

REGULATION GUIDE

STUDENTS

R 5117/page 1 of 16

Interdistrict Public School Choice

Jul 25

[See POLICY ALERT Nos. 199 and 235]

[Only for School Districts Participating in the New Jersey Interdistrict Public School Choice Program]

R 5117 INTERDISTRICT PUBLIC SCHOOL CHOICE

A. Definitions – N.J.A.C. 6A:12-1.3

1. “Choice district” means a public school district established pursuant to **N.J.S.A. 18A:8 or N.J.S.A. 18A:13** ~~Chapter 8 or Chapter 13 of Title 18A of the New Jersey Statutes~~ that is authorized **pursuant to** ~~under~~ the Interdistrict Public School Choice Program to open a **specialized education program** ~~school~~ or school(s) to students from a sending district.
2. “Choice program” means the Interdistrict Public School Choice Program authorized ~~at in~~ N.J.S.A. 18A:36B-14 et seq.
3. “Choice student” ~~or “choice pupil”~~ means an out-of-district student who is accepted into a choice district. **Students who are received by the choice district through a send-receive relationship pursuant to N.J.S.A. 18A:38-8 et seq., shall not be considered choice students.**
4. “Commissioner” means the New Jersey Commissioner of Education.
5. “Department” means New Jersey Department of Education.
6. “Eligible sibling” means a student who has a sibling who is a choice student presently enrolled in and attending a choice district for the current school year and will continue to attend in the following school year. An eligible sibling may be given enrollment preference in the student application process.
76. “Non-public school student” ~~or “non-public school pupil”~~ means any student who is obtaining academic instruction outside of a public school at the time of **the student’s** ~~his or her~~ application to the choice district.



REGULATION GUIDE

STUDENTS

R 5117/page 2 of 16

Interdistrict Public School Choice

87. “Sending district” means the ~~choice student’s~~ district of residence, **of a choice student or a prospective choice student** ~~charter school, or any school the student is required by law to attend.~~
9. “Specialized educational program” means a choice district program that uses student selection criteria for admission, in accordance with N.J.S.A. 18A:36B-20.b.
10. “Unfunded choice student” means a student who has been accepted by a choice district as a choice student outside of the timeline established pursuant to N.J.A.C. 6A:12-3.2 and F. below, and for whom the choice district is unable to receive choice funding in the current and/or subsequent school year due to the Department’s choice enrollment collection cycle.
- B. Eligibility Criteria for **District** Boards of Education – N.J.A.C. 6A:12-2.1
1. ~~An eligible~~ Board of Education ~~may is eligible to~~ participate in the choice program if **the school district** ~~it~~ has classroom space available, completes **and submits** an application form provided by the Department pursuant to N.J.S.A. 18A:36B-17 and N.J.A.C. 6A:12-1.1 ~~et seq.~~, and receives approval from the Commissioner **or designee** to participate.
- C. Eligibility Criteria for Students – N.J.A.C. 6A:12-2.2
1. To be eligible to participate in the **choice** program, a student shall be enrolled at the time of application in ~~grades~~ **preschool** ~~pre-school~~ through **grade** twelve in a ~~public~~ school of the sending district and **shall** have attended school in the sending district for at least one full **academic** 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.
- a. If a student **is enrolled in the** ~~attends public school in his or her~~ district of residence, ~~and~~ is counted in that **school** district’s October Application for State School Aid, and ~~the student’s family~~ moves during the school year and **enrolls in a** ~~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.



REGULATION GUIDE

STUDENTS

R 5117/page 3 of 16

Interdistrict Public School Choice

- b. The one-year requirement shall not apply to **an eligible sibling** ~~a student~~ applying to enroll in **preschool or 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.~~
 - c. The one-year requirement shall not apply to a choice student currently enrolled in a choice district who reaches the terminal grade in the choice district and the student is applying to enroll in another choice district for secondary school.
 2. A public school student who does not meet the eligibility requirements ~~at found in N.J.A.C. 6A:12-2.2(a) and C.1.~~ above or a **nonpublic** ~~non-public~~ school student may, **nonetheless**, apply to ~~enroll in a choice school district pursuant to N.J.S.A. 18A:36B-20.a. and N.J.A.C. 6A:12-3.3~~ If a choice district allows for non-public school student enrollment, it may not make distinctions between such students on the basis of where they receive this academic instruction.
 3. Students 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.~~

