in grades pre-school through twelve 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 pupil in a particular district of residence is required by law to attend.

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- a. If a pupil 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 pupil's family moves during the school year and the pupil attends public school in his or her new district of residence for the remainder of the school year, the pupil shall have satisfied the one-year eligibility requirement for application to the school choice program.
  - b. The one-year requirement shall not apply to a pupil applying to enroll in Kindergarten in a choice district if that pupil already has a sibling enrolled in and attending the choice district and if the district of residence of that pupil does not offer a public pre-school program.
2. A public school pupil who does not meet the eligibility requirements found in 1. above or a non-public school pupil may apply to enroll in a choice school district pursuant to N.J.S.A. 18A:36B-20.a. If a choice district allows for non-public school pupil enrollment, it may not make distinctions between such pupils on the basis of where they receive this academic instruction.
  3. Pupils residing out of New Jersey may not participate in the choice program.
- D. Choice Program Application Procedures
1. An eligible applicant for a choice district shall complete an Interdistrict Public School Choice Program application, which shall be made available by the New Jersey Department of Education and which shall be submitted pursuant to N.J.S.A. 18A:36B-17.
- E. Sending District Procedures
1. A sending district may not restrict the participation of its pupils in the choice program where the district's pupils 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.

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2. The calculation of the enrollment of a sending district shall be based on the enrollment count as reported on the Application for State School Aid in October preceding the school year during which the restriction on enrollment shall be applicable.
  - a. Pupils 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 pupils eligible to attend a school choice district.
  - b. When the multiplication of the grade level enrollment by the percentage established in the sending district's resolution adopted pursuant to N.J.S.A. 18A:36B-21.a(1) results in a number with a decimal, the number will be rounded to the next whole number.
  - c. The sending district's resolution restricting its pupils' participation may not be applied to the final grade level available in the sending district.
  
3. Where a Board of Education of a sending district has adopted a resolution pursuant to N.J.S.A. 18A:36B-21.a(1) to impose a limit on the number of its pupils participating in the choice program, and when pupil notices of intention to participate in the choice program exceed that limit, the sending district shall:
  - a. Hold a public lottery to determine the selection of pupils for participation in the choice program;
  - b. Notify the parent or guardian of every pupil who has submitted notice of intent to participate in the choice program of the date and time of the lottery;
  - c. Assign a number to each pupil participating in the lottery and notify the parent or guardian of the number assigned to their child(ren); and
  - d. Develop a waiting list based on the lottery.

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4. Where a Board of Education of a sending district has adopted a resolution to impose a limit on the number of its pupils participating in the choice program, and when pupil 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 pupils already enrolled in and attending the choice district.
    - a. In the event the sending district elects to give preference to siblings of its resident pupils already enrolled in and attending the choice district and there are more sibling applicants than there are available spaces, the sending district shall conduct a lottery first for the siblings only to determine the selection of pupils for participation and for placement on the waiting list.
    - b. In the event the sending district elects to give preference to siblings of its resident pupils 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 pupils already enrolled in and attending the choice district, the sending district shall conduct a lottery for the remaining applicants to assign them a place on the waiting list.
  5. Prior to any lottery that may be held, the sending district shall verify the pupil is enrolled in the sending district and was reported on the Application for State School Aid in October of the current school year.
  6. Prior to any lottery that may be held, the sending district shall notify the applicants of the date and time of such lottery.
  7. Any lottery held must be held prior to the deadline set by the Commissioner for written notification to the parent that the pupil is eligible to participate in the school choice program.
- F. Choice District Procedures for Pupils Meeting the Eligibility Requirements
1. Choice districts shall admit choice pupils on a space available basis.
    - a. A Board of Education shall not prevent pupils from participating in the school choice program.

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- b. A choice district may not impose admission criteria upon prospective choice program pupils other than those permitted by statute.
- c. A choice district may give preference for enrollment to siblings of enrolled pupils.
- d. 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 pupils for participation in the choice program.
  - (1) The choice district shall develop a waiting list based on the lottery.
  - (2) The choice district shall notify the parent or guardian of every pupil who has submitted an application to participate in the choice program of the date and time of the lottery.
  - (3) The choice district shall assign a number to each pupil participating in the lottery and shall notify the parent or guardian of the number assigned to their child(ren).
  - (4) Before conducting the lottery, the choice district may give preference to siblings of pupils already enrolled in and attending the choice district.
    - (a) In the event the choice district elects to give preference to siblings of pupils 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 pupils already enrolled in and attending the choice district, the choice district shall conduct a lottery first for the siblings only to determine the selection of pupils for participation and placement on the waiting list.

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- (b) In the event that choice district elects to give preference to siblings of pupils 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 pupils already enrolled in and attending the choice district, the choice district shall conduct a lottery first for the remaining applicants to assign them a place on the waiting list.

