

### INTER-DISTRICT PUBLIC SCHOOL CHOICE

The Pennsville School District (the "District") has been approved to participate in the Interdistrict Public School Choice Program. In accordance with its application and N.J.A.C. 18A:36B-14, *et seq.*, the District will accept students each year into its education program. The number of available seats will be determined each year by the Administration after an assessment of the anticipated student population. Admission criteria will be consistent with Board Policy 5111 Admissions.

For the purpose of this Policy:

"Sending District" shall mean the district of residence of a choice pupil.

"Commissioner" shall mean the New Jersey Commissioner of Education.

#### **Application to a Choice District**

The parent/guardian of a pupil shall notify the Sending District of the pupil's intention to participate in the choice program and shall submit an application to the District, indicating the school the pupil wishes to attend, no later than the date specified by the Commissioner. To be eligible to participate in the program, a pupil shall be enrolled at the time of application in grades preschool through eleven in a school of the Sending District and have attended school in the Sending District for at least one full year immediately preceding enrollment in the District, provided that the Sending District is the school district that a pupil in a particular district of residence is required by law to attend. This one-year requirement shall not apply to a pupil enrolling in preschool or Kindergarten in the District so long as that pupil has a sibling enrolled in the District. Openings in a designated school of the District shall be on a space-available basis and if more applications are received for a designated school than there are spaces available, a lottery shall be held to determine the selection of pupils. Preference for enrollment may be given to siblings of School Choice pupils who are already enrolled in a designated school.

If there is an opening in a designated school of the District and there is no pupil who is enrolled in a Sending District who meets the attendance requirements of the law, including a pupil who has been placed on a waiting list based on a lottery held in the District, then the District may fill that opening with a public school pupil who does not meet the attendance requirements of the law or a nonpublic school pupil.

The District may evaluate a prospective School Choice pupil on his/her interest in special programs offered by a designated school in a manner consistent with district students. 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 handicapped person, or any basis prohibited by State or Federal law.

The District shall not prohibit the enrollment of a pupil based upon a determination that the additional cost of educating the pupil would exceed the amount of additional State aid received as a result of the pupil's enrollment. The District may reject the application for enrollment of a pupil who has been classified as eligible for special education services pursuant to Chapter 46 of Title 18A of the New Jersey Statutes if that pupil's individualized education program could not be implemented in the District, or if the enrollment of that pupil 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.

A pupil whose application is rejected by the 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.

Once a pupil is enrolled in a designated school, the pupil shall not be required to reapply each school year for enrollment in any designated school of the District and shall continue to be permitted to be enrolled until graduation. A pupil 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 District shall accept all of the credits earned toward graduation by a pupil in the schools of the Sending District. The District shall notify a Sending District upon the enrollment of a choice pupil resident in the Sending District.

### **Transportation**

Transportation, or aid in-lieu-of transportation, shall be the responsibility of the Sending District. The District and the Sending District may enter into a shared service agreement in accordance with the "Uniform Shared Services and Consolidation Act," section 1 through 35 of P.L. 2007, c.63 (N.J.S.A. 40A:65-1 through 40A:65-35). Notwithstanding the provisions of Section 20 of P.L. 2007, c.260 (N.J.S.A. 18A:7F-62) to the contrary, the Sending District shall receive State aid for transportation calculated pursuant to section 15 of P.L. 2007, c. 260 (N.J.S.A. 18A:7F-57) for a pupil transported or receiving aid-in-lieu-of transportation pursuant to N.J.S.A. 18A:36B-22.

### **Parent Information Center**

The 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 and guardians in submitting applications for enrollment of pupils in an appropriate program and school. The information about participating programs and schools shall be posted on the choice district's website.

**Restrictions on Permitted Participation in School Choice Programs**

**1. Limits on School Choice Participation**

The Board shall restrict the enrollment of its students in a choice district to a maximum of ten percent (10%) of the number of students per grade level and fifteen percent (15%) of the total number of students enrolled in this District (N.J.S.A. 18A:36B-21).

The Commissioner shall approve this policy upon determining that:

- A. It is in the best interest of the district's students;
- B. It will not adversely affect the district's programs, services, operations, or fiscal conditions; and
- C. It 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.

The following restrictions shall apply to District students seeking to leave the District and participate in a school choice program:

- A. *Enrollment restriction percentages shall not be compounded from year to year;*
- B. *Enrollment shall be based upon the enrollment counts for the year preceding the District's initial year of student participation in the choice programs;*
- C. *In any year 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;*
- D. *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;*
- E. All students attending a choice district school shall be entitled to remain enrolled in that school until graduation regardless of a decrease in enrollment;
- F. The calculation of the enrollment of the 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.

