



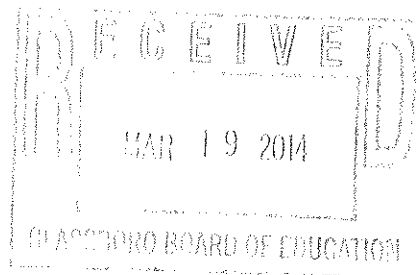
New Jersey School Boards Association

Celebrating 100 years of service

413 West State Street • Trenton, NJ 08618 • Telephone: 609.695.7600 • Toll-Free: 888.88NJSBA • Fax: 609.695.0413

March 12, 2014

Mr. Walter S. Pudelko, III
Business Administrator
Glassboro Bd. of Ed.
560 Bowe Boulevard
Glassboro, NJ 08028



Re: Resolution submitted for the May 17, 2014 Delegate Assembly

Dear Mr. Pudelko:

Enclosed for your information are copies of the background materials and recommendation to the Resolutions Subcommittee which were prepared for the resolution submitted by your board of education for the agenda of the Semiannual Delegate Assembly on May 17, 2014.

The Resolutions Subcommittee will meet **on April 12 at 9:00 a.m.** at the NJSBA Headquarters in Trenton to consider your resolution for the Semiannual Meeting. If your board of education would like to have a representative participate in the meeting and present testimony before the subcommittee in support of your board's position, please call Barbara Deveney at 1-888-88NJSBA or (609) 278-5256 by Wednesday, April 9 to make arrangements. Please note that the board's representative must provide a copy of the testimony for distribution to the subcommittee by e-mail no later than April 9. If the representative does not have the capability to e-mail the testimony, it must be faxed to the attention of Barbara Deveney, at (609) 394-0753 no later than Wednesday, April 9, so it can be distributed to the Committee prior to the meeting.

The rules for the conduct of appearances before the Resolutions Subcommittee are enclosed for your information.

Sincerely,


Cynthia J. Jahn, Esq.
General Counsel

CJJ:bd
Encls.

Limitations on Growth of School
Choice Programs

RESOLUTION NO.

NEW JERSEY SCHOOL BOARDS ASSOCIATION

413 West State Street
Trenton, NJ 08605-0909

1-888-886-5722

SEMIANNUAL DELEGATE ASSEMBLY
May 17, 2014

The following resolution was received from the
Glassboro Board of Education (Gloucester):

- WHEREAS, *N.J.S.A. 18A:36B-14, et seq.* and *N.J.A.C. 6A:12-1, et seq.*, (hereinafter the "School Choice Act") authorizes School Districts to act as "Choice Schools" to accept and educate students from different School Districts that are known as "Sending Districts;" and
- WHEREAS, The School Choice Act was enacted 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, and
- WHEREAS, The School Choice Act has increased the degree to which the education system is responsive to parents and students, effected systemic improvements such as enhancing academic achievement and improving efficiency through a voluntary redistribution of students from overcrowded to under-enrolled school districts, and has improved the quality of public school education in New Jersey by creating a healthy competition among school districts, and
- WHEREAS, The School Choice Act was recently amended by the New Jersey Department of Education (hereinafter "NJDOE") to limit the growth of Choice Schools to five (5) percent for the 2014-2015 school year; and
- WHEREAS, The NJDOE's action will have a deleterious impact upon the Choice Schools and will also undermine the Legislative intent of the School Choice Act; and
- WHEREAS, The Delegate Assembly is the official policy-making body of the New Jersey School Boards Association; and
- WHEREAS, Education-related policies resulting from prior Delegate Assembly and Board of Director's actions are contained in the NJSBA's Manual of Positions and Policies on Education; now, therefore, be it
- RESOLVED, That the Glassboro Board of Education proposes the following action be taken by the Delegate Assembly:
- The NJSBA believes** that the New Jersey Department of Education's limit on the growth of Choice Schools undermines the intent and purpose of the School Choice Act.
- The NJSBA supports** a policy which expands the Choice Schools' ability to accept students from across district lines to facilitate the stated Legislative

intent of increasing flexibility for parents and students to improve the educational opportunities for New Jersey citizens.

In support of this belief, NJSBA shall support legislation that amends the provisions of the School Choice Act to remove the provisions limiting the growth of Choice Schools in upcoming school years.

RESOLVED, That this resolution be placed on the agenda for consideration at the next scheduled Delegate Assembly.

Adopted at a regular meeting
Of the Glassboro Board of
Education on November 20, 2013

Walter S. Pudelko, III
Business Administrator/Board Secretary

Resolution No.