~~DE.~~ Sending District Restrictions on Student Participation in the Choice Program Procedures – N.J.A.C. 6A:12-3.4

1. The district Board of Education of a sending district may seek to limit the number of students participating in the choice program to a maximum of ten percent of the number of



REGULATION GUIDE

STUDENTS

R 5117/page 4 of 16

Interdistrict Public School Choice

students per grade level per year and fifteen percent of the total number of students enrolled in the sending district, based on the Application for State School Aid of the year prior to the first student participating in the choice program, pursuant to N.J.S.A. 18A:36B-21.a. The Board of a sending district seeking to limit student participation in the choice program shall submit to the Commissioner or designee the following documents: ~~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.~~

- a. A resolution adopted by the Board specifying the limit on the number of students enrolled in the sending district who may participate in the choice program; and
- b. Supportive documentation that may include, but is not limited to, evidence of the choice program's impact on the following:
 - (1) The sending district's student enrollment;
 - (2) The sending district's student achievement;
 - (3) The diversity of the sending district's student population;
 - (4) The number or quality of programs, course offerings, or classes the sending district offers;
 - (5) The number or quality of the services the sending district provides;
 - (6) The sending district's operations; and
 - (7) The sending district's fiscal conditions.



REGULATION GUIDE

STUDENTS

R 5117/page 5 of 16

Interdistrict Public School Choice

2. **In determining whether to grant approval of a sending district's limiting resolution, the Commissioner or designee shall evaluate the documentation submitted pursuant to N.J.A.C. 6A:12-3.4(a) and D.1. above and determine, pursuant to N.J.S.A. 18A:36B-21, if the sending district has demonstrated that the limiting resolution:** ~~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 preceeding the school year during which the restriction on enrollment shall be applicable.~~
 - a. **Is in the best interest of the sending district's students;** ~~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.~~
 - b. **Will not adversely affect the sending district's programs, services, operations, or fiscal conditions; and** ~~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. **Will not adversely affect or limit the diversity of the remainder of the sending district's student population who do not participate in the choice program.** ~~The sending district's resolution restricting its students' participation may not be applied to the final grade level available in the sending district.~~
3. **If a sending district has received approval from the Commissioner or designee to impose a limit on the number of its students participating in the choice program, the sending district shall use this limit every year unless there is an increase of its student enrollment beyond the enrollment count used to calculate the limiting resolution pursuant to N.J.A.C. 6A:12-3.4(a)1. and D.1.(a) above.**



REGULATION GUIDE

STUDENTS

R 5117/page 6 of 16

Interdistrict Public School Choice

- a. **If there is an increase of the choice district's student enrollment beyond the enrollment count used to calculate the limiting resolution pursuant to N.J.A.C. 6A:12-3.4(a)1 and D.1.(a) above, the sending district shall apply the choice program enrollment restriction percentages contained in the approved resolution to the enrollment counts as reported on the Application for State School Aid in October preceding the school year during which the restriction on enrollment will be applicable.**
- b3. **If the notices of student intention to participate in the choice program exceed the established limit pursuant to N.J.A.C. 6A:12-3.4** ~~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 students participating in the choice program, and when student notices of intention to participate in the choice program exceed that limit, the sending district shall:~~
 - (1)a. Hold a public lottery to determine the selection of students for participation in the choice program;
 - (2)b. 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;
 - (3)e. 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
 - (4)d. Develop a waiting list based on the lottery.
4. **If a sending district has received approval from the Commissioner or designee** ~~Where a 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; and the when student~~ **student** ~~intention to participate in the choice program exceed the established that limit,~~



REGULATION GUIDE

STUDENTS

R 5117/page 7 of 16

Interdistrict Public School Choice

before conducting the lottery, the sending district may give preference to **eligible** siblings ~~of its resident students already enrolled in and attending the choice district~~. **If the choice district elects to give enrollment preference to eligible siblings of choice students, the sending district also shall give preference to eligible siblings. This provision shall apply only to choice students and eligible siblings who would be attending the same choice district or two choice districts that are in a send-receive relationship.**

- a. ~~If In the event 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 **eligible** sibling applicants than ~~there are~~ available spaces, the sending district shall conduct a lottery first for the **eligible** siblings only to determine the selection of students for participation and for placement on the waiting list.
- b. ~~If In the event 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 **eligible** siblings ~~of resident students already enrolled in and attending the choice district~~, the sending district shall conduct a lottery for the remaining **eligible sibling** applicants to assign them a place on the waiting list.

