

[First Reprint]

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STATE OF NEW JERSEY
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Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Senator THOMAS H. KEAN, JR.

District 21 (Essex, Morris, Somerset and Union)

Co-Sponsored by:

Senator Ruiz

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: 5/14/2010)

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 "Sending district" means the district of residence of a choice
19 student.

20
21 3. The Commissioner of Education shall establish an
22 interdistrict public school choice program which shall provide for
23 the creation of choice districts. A choice district may enroll
24 students across district lines in designated schools of the choice
25 district.

26
27 4. a. A proposed choice district shall submit an application to
28 the commissioner no later than April 30 in the year prior to the
29 school year in which the choice program will be implemented;
30 except that for the first year of implementation of the program
31 pursuant to P.L. , c. (C.) (pending before the Legislature as
32 this bill), the application shall be submitted no later than the date
33 specified by the commissioner. The application shall include, but
34 not be limited to, the following information:

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

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

39 (3) a description of the student application process and any
40 criteria required for admission; and

41 (4) an analysis of the potential impact of the program on student
42 population diversity in all potential participating districts and a plan
43 for maintaining diversity in all potential participating districts,

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:

¹Senate SBA committee amendments adopted June 24, 2010.

1 which plan shall not be used to supersede a court-ordered or
2 administrative court-ordered desegregation plan.

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

9 The commissioner shall notify the State Board of Education of
10 the approval of a choice district application and the State board
11 shall include a public notice of the approval on the next agenda for
12 its public monthly meeting.

13 b. The commissioner may take appropriate action, consistent
14 with State and federal law, to provide that student population
15 diversity in all districts participating in a choice district program is
16 maintained. Student population diversity shall include, but not be
17 limited to, the ethnic, racial, economic, and geographic diversity of
18 a district's student population. The actions may include, but need
19 not be limited to:

20 (1) directing a choice district to take appropriate steps to
21 implement successfully the district's plan for maintaining student
22 population diversity;

23 (2) restricting the number of choice students from a sending
24 district or the authority of a choice district to accept choice students
25 in the future; and

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

30
31 5. The commissioner shall evaluate an application submitted by
32 a proposed choice district according to the following criteria:

33 a. the fiscal impact on the district;

34 b. the quality and variety of academic programs offered within
35 the district;

36 c. the potential effectiveness of the student application process
37 and of the admissions criteria utilized;

38 d. the impact on student population diversity in the district; and

39 e. the degree to which the program will promote or reduce
40 educational quality in the choice district and the sending districts.

41
42 6. Any choice district established by the commissioner prior to
43 the effective date of P.L. , c. (C.) (pending before the
44 Legislature as this bill) is authorized to continue operation as if the
45 choice district had been approved pursuant to the provisions of
46 P.L. , c. (C.) (pending before the Legislature as this bill).

1 7. a. The parents or guardian of a student shall notify the
2 sending district of the student's intention to participate in the choice
3 program and shall submit an application to the choice district,
4 indicating the school the student wishes to attend, no later than the
5 date specified by the commissioner. To be eligible to participate in
6 the program, a student shall be enrolled at the time of application in
7 grades preschool through 12 in a school of the sending district and
8 have attended school in the sending district for at least one full year
9 immediately preceding enrollment in the choice district ¹]; except
10 that the **]** , provided that a “sending district” includes any school
11 district that a student in a particular district of residence is required
12 by law to attend. The¹ one-year requirement shall not apply to a
13 student enrolling in preschool or kindergarten in the choice district,
14 if that student has a sibling enrolled in the choice district. Openings
15 in a designated school of a choice district shall be on a space-
16 available basis, and if more applications are received for a
17 designated school than there are spaces available, a lottery shall be
18 held to determine the selection of students. Preference for
19 enrollment may be given to siblings of students who are enrolled in
20 a designated school.

21 If there is an opening in a designated school of a choice district
22 and there is no student who is enrolled in a sending district who
23 meets the attendance requirements of this subsection, including a
24 student who has been placed on a waiting list based on a lottery
25 held in the choice district, then the choice district may fill that
26 opening with a public school student who does not meet the
27 attendance requirements of this subsection or a nonpublic school
28 student.

29 b. A choice district may evaluate a prospective student on the
30 student's interest in the program offered by a designated school.
31 The district shall not discriminate in its admission policies or
32 practices on the basis of athletic ability, intellectual aptitude,
33 English language proficiency, status as a handicapped person, or
34 any basis prohibited by State or federal law.