SYNOPSIS

Resolution No. from the Glassboro Board of Education proposes that NJSBA include additional language in its *Manual of Positions and Policies on Education* requiring NJSBA to support the removal of limitations on the growth of New Jersey's School Choice Program.

BACKGROUND

The "Interdistrict Public School Choice Program Act," *N.J.S.A. 18A:36B-1 et seq.*, (the Act) provides for the creation of choice districts that may enroll pupils from outside the district. The Act requires proposed choice districts to apply to the Commissioner of Education (Commissioner) to become a choice district. *N.J.S.A. 18A:38B-4a*. The Interdistrict Public School Choice program began on a pilot basis in a limited number of counties in 2000. It later expanded to all 21 counties, but capped the number of choice districts to one per county. The pilot program ran until 2005. Even though the pilot program ended, the New Jersey Department of Education (NJDOE) permitted the existing choice districts to continue to operate. In 2010, the law was amended creating a permanent school choice program in New Jersey, opening the program up to any district that wished to participate as a choice district.

Enrollment in the choice program has grown from 1000 students (in 15 districts) in 2010-2011 to 4,700 students (in 110 districts) in 2013-2014. There are 136 districts that will participate in the school choice program for the 2014-15 school year.

The popularity of the school choice program has led to an increase in the amount of money that the state spends to fund the school choice program. Students who participate in the choice program are funded, in part, by direct state aid. The State pays the choice district the local portion of its adequacy budget (called the "local fair share") in the form of "choice aid," on a per pupil basis, for each choice student. (The resident districts keep the local tax levy collected for students who "choice out," so this funding stays in the resident district.) In the second year that a choice student is in attendance in the choice district and beyond, any State aid attributable to those choice students (also called equalization aid) will also be paid to the choice district. Transportation is provided by the resident/sending district.

In summary, when a choice district receives a choice student, the choice district receives direct state aid only (Choice Aid) in the first year. In the second year and beyond, the choice district receives choice aid plus the aid for that student as a resident student of the choice district in the choice district's October count of students.

Because of the increasing number of students in the choice program, the amount that the state spends on the program has also increased. The cost of the choice program has grown from \$10 million in 2010-11 to \$49 million in 2013-2014, a 400% growth rate over three years. In an effort to aid in the future planning of the choice program, the NJDOE notified choice districts in fall 2013, that it would place a five percent growth limit on additional student enrollment in the program for the 2015 fiscal year. This is an

administrative limit placed on choice districts. The school choice law places no such limit on the number of students that a choice district may enroll. A choice district's enrollment is generally limited only by the number of seats that it has available.

RELEVANT NJSBA POLICY

File Code 5117 states in relevant part:

The NJSBA believes in local determination of school choice within the public schools. Options could include choice among schools in the district (intradistrict choice), including charter or magnet schools, or could extend to schools in other districts (interdistrict choice) when the school board has established a mutually agreeable contract with other school districts.

File Code 3220 states:

A. The NJSBA believes that New Jersey's system of financing public schools should enable all local school districts to provide an equal educational opportunity for all children in New Jersey to receive a thorough and efficient education.

B. The NJSBA believes that New Jersey's school finance system should:

1. Define the elements of and the resources necessary to provide a thorough and efficient education;
2. Provide funds to support and guarantee a thorough and efficient level of education to all public school children;
3. Provide that all constituents of the state—individuals, businesses and communities—be required to pay a fair share, but that no one would be required to pay more than a fair share;
4. Retain the principle that local school boards have the primary responsibility, with the assistance of the state, for ensuring that each child in the district obtains a thorough and efficient education, and permit a limited degree of local spending to fund a locally defined thorough and efficient education, with the state paying a share on an equalized basis;
5. Recognize the diversity, unique circumstances and community composition of each local school district;
6. Provide for equalized aid for capital expenditures and debt service, based on individual districts' ability to pay as defined by the School Funding Reform Act or its successor;
7. Provide state aid based on predictable statutory formulas which is predictable, transparent and capable of being re-calculated at the local district level;
8. Provide current-year funding of all state aid;
9. Provide state aid for the full excess cost of all mandated special education programs and services;
10. Provide state funding for the full cost of all state mandates;
11. Include a system of evaluation to ensure accountability in the allocation of state aid;
12. Promote efficiency in the use of tax dollars; and recognize that the geographically adjusted average of expenditures by school district that have demonstrated an ability to provide a thorough and efficient education based on agreed-upon outcomes is an

appropriate benchmark for the funds needed by every district to provide a thorough and efficient education;

13. Be modified, as needed, through a comprehensive approach with input from NJSBA members;

14. Provide all public school students in New Jersey districts with fiscal equity.

DISCUSSION

The Glassboro School District is a participant in the New Jersey Interdistrict School Choice Program. They operate two programs that choice students can participate in: a fine arts academy and an academy that focuses on a STEM (Science, Technology, Engineering and Math) curriculum.

