

# REGULATION GUIDE

STUDENTS

R 5117/page 1 of 13

Interdistrict Public School Choice

## 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 that is authorized pursuant to the Interdistrict Public School Choice Program to open a specialized education program or school(s) to students from a sending district.
2. “Choice program” means the Interdistrict Public School Choice Program authorized at N.J.S.A. 18A:36B-14 et seq.
3. “Choice student” 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.
7. “Non-public school student” means any student who is obtaining academic instruction outside of a public school at the time of the student’s application to the choice district.
8. “Sending district” means the district of residence of a choice student or a prospective choice student.
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.



# REGULATION GUIDE

STUDENTS

R 5117/page 2 of 13

Interdistrict Public School Choice

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

An eligible Board of Education may participate in the choice program if the school district 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, 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 preschool through grade twelve in a 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 district of residence, is counted in that school district’s October Application for State School Aid, and moves during the school year and enrolls in a new district of residence for the remainder of the school year, the student shall have satisfied the one-year eligibility requirement for the school choice program.
  - b. The one-year requirement shall not apply to an eligible sibling applying to enroll in preschool or Kindergarten in a choice district.
  - 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.



# REGULATION GUIDE

STUDENTS

R 5117/page 3 of 13

Interdistrict Public School Choice

2. A public school student who does not meet the eligibility requirements at N.J.A.C. 6A:12-2.2(a) and C.1. above or a nonpublic school student may, nonetheless, apply pursuant to N.J.S.A. 18A:36B-20.a. and N.J.A.C. 6A:12-3.3.
  3. Students residing out of New Jersey may not participate in the choice program.
- D. Sending District Restrictions on Student Participation in the Choice Program – 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 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. 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;



# REGULATION GUIDE

STUDENTS

R 5117/page 4 of 13

Interdistrict Public School Choice

- (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.
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:
  - a. Is in the best interest of the sending district's students;
  - b. Will not adversely affect the sending district's programs, services, operations, or fiscal conditions; and
  - 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.
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.
  - 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.



# REGULATION GUIDE

STUDENTS

R 5117/page 5 of 13

Interdistrict Public School Choice

- b. 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 the sending district shall:
  - (1) Hold a public lottery to determine the selection of students for participation in the choice program;
  - (2) Notify the parent of every student who has submitted notice of intent to participate in the choice program of the date and time of the lottery;
  - (3) Assign a number to each student participating in the lottery and notify the parent of the number assigned to their child(ren); and
  - (4) Develop a waiting list based on the lottery.
- 4. If a sending district has received approval from the Commissioner or designee to impose a limit on the number of students participating in the choice program and the notices of student intention to participate in the choice program exceed the established limit, before conducting the lottery, the sending district may give preference to eligible siblings. 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 there are more eligible sibling applicants than 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 there are no spaces available after granting permission to participate in the choice program to eligible siblings, the sending district shall conduct a lottery for the remaining eligible sibling applicants to assign them a place on the waiting list.



# REGULATION GUIDE

STUDENTS

R 5117/page 6 of 13

Interdistrict Public School Choice

5. Prior to any lottery 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.
  7. The sending district shall conduct any lottery held pursuant to N.J.A.C. 6A:12-3.4 prior to the deadline established by the Commissioner or designee for written notification to the parent regarding the student's eligibility to participate in the choice program.
- E. 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 choice district may not impose admission criteria upon prospective choice students other than the admission criteria for a specialized educational program, pursuant to N.J.S.A. 18A:36B-20.b
    - b. If a choice district receives more applications than spaces available, the choice district shall hold a public lottery to determine the selection of students for enrollment in the choice program.
      - (1) The choice district shall notify the parent of every student who has submitted an application to participate in the choice program of the lottery's date and time.
      - (2) The choice district shall assign a number to each student participating in the lottery and shall notify the parent of the number assigned to their child(ren).