5. Prior to any lottery ~~that may be held~~ **according to N.J.A.C. 6A:12-3.4**, 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.
6. Prior to any lottery that may be held **according to N.J.A.C. 6A:12-3.4**, the sending district shall notify the applicants of the date and time of such lottery.



REGULATION GUIDE

STUDENTS

R 5117/page 8 of 16

Interdistrict Public School Choice

7. **The sending district shall conduct a**Any lottery held **pursuant to N.J.A.C. 6A:12-3.4** ~~must be held~~ prior to the deadline **established** set by the Commissioner **or designee** for written notification to the parent **regarding the student's eligibility** ~~that the student is eligible~~ to participate in the school choice program.
- EF. Choice District Procedures for Students Meeting the Eligibility Requirements – **N.J.A.C. 6A:12-3.1**
1. Choice districts shall admit choice students on a space-available basis.
- a. ~~A Board of Education shall not prevent students from participating in the school choice program.~~
- ab. A choice district may not impose admission criteria upon prospective choice ~~program~~ students other than **the admission criteria for a specialized educational program, pursuant to N.J.S.A. 18A:36B-20.b** ~~these permitted by statute.~~
- c. ~~A choice district may give preference for enrollment to siblings of enrolled students.~~
- bd. **If** ~~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 **enrollment** ~~participation~~ in the choice program.
- (1) ~~The choice district shall develop a waiting list based on the lottery.~~
- (12) 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 **lottery's** date and time ~~of the lottery.~~
- (23) 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).



REGULATION GUIDE

STUDENTS

R 5117/page 9 of 16

Interdistrict Public School Choice

- (34) Before conducting the lottery, the choice district may give **enrollment** preference to **eligible** siblings of **choice** students ~~already enrolled in and attending the choice district.~~
- (a) ~~If In the event~~ the choice district elects to give preference to **eligible** siblings of **choice** students ~~already enrolled in and attending the choice district~~ and ~~there are~~ no spaces **are** available after granting permission to participate in the choice program to **eligible** siblings ~~of students already enrolled in and attending the choice district,~~ the choice district shall conduct a lottery first for the **eligible** siblings only, to determine the selection of students for participation and placement on the waiting list.
- (b) ~~If the In the event that~~ choice district elects to give preference to **eligible** siblings of **choice** students ~~already enrolled in and attending the choice district~~ and ~~there are~~ no spaces **are** available after granting permission to participate in the choice program to **eligible** siblings ~~of students 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.
- (4) **Before conducting the lottery, the choice district may give enrollment preference to resident students who moved out of the choice district and want to remain enrolled in the choice district as choice students.**



REGULATION GUIDE

STUDENTS

R 5117/page 10 of 16

Interdistrict Public School Choice

- (a) If the choice district elects to give enrollment preference to resident students who moved out of the choice district and want to remain enrolled in the choice district as choice students and no spaces are available, and the choice district elects to give preference to eligible siblings of choice students, the choice district shall conduct a lottery first for the eligible siblings, pursuant to N.J.A.C. 6A:12-3.1(a)2.iii and E.1.b.(3) above, and second for the resident students, pursuant to N.J.A.C. 6A:12-3.1(a)2.iv and E.1.b.(4) above, to determine the selection of students for participation and placement on the waiting list.
- (5) Before conducting the lottery, a choice district in a receiving relationship with a sending choice district may give enrollment preference to a choice student currently enrolled in its sending choice district who reaches the terminal grade and applies for secondary school in that choice district.
- (a) If the receiving choice district elects to give enrollment preference to a choice student, pursuant to N.J.A.C. 6A:12-3.1(a)2.v and E.1.b.(5) above, and no spaces are available, and the choice district elects to give preference to eligible siblings of choice students, the receiving choice district shall conduct a lottery first for the eligible siblings pursuant to N.J.A.C. 6A:12-3.1(a)2.iii and E.1.b.(3) above, and second for students eligible pursuant to N.J.A.C. 6A:12-3.1(a)2.iv and 6A:12-3.1(a)2.v and E.1.b.(4) and (5) above.



REGULATION GUIDE

STUDENTS

R 5117/page 11 of 16

Interdistrict Public School Choice

- (6) The choice district shall develop a waiting list based on the lottery results.