The Glassboro Fine and Performing Arts Academy (GFPA) allows students in grades 7-12 to take academic classes while developing their music, art and dance skills through a cooperative dual credit program at Rowan University. Academy students attend Rowan University classes, on the Rowan campus across the street from the high school, for college credit in their specialty area during their junior and senior years. The Glassboro STEM Academy is also offered for grades 7-12. This program will feature an intensive curriculum of advanced core math and science as well as engineering and technology electives through a cooperative effort with Rowan University. Academy students attend Rowan University classes, on the Rowan campus, for college credit in their junior and senior years.

Currently, Glassboro has 58 students participating in their school choice programs. The five percent enrollment cap means that it can accept only 3 new students into the program, despite having 175 seats available in the district for choice students. Currently, Glassboro has six students on its waiting list for its STEM Academy for 2014-2015.

The New Jersey Department of Education (NJDOE) is administratively imposing an enrollment cap on the number of students that can participate in the school choice program statewide in order to control the amount that the state spends on the school choice program. There is no law that limits the number of students that a choice district may accept.

In 2012, then Acting Commissioner Cerf stated, "The NJDOE has also taken several steps to modernize our school system for the demands of the 21st century and to ensure that all students have access to high-quality school options. Over the last three years, the NJDOE has tripled the number of students participating in the state's interdistrict choice program, which not only provides options to students and families but allows districts to maximize enrollment and more efficiently use space in their districts."¹ Commissioner Cerf has also stated, "Recognizing that 'how well' education dollars are spent is as important as 'how much' is spent and changing the way money is spent is by far the most important means of actually changing behavior in schools and ensuring that all students, regardless of birth circumstances, graduate from high school ready for college and career. Even as we continue to invest in our public education system, we must remain willing to

¹ Senate Budget & Appropriations Committee Testimony from the Department of Education, delivered by Acting Commissioner Chris Cerf, March 29, 2012.

examine how we are spending our limited dollars and work towards solutions that make every dollar we invest count.”²

Enrollment caps on choice districts would seem to impede the progress that the NJDOE has made to provide innovative options to students while permitting districts to maximize enrollment and more efficiently use space. Further, it would appear that the school choice program furthers the NJDOE goal of ensuring that all students, regardless of birth circumstances, graduate from high school ready for college and career.

When the Interdistrict Public School Choice program was opened up in 2010 to any district that wished to apply, New Jersey was essentially making a promise to fund those students who were eligible to participate in the program. The Commissioner of Education has said that the choice program is a valuable part of his education reform efforts. It is also a very popular program among the districts and students that participate in it. While the popularity and rapid growth of the program may have been greater than the NJDOE could have envisioned, this growth requires full funding. The State must keep its promise to these districts and the students that they serve.

On February 24, 2014, New Jersey released its proposed budget for the 2014-15 fiscal year. The proposal contains an additional \$4.8 million for School Choice Aid which is an approximate nine percent increase over the \$49.1 million that the State is spending this fiscal year. The Interdistrict Public School Choice Association estimates that this \$53 million would need to increase by an additional \$15 million in order to enable the 1200 students currently on choice waiting lists around the state who want to attend a choice school in 2014-15 to do so.

Because of this lack of funding for the number of students who wish to attend choice schools, NJSBA believes that there is a need to amend its policies to ensure that when the State makes a commitment to fund a program, it follows through on that financial commitment. Enrollment caps on programs like school choice are detrimental to the students wishing to attend those programs.

STATEMENT OF REASONS

1. Interdistrict Public School Choice is a program designed to promote innovation that permits students to attend other districts free of charge. This program has experienced tremendous growth in the last three years, growing from 1000 students (in 15 districts) in 2010-2011 to 4,700 (in 110 districts) in 2013-2014.
2. In fall 2013, the NJDOE placed an enrollment cap of five percent on future growth of the choice program, limiting the number of students that can participate in the program. Such an enrollment cap is not part of the school choice law.

² Assembly Budget Committee Testimony from the Department of Education, delivered by Commissioner Chris Cerf, April 11, 2013.