# REGULATION GUIDE

STUDENTS

R 5117/page 7 of 13

Interdistrict Public School Choice

- (3) Before conducting the lottery, the choice district may give enrollment preference to eligible siblings of choice students.
  - (a) If the choice district elects to give preference to eligible siblings of choice students and no spaces are available after granting permission to participate in the choice program to eligible siblings, 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 choice district elects to give preference to eligible siblings of choice students and no spaces are available after granting permission to participate in the choice program to eligible siblings, the choice district shall conduct a lottery 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.
  - (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



# REGULATION GUIDE

STUDENTS

R 5117/page 8 of 13

Interdistrict Public School Choice

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

## F. 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





# REGULATION GUIDE

STUDENTS

R 5117/page 9 of 13

Interdistrict Public School Choice

submitted a choice application by the deadline established pursuant to N.J.A.C. 6A:12-3.2(a) and F.1. above.

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.
  4. The choice district shall provide to each sending district written notification of each notice of intent to enroll received from a choice student who is a resident of the sending district.
  5. A choice student applicant may apply to the Commissioner or designee by showing good cause for a waiver of the student application deadlines in the timeline at N.J.A.C. 6A:12-3.2(a) and F.1. above.
    - 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.
- G. 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 N.J.A.C. 6A:12-2.2(a) and C.1. above, including applicants on any waiting list established through the application process, the choice district may fill the seats with public school students who do not meet the requirements at N.J.A.C. 6A:12-2.2(a) and C.1. above, and with nonpublic school students.
  2. Choice districts may accept applications from public school students who do not meet the requirements at N.J.A.C. 6A:12-2.2(a) and C.1 above and/or nonpublic school students until the deadline established by the Commissioner or designee pursuant to N.J.A.C. 6A:12-3.2(a) and G.1. above.



# REGULATION GUIDE

STUDENTS

R 5117/page 10 of 13

Interdistrict Public School Choice

3. Upon the receipt of an application from a public school student who does not meet the requirements at N.J.A.C. 6A:12-2.2(a) and C.1. above or a nonpublic school student, the choice district shall

send to the student's parent, a letter that includes the following information:

- a. Whether the choice district will consider public school students who do not meet the requirements at N.J.A.C. 6A:12-2.2(a) and C.1. above and nonpublic 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;
- b. Public school students who do not meet the requirements of N.J.A.C. 6A:12-2.2(a) and C.1. above and nonpublic school students shall 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 N.J.A.C. 6A:12-2.2(a) and C.1. above for the grade level to which they have applied;
- c. The 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 N.J.A.C. 6A:12-2.2(a) and C.1. above and/or nonpublic school students; and
- d. The choice district shall fully inform the parents of 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 school students of the lottery process in the event the choice district conducts a lottery, the date it will be held, and what number has been assigned to the applicant.

## H. 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 not be required to submit annual or periodic applications.



# REGULATION GUIDE

STUDENTS

R 5117/page 11 of 13

Interdistrict Public School Choice

2. A choice district shall retain an accepted choice student until the choice district's terminal grade or the choice student voluntarily withdraws.
  3. If the choice program is terminated in a choice district or Statewide, any choice student enrolled in the choice district shall be entitled to remain enrolled until the school district's terminal grade.
  4. A public school student who is currently a choice student attending school in a choice district and who moves to another school district 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 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 is unable to receive funding for the student as a choice student for the subsequent school year, the choice 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 remains in the choice program.
- I. Appeals from Commissioner of Education Determinations
- 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.
- J. Appeals from Denial of Enrollment
- An appeal of any denial of a choice student applicant for enrollment in a choice district may be filed by the parent with the Commissioner in accordance with N.J.A.C. 6A:3.
- K. General Provisions – N.J.A.C. 6A:12-5.1



# REGULATION GUIDE

STUDENTS

R 5117/page 12 of 13

Interdistrict Public School Choice

1. Choice districts shall accept all credits toward graduation awarded by another district Board of Education for each accepted choice student.
  - a. Choice districts shall award a diploma to a choice student who 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.
3. At the end of each student application cycle, a choice district shall file with the Department reports that include demographic and student participation information, fiscal and programmatic information, and updates on the number of available openings.

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

Each sending district shall be responsible 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 student is accepted, in accordance with N.J.S.A. 18A:36B-22 and N.J.A.C. 6A:27-4.

M. 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. The sending district will receive transportation aid pursuant to N.J.A.C. 6A:12-6.1.
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 the choice district will be required to contribute any State aid received for the 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.



# REGULATION GUIDE

STUDENTS

R 5117/page 13 of 13

Interdistrict Public School Choice

- 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.

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