**2. Notification: Initial Enrollment Cycle**

Parents or legal guardians shall provide to the District, a written notice of the student's intention to participate in a choice program no later than the date set by the Commissioner for initial enrollment in a choice district beginning the following school year. Upon receiving the notice of intent to participate, the District shall verify the following information:

- A. That the student is a resident of the District; that the student has been counted on the District's October ASSA for the current school year; and
- B. That the student is attending the District school identified on the application in the current school year.

Upon verification of the above information, the Board shall provide written notification to the student's parent/guardian no later than the date set by the Commissioner that the student may participate in the choice program or that the student may not participate in the choice program (which includes the student's position on the waiting list).

**3. Notification: Second Enrollment Cycle**

Parents/legal guardians shall provide to the District, a written notice of the student's intention to participate in the choice program no later than the date set by the Commissioner. The District shall verify all information as required in Cycle 1.

The Board shall then provide written notification to the student's parent/legal guardian no later than the date set by the Commissioner that the student may participate in the choice program or that the student may not participate in the choice program (which includes the student's position on the waiting list).

**4. Lottery Selection Process**

When the student notices of intention to participate in the choice program exceed the limits as stated above, the District shall:

- A. Hold a public lottery to determine the selection of students for participation in the choice program;
- B. Notify the parent/guardian of every student 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 student participating in the lottery and notify the parent/guardian of the number assigned to their child(ren); and
- D. Develop a waiting list based on the lottery to be used in accordance with law (N.J.A.C. 6A:12-4.3(c)4).

The District may give preference to siblings of its resident students already enrolled in a school choice program before conducting the lottery. Sibling shall be defined as a brother or sister living in the same household of the sibling student.

Having elected to give preference to siblings of District resident students already enrolled in and attending a choice district and there are no spaces available in the choice program for the sibling, the District shall conduct the lottery for the remaining applicants in order to assign them a place on the waiting list.

Upon completion of the lottery, the District shall send a notification to the parent/guardian of each student, either:

- A. Indicating that the student may participate in the school choice program, or
- B. Indicating that the student has been placed on the waiting list and providing the waiting list number assigned to the student.

**5. Waiting List**

When the number of students intending to participate in the school choice program exceeds the allowable number a waiting list will be established to be used in the second enrollment cycle.

The list shall be comprised of applicants selected by lottery and listed in the numerical order in which the name was drawn. As space becomes available for participation in the school choice program, students will be contacted in the order in which their name appears on the list. Siblings of existing students shall be offered admission first.

The school waiting list shall expire annually and all waiting applicants must reapply.

Date: November 25, 2013

**Legal References:**

N.J.S.A. 18A:7F-45  
N.J.S.A. 18A:11-1  
N.J.S.A. 18A:36B-1 et seq.

Definitions  
General mandatory powers and duties  
Interdistrict Public School Choice Program  
Act of 1999

See particularly:  
N.J.S.A. 18A:36B-20, -21  
N.J.S.A. 18A:38-1 et seq.  
See particularly:  
N.J.S.A. 18A:38-2, 38-3, 38-8, 38-9  
N.J.S.A. 18A:46-20

Attendance at school free of charge

N.J.A.C. 6A:12-1.3 et seq.  
See Particularly  
N.J.A.C. 6A:12-4.1, -4.3  
N.J.A.C. 6A:17-1.1 et seq.

Receiving pupils from outside district;  
establishment of facilities  
Inter-district Public School Choice

N.J.A.C. 6A:22  
See particularly:  
N.J.A.C. 6A:22-3  
N.J.A.C. 6A:22-3.1  
N.J.A.C. 6A:23A-19.2

Students at Risk of Not Receiving a Public  
Education  
Student residency

N.J.A.C. 6A:23A-19.3

Eligibility to attend school  
Students domiciled within the school district  
Method of determining the district of  
residence  
Address submission for determining the  
district of residence

Illegal Immigrant and Immigration Responsibility Act of 1997, 8 U.S.C. § 1101

Board of Education of the Borough of Englewood Cliffs v. Board of Education of the City of Englewood, 132 NJ 327; cert. denied, 510 U.S. 991 (1993); subsequent listing 333 N.J. Super. (App. Div. 2000)

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

J.A. v. Board of Education of South Orange/Maplewood, 318 N.J. Super. 512 (App.Div 1999)

Possible Cross References:

3240	Tuition income
5111	Admission
5118	Nonresidents
5119	Transfers
6151	Class size