3. The Commissioner of Education has stated that the choice program is a vital high-quality school option, allowing districts to maximize enrollment and more efficiently use space in their districts.
4. Restrictions on choice district enrollment should be based on the local determination of spaces available in the choice district, not on enrollment targets imposed by the State.
5. The State has a responsibility to fully fund its educational programs and should not hinder expansion of programs that benefit student achievement through administratively-imposed enrollment caps.

RECOMMENDATION

1 The Resolutions Subcommittee recommends approval of this resolution with the
2 following substitute policy language which would create **additional** policy language at
3 File Code 3220 in NJSBA's Manual of Positions and Policies on Education:
4

5 **The NJSBA believes** that New Jersey's school finance system should:
6 15. Provide full funding for state-initiated programs designed to promote
7 innovation and that the level of participation in such programs should be
8 determined by the local school district.

**RULES FOR THE CONDUCT OF APPEARANCES
BEFORE THE RESOLUTIONS SUBCOMMITTEE
OR ANY SUBCOMMITTEE THEREOF**

Pursuant to Article V, Section 4 of the Bylaws of the New Jersey School Boards Association, the Resolutions Subcommittee has adopted the following Rules:

1. Definitions - For Purposes of these Rules,

- a. *"proponent"* shall mean any body which, pursuant to Article V, Section 2 of the Bylaws, submits a resolution which is pending before the Resolutions Subcommittee; and
- b. *"interested party"* shall mean any body which is permitted to submit a resolution pursuant to Article V, Section 2 of the Bylaws, or any other person or organization which has a legitimate interest in any resolution pending before the Resolutions Subcommittee; and
- c. *"authorized representative"* shall mean any person authorized in writing by any proponent or interested party to represent it before the Resolutions Subcommittee, or an attorney-at-law of the State of New Jersey.

2. Requests for Appearances

- a. Each proponent shall be sent a letter acknowledging receipt of the resolution, and advising him or her of the right to request an appearance before the Resolutions Subcommittee. The letter will also explain the resolutions process and advise the proponent that upon completion, he or she will receive a copy of the staff research including the recommendation.
- b. All requests for appearances before the Resolutions Subcommittee shall be made in writing and received in the central offices of the Association prior to the Resolutions Subcommittee meeting for which the resolution on which they appear has been submitted.

3. Written Submission

- a. Any proponent or interested party who is scheduled for an appearance before the Resolutions Subcommittee or a subcommittee thereof shall submit a written statement summarizing its views.
- b. Sufficient copies (25) of each such statement shall be reproduced for distribution to the members of the Resolutions Subcommittee.

4. Representation

- a. Any authorized representative may appear before the Resolutions Subcommittee on behalf of a proponent of a pending resolution or on behalf of an interested party.
- b. In no case shall more than two authorized representatives appear before the Resolutions Subcommittee on behalf of a proponent or interested party.

5. Conduct of Appearance

- a. The proponent of a resolution shall present its views first; interested parties may then present their views in the order in which requests for appearances were received.
- b. Each such initial presentation by a proponent or an interested party shall not exceed five minutes in length.
- c. The Chair of the Resolutions Subcommittee may direct questions to each proponent or interested party immediately after its presentation.
- d. Members of the Resolutions Subcommittee may direct questions to each proponent or interested party immediately after the questions of the Resolutions Subcommittee Chair, or they may reserve such questions until the end of all presentations on the resolutions.
- e. Each proponent and interested party appearing before the Resolutions Subcommittee on a resolution shall remain available to the subcommittee until all presentations on the resolution are complete.

6. Subcommittee of the Resolutions Subcommittee

- a. Where the number of requests for appearances and the volume and nature of the subcommittee's business so warrants, the Chair of the Resolutions Subcommittee shall, upon the recommendation of the Executive Director, call a meeting of the subcommittee of the Resolutions Subcommittee.
- b. The subcommittee of the Resolutions Subcommittee shall consist of only members of the Resolutions Subcommittee, and shall meet solely for the purpose of receiving appearances and hearing presentations from proponents and interested parties.
- c. A quorum for the conduct of the subcommittee business shall consist of the Chair of the Resolutions Subcommittee, who shall preside, and four other members of the Resolutions Subcommittee.
- d. The subcommittee shall fully report to the Resolutions Subcommittee on the presentations which it hears.

7. Effective Date; Waiver

- a. These rules became effective on October 28, 1981, were amended on March 9, 1984, October 18, 1991, April 2, 2002 and November 18, 2006 and shall remain in effect unless further amended or repealed.
- b. The Resolutions Subcommittee reserves the right to waive the operation of these rules or any part thereof so as to best effectuate the objective of the resolutions procedure.