

[Second Reprint]

ASSEMBLY, No. 355

STATE OF NEW JERSEY
214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

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SYNOPSIS

Establishes a permanent Interdistrict Public School Choice Program.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 24, 2010, with amendments.



(Sponsorship Updated As Of: 6/29/2010)

1 AN ACT establishing a permanent Interdistrict Public School Choice
2 Program, supplementing chapter 36B of Title 18A of the New
3 Jersey Statutes, and repealing parts of the statutory law.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. This act shall be known and may be cited as the "Interdistrict
9 Public School Choice Program Act."
10

11 2. As used in this act:

12 "Choice district" means a public school district, established
13 pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey
14 Statutes, which is authorized under the interdistrict public school
15 choice program to open a school or schools to students from
16 sending districts;

17 "Commissioner" means the Commissioner of Education;

18 ¹["Receiving district" means the district receiving a student from
19 a sending district;]¹

20 "Sending district" means the district of residence of a ¹choice¹
21 student.
22

23 3. The Commissioner of Education shall establish an
24 interdistrict public school choice program which shall provide for
25 the creation of choice districts. A choice district may enroll
26 students across district lines in designated schools of the choice
27 district.
28

29 4. a. A proposed choice district shall submit an application to
30 the commissioner no later than April 30 in the year prior to the
31 school year in which the choice program will be implemented;
32 except that for the first year of implementation of the program
33 pursuant to P.L. , c. (C.) (pending before the Legislature as
34 this bill), the application shall be submitted no later than the date
35 specified by the commissioner. The application shall include, but
36 not be limited to, the following information:

37 (1) a description of programs and schools and the number of
38 student openings in each school identified by grade level which are
39 available for selection;

40 (2) the provision for the creation of a parent information center;

41 (3) a description of the student application process and any
42 criteria required for admission; ¹and¹

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AED committee amendments adopted February 18, 2010.

²Senate SBA committee amendments adopted June 24, 2010.

1 (4) an analysis of the potential impact of the program on student
2 population diversity in all potential participating districts and a plan
3 for maintaining diversity in all potential participating districts,
4 which plan shall not be used to supersede a court-ordered or
5 administrative court-ordered desegregation plan ¹;

6 (5) the provision for screening out students during the
7 application process who wish to attend a school for athletic,
8 extracurricular, or social reasons; and

9 (6) after agreement with potential sending districts, the school
10 district responsible for the transportation, or aid-in-lieu-of
11 transportation, for students participating in the choice program from
12 each of the potential sending districts¹.

13 The commissioner shall notify a choice district of the approval or
14 disapproval of its application no later than July 30, and the reasons
15 for disapproval shall be included in the notice; except that for the
16 first year of implementation of the program pursuant to P.L. ,
17 c. (C.) (pending before the Legislature as this bill), notification
18 shall be no later than the date specified by the commissioner.

19 The commissioner shall notify the State Board of Education of
20 the approval of a choice district application and the State board
21 shall include a public notice of the approval on the next agenda for
22 its public monthly meeting.

23 b. The commissioner may take appropriate action, consistent
24 with State and federal law, to provide that student population
25 diversity in all districts participating in a choice district program is
26 maintained. Student population diversity shall include, but not be
27 limited to, the ethnic, racial, economic, and geographic diversity of
28 a district's student population. The actions may include, but need
29 not be limited to:

30 (1) directing a choice district to take appropriate steps to
31 implement successfully the district's plan for maintaining student
32 population diversity;

33 (2) restricting the number of choice students from a sending
34 district or the authority of a choice district to accept choice students
35 in the future; and

36 (3) revoking approval of the choice district. Any choice student
37 who is attending a designated school in a choice district at the time
38 of the commissioner's revocation of approval shall be entitled to
39 continue to be enrolled in that school until graduation.

