5117 INTERDISTRICT PUBLIC SCHOOL CHOICE

New Jersey's Interdistrict Public School Choice Program Act provides interested New Jersey school districts an opportunity to apply to the New Jersey Department of Education to become a public school choice district that can make available classroom seats within the school district for the Board of Education to accept non-resident students. A choice district may enroll students across district lines in designated schools of the choice district pursuant to N.J.S.A. 18A:36B-16.

A proposed choice district shall submit an application to the Commissioner of Education no later than April 30 in the year prior to the school year in which the choice program will be implemented; except that for the first year of implementation of the program pursuant to N.J.S.A. 18A:36B-14 et seq., the application shall be submitted no later than the date specified by the Commissioner pursuant to N.J.S.A. 18A:36B-17.a. The application shall include, but not be limited to, the information outlined in N.J.S.A. 18A:36B-17.a.(1) through (4).

The Commissioner shall notify a choice district of the approval or disapproval of its application no later than July 30, and the reasons for disapproval shall be included in the notice; except that for the first year of implementation of the program pursuant to N.J.S.A. 18A:36B-14 et seq., notification shall be no later than the date specified by the Commissioner. The Commissioner shall notify the New Jersey State Board of Education of the approval of a choice district application and the State Board shall include a public notice of the approval on the next agenda for its public monthly meeting pursuant to N.J.S.A. 18A:36B-17.a.

The Commissioner may take appropriate action, consistent with State and Federal law, to provide that student population diversity in all districts participating in a choice district program is maintained in accordance with the provisions of N.J.S.A. 18A:36B-17.b.

The Commissioner shall evaluate an application submitted by a proposed choice district in accordance with the provisions of N.J.S.A. 18A:36B-18.

The parents of a student shall notify the sending district of the student's intention to participate in the choice program and shall submit an application to the choice district, indicating the school the student wishes to attend, no later than the date specified by the Commissioner pursuant to N.J.S.A. 18A:36B-20.a.



A choice district may evaluate a prospective student on the student's interest in the program offered by a designated school. The district shall not discriminate in its admission policies or practices on the basis of athletic ability, intellectual aptitude, English language proficiency, status as a person with a disability, or any basis prohibited by State or Federal law in accordance with N.J.S.A. 18A:36B-20.b.

Pursuant to N.J.S.A. 18A:36B-20.c., a choice district shall not prohibit the enrollment of a student based upon a determination that the additional cost of educating the student would exceed the amount of additional State aid received as a result of the student's enrollment. A choice district may reject the application for enrollment of a student who has been classified as eligible for special education services pursuant to N.J.S.A. 18A:46 if that student's individualized education program could not be implemented in the district, or if the enrollment of that student would require the district to fundamentally alter the nature of its educational program, or would create an undue financial or administrative burden on the district.

In accordance with N.J.S.A. 18A:36B-20.d., a student whose application is rejected by a choice district shall be provided with a reason for the rejection in the letter of notice. The appeal of a rejection notice may be made to the Commissioner.

Pursuant to N.J.S.A. 18A:36B-20.e., once a student is enrolled in a designated school, the student shall not be required to reapply each school year for enrollment in any designated school of the choice district and shall continue to be permitted to be enrolled until graduation. A student shall be permitted to transfer back to a school of the sending district or may apply to a different choice district during the next application period.

The Board of a sending district may adopt a resolution to restrict enrollment of its students in a choice district to a maximum of ten percent of the number of students per grade level per year limited by any resolution adopted pursuant to N.J.S.A. 18A:36B-21.a.(1) and fifteen percent of the total number of students enrolled in the sending district provided that the resolution shall be subject to approval by the Commissioner upon a determination that the resolution is in the best interest of the district's students and that it will not adversely affect the district's programs, services, operations, or fiscal conditions, and that the resolution will not adversely affect or limit the diversity of the remainder of the student population in the district who do not participate in the choice program in accordance with N.J.S.A. 18A:36B-21.a.(1).

Enrollment restriction percentages adopted by any resolution pursuant to N.J.S.A. 18A:36B-21.a.(1) shall not be compounded from year to year and shall be based upon the enrollment counts for the year preceding the sending district's initial year of participation in the choice program, except that in any year of the program in which there is an increase in enrollment, the percentage enrollment restriction may be applied to the increase and the result added to the preceding year's count of students eligible to attend a choice district. If there is a

decrease in enrollment at any time during the duration of the program, the number of students eligible to attend a choice district shall be the number of students enrolled in the choice program in the initial year of the district's participation in the program, provided that a student attending a choice district school shall be entitled to remain enrolled in that school until graduation pursuant to N.J.S.A. 18A:36B-21.a.(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 pursuant to N.J.S.A. 18A:36B-21.a.(3).

A choice district shall not be eligible to enroll students on a tuition basis pursuant to N.J.S.A. 18A:38-3 while participating in the Interdistrict Public School Choice Program. 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 in accordance with N.J.S.A. 18A:36B-21.b.

Transportation, or aid in-lieu-of transportation, shall be provided to an elementary school student who lives more than two miles from the choice district school of attendance and to a secondary school student who lives more than two and one-half miles from the choice district school of attendance, provided the choice district school is not more than twenty miles from the residence of the student in accordance with N.J.S.A. 18A:36B-22.a.

Transportation, or aid in-lieu-of transportation, shall be the responsibility of the sending district. The choice district and the sending district may enter into a shared service agreement in accordance with the "Uniform Shared Services and Consolidation Act," N.J.S.A. 40A:65-1 through 40A:65-35. Notwithstanding the provisions of N.J.S.A. 18A:7F-62 to the contrary, the sending district shall receive State aid for transportation calculated pursuant to N.J.S.A. 18A:7F-57 for a student transported or receiving aid-in-lieu-of transportation pursuant to N.J.S.A. 18A:36B-22.

A choice district shall establish and maintain a parent information center. The center shall collect and disseminate information about participating programs and schools and shall assist parents in submitting applications for enrollment of students in an appropriate program and school. The information about participating programs and schools shall be posted on the choice district's website in accordance with N.J.S.A. 18A:36B-23.

The Commissioner shall annually report to the New Jersey State Board of Education, the Legislature, and the Joint Committee on the Public Schools on the effectiveness of the Interdistrict Public School Choice Program. The Commissioner's annual report shall be posted on the New Jersey Department of Education's website and on the website of each choice district pursuant to N.J.S.A. 18A:36B-24.



POLICY

FRANKLIN BOROUGH BOARD OF EDUCATION

N.J.S.A. 18A:36B-14 through 18A:36B-24
N.J.A.C. 6A:12-1.1 et seq.

Adopted: 2/27/12
Revised: 6/24/13, 9/15/25