FG. Choice Student Application Procedures – N.J.A.C. 6A:12-3.2

1. The Commissioner **or designee** shall establish a student application timeline each year no later than September 1. **The timeline shall include the dates for the student application deadline, the lottery pursuant to N.J.A.C. 6A:12-3.1(a)2, and N.J.A.C. 6A:12-3.2(b), (c), and (d) and E.1.b. above and F.2., F.3., and F.4. below.**
2. **The choice district shall send a notice of acceptance, rejection, or placement on the waitlist to the parent of every student who submitted a choice application by the deadline established pursuant to N.J.A.C. 6A:12-3.2(a) and F.1. above.** ~~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 students who enroll.~~
3. **The choice district shall provide to the Department electronic notification of the number of choice students who send notice of their intent to enroll.**
43. ~~The choice district shall provide written notification of receipt of each notice of enrollment to each sending district's~~ **written notification of each Board of Education within ten days of the due date for receipt of such notice of intent to enroll received enrollment from a choice student who is a resident of the in that sending district.**
54. A choice student applicant may ~~apply to seek from~~ the Commissioner **or designee** by a showing of good cause ~~for a~~ waiver of the student application deadlines ~~established in the timeline at N.J.A.C. 6A:12-3.2(a) and in F.1. above.~~



REGULATION GUIDE

STUDENTS

R 5117/page 12 of 16

Interdistrict Public School Choice

- a. **If the student receives a waiver of the student application deadline and the choice district is unable to receive funding for the student as a choice student for the current and/or subsequent school year, the choice district may enroll the student as an unfunded choice student in the corresponding year and automatically convert the student's enrollment to a funded choice student if the student remains in the choice program.**

GH. Choice District Procedures for Students not Meeting Eligibility Requirements – N.J.A.C. 6A:12-3.3

1. If seats remain available in a choice district after exhausting the list of applicants who meet the requirements ~~at of~~ N.J.A.C. 6A:12-2.2(a) **and C.1. above**, including **applicants** ~~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 students who do not meet the requirements ~~at of~~ N.J.A.C. 6A:12-2.2(a) **and C.1. above**, and with **nonpublic** ~~non-public~~ school students.
2. Choice districts may accept applications from public school students who do not meet the requirements ~~at of~~ N.J.A.C. 6A:12-2.2(a) **and C.1 above** and/or **nonpublic** ~~non-public~~ school students ~~up~~ until the deadline ~~established set~~ by the Commissioner **or designee pursuant to N.J.A.C. 6A:12-3.2(a) and G.1. above.**
3. Upon the receipt of an application from a public school student who does not meet the requirements ~~at of~~ N.J.A.C. 6A:12-2.2(a) **and C.1. above** or a **nonpublic** ~~non-public~~ school student, the choice district shall send ~~a letter~~ to the **student's parent, a letter that includes** ~~of the student including~~ the following information:
 - a. Whether the choice district will consider public school students who do not meet the requirements ~~at of~~ N.J.A.C. 6A:12-2.2(a) **and C.1. above** and **nonpublic** ~~non-public~~ school students for admission to the **choice** district. If the choice district has not yet decided, it shall inform the parents of when the decision is expected to be made;



REGULATION GUIDE

STUDENTS

R 5117/page 13 of 16

Interdistrict Public School Choice

- b. ~~That~~ **P**ublic school students who do not meet the requirements of N.J.A.C. 6A:12-2.2(a) **and C.1. above** and **nonpublic non-public** school students **shall will** not be considered for admission until the choice district has conducted the application cycle and has exhausted its waiting list of students who meet the requirements **at of** N.J.A.C. 6A:12-2.2(a) **and C.1. above** for the grade level to which they have applied;
- c. ~~That~~ **T**he choice district may need to conduct a lottery to select the students to be offered admission to the choice district depending on the seats available and the number of applications received from public school students who do not meet the requirements **at of** N.J.A.C. 6A:12-2.2(a) **and C.1. above** and/or **nonpublic non-public** school students; and
- d. **The choice district shall fully inform** ~~That~~ the parents of ~~those~~ public school students who do not meet the requirements **at of** N.J.A.C. 6A:12-2.2(a) **and C.1. above** and **nonpublic non-public** school students ~~will be fully informed~~ of the lottery process in the event **the choice district conducts a** ~~that a lottery is required~~, the date it will be held, and what number has been assigned to the applicant.