40
41 5. The commissioner shall evaluate an application submitted by
42 a proposed choice district according to the following criteria:

43 a. the fiscal impact on the district;

44 b. the quality and variety of academic programs offered within
45 the district;

46 c. the potential effectiveness of the student application process
47 and of the admissions criteria utilized;

1 d. the impact on student population diversity in the district; and
2 e. the degree to which the program will promote or reduce
3 educational quality in the choice district and the sending districts.
4

5 6. Any choice district established by the commissioner prior to
6 the effective date of P.L. , c. (C.) (pending before the
7 Legislature as this bill) is authorized to continue operation as if the
8 choice district had been approved pursuant to the provisions of
9 P.L. , c. (C.) (pending before the Legislature as this bill).
10

11 7. a. The parents or guardian of a student shall notify the
12 sending district of the student's intention to participate in the choice
13 program and shall submit an application to the choice district,
14 indicating the school the student wishes to attend, no later than the
15 date specified by the commissioner. To be eligible to participate in
16 the program, a student shall be enrolled at the time of application in
17 grades preschool through ¹[9] 12¹ in a school of the sending
18 district and have attended school in the sending district for at least
19 one full year immediately preceding enrollment in the choice
20 district ²[; except that the] , provided that a "sending district"
21 includes any school district that a student in a particular district of
22 residence is required by law to attend. The² one-year requirement
23 shall not apply to a student enrolling in preschool or kindergarten in
24 the choice district, if that student has a sibling enrolled in the choice
25 district. Openings in a designated school of a choice district shall
26 be on a space-available basis, and if more applications are received
27 for a designated school than there are spaces available, a lottery
28 shall be held to determine the selection of students. Preference for
29 enrollment may be given to siblings of students who are enrolled in
30 a designated school.

31 ¹If there is an opening in a designated school of a choice district
32 and there is no student who is enrolled in a sending district who
33 meets the attendance requirements of this subsection, including a
34 student who has been placed on a waiting list based on a lottery
35 held in the choice district, then the choice district may fill that
36 opening with a public school student who does not meet the
37 attendance requirements of this subsection or a nonpublic school
38 student.¹

39 b. A choice district may evaluate a prospective student on
40 ¹[reasonable criteria, including]¹ the student's interest in the
41 program offered by a designated school. The district shall not
42 discriminate in its admission policies or practices on the basis of
43 athletic ability, intellectual aptitude, English language proficiency,
44 status as a handicapped person, or any basis prohibited by State or
45 federal law.

46 c. A choice district shall not prohibit the enrollment of a
47 student based upon a determination that the additional cost of

1 educating the student would exceed the amount of additional State
2 aid received as a result of the student's enrollment. A choice
3 district may reject the application for enrollment of a student who
4 has been classified as eligible for special education services
5 pursuant to chapter 46 of Title 18A of the New Jersey Statutes if
6 that student's individualized education program could not be
7 implemented in the district, or if the enrollment of that student
8 would require the district to fundamentally alter the nature of its
9 educational program, or would create an undue financial or
10 administrative burden on the district.

11 d. A student whose application is rejected by a choice district
12 shall be provided with a reason for the rejection in the letter of
13 notice. The appeal of a rejection notice may be made to the
14 commissioner.

15 e. Once a student is enrolled in a designated school, the student
16 shall not be required to reapply ²~~for~~² each school year ²~~for~~
17 enrollment in any designated school of the choice district² and shall
18 continue to be permitted to be enrolled until graduation. A student
19 shall be permitted to transfer back to a school of the sending district
20 or may apply to a different choice district during the next
21 application period.

22 f. A choice district shall accept all of the credits earned toward
23 graduation by a student in the schools of the sending district.

24 g. A choice district shall notify a sending district upon the
25 enrollment of a choice student resident in that district.

26

27 8. a. (1) ¹~~Upon adoption of a resolution, the school board of~~
28 a sending district may restrict enrollment of its students in a choice
29 district to 2% of the number of students per grade level per year in
30 the sending district, limited by any resolution adopted pursuant to
31 paragraph (2) of this subsection.

32 (2) Upon adoption of a resolution, the school board of a sending
33 district may restrict enrollment of its students in a choice district to
34 7% of the total number of students enrolled in the sending district.

35 (3) ¹~~The school board of a sending district may adopt a~~
36 resolution to ¹~~exceed the enrollment restriction percentages of~~
37 paragraphs (1) and (2) of this subsection] restrict enrollment of its
38 students in a choice district¹ to a maximum of 10% of the number
39 of students per grade level per year limited by any resolution
40 adopted pursuant to this paragraph and 15% of the total number of
41 students enrolled in the sending district, provided that the resolution
42 shall be subject to approval by the commissioner upon a
43 determination that the resolution is in the best interest of the
44 district's students and that it will not adversely affect the district's
45 programs, services, operations, or fiscal conditions, and that the
46 resolution will not adversely affect or limit the diversity of the

1 remainder of the student population in the district who do not
2 participate in the choice program.