35 c. A choice district shall not prohibit the enrollment of a
36 student based upon a determination that the additional cost of
37 educating the student would exceed the amount of additional State
38 aid received as a result of the student's enrollment. A choice
39 district may reject the application for enrollment of a student who
40 has been classified as eligible for special education services
41 pursuant to chapter 46 of Title 18A of the New Jersey Statutes if
42 that student's individualized education program could not be
43 implemented in the district, or if the enrollment of that student
44 would require the district to fundamentally alter the nature of its
45 educational program, or would create an undue financial or
46 administrative burden on the district.

47 d. A student whose application is rejected by a choice district
48 shall be provided with a reason for the rejection in the letter of

1 notice. The appeal of a rejection notice may be made to the
2 commissioner.

3 e. Once a student is enrolled in a designated school, the student
4 shall not be required to reapply ~~'[for]'~~ each school year ~~'for~~
5 enrollment in any designated school of the choice district¹ and shall
6 continue to be permitted to be enrolled until graduation. A student
7 shall be permitted to transfer back to a school of the sending district
8 or may apply to a different choice district during the next
9 application period.

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

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

14

15 8. a. (1) The school board of a sending district may adopt a
16 resolution to restrict enrollment of its students in a choice district to
17 a maximum of 10% of the number of students per grade level per
18 year limited by any resolution adopted pursuant to this paragraph
19 and 15% of the total number of students enrolled in the sending
20 district, provided that the resolution shall be subject to approval by
21 the commissioner upon a determination that the resolution is in the
22 best interest of the district's students and that it will not adversely
23 affect the district's programs, services, operations, or fiscal
24 conditions, and that the resolution will not adversely affect or limit
25 the diversity of the remainder of the student population in the
26 district who do not participate in the choice program.

27 (2) Enrollment restriction percentages adopted by any resolution
28 pursuant to paragraph (1) of this subsection shall not be
29 compounded from year to year and shall be based upon the
30 enrollment counts for the year preceding the sending district's initial
31 year of participation in the choice program, except that in any year
32 of the program in which there is an increase in enrollment, the
33 percentage enrollment restriction may be applied to the increase and
34 the result added to the preceding year's count of students eligible to
35 attend a choice district. If there is a decrease in enrollment at any
36 time during the duration of the program, the number of students
37 eligible to attend a choice district shall be the number of students
38 enrolled in the choice program in the initial year of the district's
39 participation in the program, provided that a student attending a
40 choice district school shall be entitled to remain enrolled in that
41 school until graduation.

42 (3) The calculation of the enrollment of a sending district shall
43 be based on the enrollment count as reported on the Application for
44 State School Aid in October preceding the school year during which
45 the restriction on enrollment shall be applicable.

46 b. A choice district shall not be eligible to enroll students on a
47 tuition basis pursuant to N.J.S.18A:38-3 while participating in the
48 interdistrict public school choice program. Any student enrolled on

1 a tuition basis prior to the establishment of the choice program shall
2 be entitled to remain enrolled in the choice district as a choice
3 student.

4
5 9. a. Transportation, or aid in-lieu-of transportation, shall be
6 provided to an elementary school pupil who lives more than two
7 miles from the choice district school of attendance and to a
8 secondary school pupil who lives more than two and one-half miles
9 from the choice district school of attendance, provided the choice
10 district school is not more than 20 miles from the residence of the
11 pupil. Transportation, or aid in-lieu-of transportation, shall be the
12 responsibility of the sending district. The choice district and the
13 sending district may enter into a shared service agreement in
14 accordance with the “Uniform Shared Services and Consolidation
15 Act,” sections 1 through 35 of P.L.2007, c.63 (C.40A:65-1 through
16 C.40A:65-35).

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

23
24 10. A choice district shall establish and maintain a parent
25 information center. The center shall collect and disseminate
26 information about participating programs and schools and shall
27 assist parents and guardians in submitting applications for
28 enrollment of students in an appropriate program and school. The
29 information about participating programs and schools shall be
30 posted on the choice district’s website.

31
32 11. The commissioner shall annually report to the State Board of
33 Education, the Legislature, and the Joint Committee on the Public
34 Schools on the effectiveness of the interdistrict public school choice
35 program. The commissioner’s annual report shall be posted on the
36 Department of Education’s website and on the website of each
37 choice district.

38
39 12. Sections 1 through 10 and 14 through 17 of P.L.1999, c.413
40 (C.18A:36B-1 through 18A:36B-13) are repealed.

41
42 13. This act shall take effect immediately.