## G. Choice Pupil Application Procedures

1. The Commissioner shall establish a pupil application timeline each year no later than September 1.
2. Within five business days of the due date set by the Commissioner pursuant to the timeline in 1. above, the choice district shall provide to the Department of Education electronic notification of the number of pupils who enroll.
3. The choice district shall provide written notification of receipt of each notice of enrollment to each sending district's Board of Education within ten days of the due date for receipt of such notice of enrollment from a choice pupil resident in that sending district.
4. A choice pupil applicant may seek from the Commissioner by a showing of good cause a waiver of the pupil application deadlines established in the timeline in 1. above.

## H. Choice District Procedures for Pupils not Meeting Eligibility Requirements

1. If seats remain available in a choice district after exhausting the list of applicants who meet the requirements of N.J.A.C. 6A:12-2.2(a), including those on any waiting list that has been established through the application process, then the choice district may elect to fill the seats with public school pupils who do not meet the requirements of N.J.A.C. 6A:12-2.2(a) and with non-public school pupils.

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2. Choice districts may accept applications from public school pupils who do not meet the requirements of N.J.A.C. 6A:12-2.2(a) and/or non-public school pupils up until the deadline set by the Commissioner.
  3. Upon the receipt of an application from a public school pupil who does not meet the requirements of N.J.A.C. 6A:12-2.2(a) or a non-public school pupil, the choice district shall send a letter to the parent of the pupil including the following information:
    - a. Whether the choice district will consider public school pupils who do not meet the requirements of N.J.A.C. 6A:12-2.2(a) and non-public school pupils for admission to the district. If the choice district has not yet decided, it shall inform the parents of when the decision is expected to be made;
    - b. That public school pupils who do not meet the requirements of N.J.A.C. 6A:12-2.2(a) and non-public school pupils will not be considered for admission until the choice district has conducted the application cycle and has exhausted its waiting list of pupils who meet the requirements of N.J.A.C. 6A:12-2.2(a) for the grade level to which they have applied;
    - c. That the choice district may need to conduct a lottery to select the pupils to be offered admission to the choice district depending on the seats available and the number of applications received from public school pupils who do not meet the requirements of N.J.A.C. 6A:12-2.2(a) and/or non-public school pupils; and
    - d. That the parents of those public school pupils who do not meet the requirements of N.J.A.C. 6A:12-2.2(a) and non-public school pupils will be fully informed of the lottery process in the event that a lottery is required, the date it will be held, and what number has been assigned to the applicant.
- I. Choice Pupil Enrollment
1. Once enrolled in a choice district, the choice pupil may remain enrolled and is not required to submit annual or periodic applications.

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2. Upon acceptance of a choice pupil, the choice district is obligated to retain the choice pupil until graduation or until the choice pupil voluntarily withdraws.
  3. In the event of termination of the choice program in that district or Statewide, any pupil enrolled in that choice district shall be entitled to remain enrolled in that district until graduation.
  4. In the event a public school pupil who is currently a choice pupil attending school in a choice district moves to another district, that public pupil is eligible to remain in the choice district as a choice pupil without application.
  5. A resident pupil of a choice district who moves during the school year may be allowed to remain in the choice district until the end of the school year. The pupil may apply to the choice program as a funded pupil for the next school year. If the pupil moves after the application deadline or otherwise is unable to receive funding as a choice pupil in the school district for the subsequent school year, the choice school district may enroll the pupil as an unfunded choice pupil in that year, and automatically convert the pupil's enrollment to a funded choice pupil if he or she remains in the choice program.
- J. Appeals from Commissioner of Education Determinations
1. 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 according to N.J.A.C. 6A:4.
- K. Appeals from Denial of Enrollment
1. An appeal of any denial of a choice pupil 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.
- L. General Provisions
1. Choice districts shall accept all credits toward graduation that were awarded by another Board of Education for each choice pupil it accepts.



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- a. Choice districts shall award a diploma to a choice pupil participating in the program if that pupil meets the graduation requirements of the choice district and of the State of New Jersey.
2. A choice district shall establish and maintain a parent information center.
  - a. The center shall collect and disseminate information about participating programs and schools, and shall assist parents and legal guardians in submitting applications for enrollment of pupils in an appropriate program and school.
  - b. The information about participating programs and schools shall be posted on the choice district's website.
3. 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 pupil participation information, fiscal and programmatic information, and updates on the number of available openings.

## M. Pupil Transportation

1. Each sending district shall have the responsibility for the transportation of enrolled choice pupils who are eligible for transportation services both to and from the choice school in which that pupil is accepted. Each sending 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.

## N. General Provisions

1. Choice pupils participating in this program shall qualify for State aid pursuant to N.J.S.A. 18A:36B-14 - Interdistrict Public School Choice Program Act. The sending district will receive transportation aid pursuant to N.J.A.C. 6A:12-8.1.
2. The sending district shall maintain fiscal responsibility for any choice pupil enrolled in or determined to require a private day or residential school, except that the choice district will be required to contribute any State aid received for such a pupil and the sending district will be responsible for the balance.