3 ~~'[(4)] (2)'~~ Enrollment restriction percentages adopted by any
4 resolution pursuant to paragraph (1) ~~'[, (2), or (3)]~~ of this
5 subsection' shall not be compounded from year to year and shall be
6 based upon the enrollment counts for the year preceding the sending
7 district's initial year of participation in the choice program, except
8 that in any year of the program in which there is an increase in
9 enrollment, the percentage enrollment restriction may be applied to
10 the increase and the result added to the preceding year's count of
11 students eligible to attend a choice district. If there is a decrease in
12 enrollment at any time during the duration of the program, the
13 number of students eligible to attend a choice district shall be the
14 number of students enrolled in the choice program in the initial year
15 of the district's participation in the program, provided that a student
16 attending a choice district school shall be entitled to remain
17 enrolled in that school until graduation.

18 ~~'[(5)] (3)'~~ The calculation of the enrollment of a sending district
19 shall be based on the enrollment count as reported on the
20 Application for State School Aid in October preceding the school
21 year during which the restriction on enrollment shall be applicable.

22 b. ~~'[The school board of a sending district may restrict~~
23 enrollment of a student on the basis of an exceptional circumstance
24 that would affect the sending district's instructional program upon
25 the adoption of a resolution detailing the reasons for the restriction.
26 The restriction shall be subject to the approval of the commissioner.

27 c.]' A choice district shall not be eligible to enroll students on a
28 tuition basis pursuant to N.J.S.18A:38-3 while participating in the
29 interdistrict public school choice program. Any student enrolled on
30 a tuition basis prior to the establishment of the choice program shall
31 be entitled to remain enrolled in the choice district as a choice
32 student.

33
34 9. ~~'a.'~~ Transportation, or aid in-lieu-of transportation, shall be
35 provided to an elementary school pupil who lives more than two
36 miles from the ~~'[receiving] choice'~~ district school of attendance
37 and to a secondary school pupil who lives more than two and
38 one-half miles from the ~~'[receiving] choice'~~ district school of
39 attendance, provided the ~~'[receiving] choice'~~ district school is not
40 more than 20 miles from the residence of the pupil. Transportation,
41 or aid in-lieu-of transportation, shall be the responsibility of ~~'[such~~
42 district as designated in the application submitted pursuant to
43 section 4 of P.L. , c. (C.) (pending before the Legislature as
44 this bill)] the sending district. The choice district and the sending
45 district may enter into a shared service agreement in accordance
46 with the "Uniform Shared Services and Consolidation Act,"

1 sections 1 through 35 of P.L.2007, c.63 (C.40A:65-1 through
2 C.40A:65-35)¹.

3 ¹b. Notwithstanding the provisions of section 20 of P.L.2007,
4 c.260 (C.18A:7F-62) to the contrary, the sending district shall
5 receive State aid for transportation calculated pursuant to section 15
6 of P.L.2007, c.260 (C.18A:7F-57) for a student transported or
7 receiving aid-in-lieu-of transportation pursuant to subsection a. this
8 section.¹

9
10 10. A choice district shall establish and maintain a parent
11 information center. The center shall collect and disseminate
12 information about participating programs and schools and shall
13 assist parents and guardians in submitting applications for
14 enrollment of students in an appropriate program and school. ¹The
15 information about participating programs and schools shall be
16 posted on the choice district's website.¹

17
18 11. The commissioner shall annually report to the State Board of
19 Education, the Legislature, and the Joint Committee on the Public
20 Schools on the effectiveness of the interdistrict public school choice
21 program. ¹The commissioner's annual report shall be posted on the
22 Department of Education's website and on the website of each
23 choice district.¹

24
25 12. Sections 1 through 10 and 14 through 17 of P.L.1999, c.413
26 (C.18A:36B-1 through 18A:36B-13) are repealed.

27
28 13. This act shall take effect immediately.