III. Choice Student Post-Enrollment – N.J.A.C. 6A:12-4.1

- 1. Once enrolled in a choice district, the choice student may remain enrolled and **shall is not be** required to submit annual or periodic applications.
- 2. ~~A Upon acceptance of a choice student, the choice district shall is obligated to retain an accepted the choice student until the choice district's terminal grade graduation or until the choice student voluntarily withdraws.~~



REGULATION GUIDE

STUDENTS

R 5117/page 14 of 16

Interdistrict Public School Choice

3. ~~If In the event of termination of the choice program is terminated in a choice in that district or Statewide, any choice student enrolled in the that choice district shall be entitled to remain enrolled in that district until the school district's terminal grade graduation.~~
 4. ~~In the event~~ A public school student who is currently a choice student attending school in a choice district **and who** moves to another **school** district, ~~that public student is~~ **shall be** eligible to remain in the choice district as a choice student without application **until the terminal grade offered by the choice district.**
 5. A resident student of a choice district who **attends a specialized educational program and/or grade that has been approved for choice students and who** moves during the school year may ~~choose be allowed~~ to remain in the choice district until the end of the school year **as an unfunded choice student.** The student may apply to the choice program as a funded **choice** student for the next school year. If the student moves after the application deadline **and the choice district or otherwise** is unable to receive funding **for the student** as a choice student ~~in the school district~~ for the subsequent school year, the choice ~~school~~ district may enroll the student as an unfunded choice student in that year, and automatically convert the student's enrollment to a funded choice student if ~~the student he or she~~ remains in the choice program.
- II.** 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.
- JK.** Appeals from Denial of Enrollment
1. An appeal of any denial of a 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.



REGULATION GUIDE

STUDENTS

R 5117/page 15 of 16

Interdistrict Public School Choice

KL. General Provisions – N.J.A.C. 6A:12-5.1

1. Choice districts shall accept all credits toward graduation ~~that were~~ awarded by another **district** Board of Education for each **accepted** choice student ~~it accepts~~.
 - a. Choice districts shall award a diploma to a choice student **who** ~~participating in the program if that student~~ 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 **in accordance with N.J.S.A. 18A:36B-23**.
 - 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 students in an appropriate program and school.~~
 - b. ~~The information about participating programs and schools shall be posted on the choice district's website.~~
3. **At the end of each student application cycle, a** choice district shall file reports with the Department ~~at the end of each application cycle. A choice district's reports~~ **that shall** include demographic and student participation information, fiscal and programmatic information, and updates on the number of available openings.

LM. Student Transportation – N.J.A.C. 6A:12-6.1

1. Each sending district shall **be responsible** ~~have the responsibility~~ for the transportation **or aid in lieu of transportation** of enrolled choice students who are eligible for transportation services both to and from the choice school in which ~~the~~ **that** student is accepted. ~~Each sending district shall provide transportation or aid in lieu of transportation in accordance with N.J.S.A. 18A:36B-22A-13 and N.J.A.C. 6A:27-4.~~



REGULATION GUIDE

STUDENTS

R 5117/page 16 of 16

Interdistrict Public School Choice

~~MN.~~ General Provisions – N.J.A.C. 6A:12-7.1

1. Choice students participating in this program shall qualify for State aid pursuant to N.J.S.A. 18A:36B-14 **et seq** ~~– Interdistrict Public School Choice Program Act.~~ The sending district will receive transportation aid pursuant to N.J.A.C. 6A:12-~~68~~.1.
2. The sending district shall maintain fiscal responsibility for any choice student 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 ~~the such a~~ student and the sending district will be responsible for the balance.

N. Nonresident Students

1. **The choice district shall not be eligible to enroll students on a tuition basis pursuant to N.J.S.A. 18A:38-3.**
 - a. **Any student enrolled on a tuition basis prior to the establishment of the choice program shall be entitled to remain enrolled in the choice district as a choice student.**
2. **When a resident student moves out of the district during the school year the student must be allowed to continue to attend the district for the remainder of the school year, provided the student is in the choice-approved grades/programs and the student meets any program-specific criteria.**
 - a. **These students will become temporary unfunded choice students for the remainder of the school year, and are eligible for choice transportation.**
 - b. **These students must apply for enrollment in the choice district for the following year.**

Issued:

