

ASSEMBLY, No. 294

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman ROONEY and Assemblywoman VANDERVALK

1 AN ACT concerning the school district of attendance of certain pupils
2 and supplementing chapter 38 of Title 18A of the New Jersey
3 Statutes.

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

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8 1. a. There is established a four year public school choice pilot
9 program to enable pupils in certain public school districts to attend a
10 school or program in another public school district. For the 1994-95
11 and 1995-96 school years pupils in a district designated as a special
12 needs district pursuant to chapter 7D of Title 18A of the New Jersey
13 Statutes may participate in the public school choice program
14 established under this act. For the 1996-97 and 1997-98 school years
15 pupils in a special needs district and in a district which is designated
16 as in District Factor Group A, B, C, or D may participate in the public
17 school choice program established under this act.

18 b. Each board of education shall, by resolution, determine the
19 number of nonresident pupils which may attend its schools or
20 programs pursuant to this section. No district shall be obligated to
21 accept nonresident pupils pursuant to the provisions of this act.

22 c. If the number of openings for nonresident pupils determined by
23 the district pursuant to subsection b. of this section is less than 15%
24 of the resident enrollment of the district, the district shall document in
25 a public letter to the Commissioner of Education the basis for the
26 district's decision to accept a lesser number of pupils.

27 d. No pupil determined to have a severe disability or requiring out
28 of district placement pursuant to an Individualized Education Program
29 shall participate in the public school choice program established under
30 this act.

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32 2. a. In order for a pupil to attend a school or program in a district
33 outside of the pupil's district of residence, the pupil's parent or
34 guardian shall submit an application to the nonresident district by
35 November 15 for initial enrollment beginning the following school

1 year. The application shall be on a form provided by the
2 Commissioner of Education. Before submitting an application, the
3 pupil and the pupil's parent or guardian shall discuss with a school
4 guidance counselor, or other appropriate staff member of the district
5 of residence, the pupil's academic or other reason for applying to
6 enroll in a school or program of a nonresident district. However, the
7 guidance counselor or other staff member shall not prohibit the pupil
8 from attending the schools of another district. The pupil's application
9 shall identify the reason for seeking enrollment in the nonresident
10 district. A particular school or program may be requested by the
11 pupil's parent or guardian. Once enrolled in a nonresident district, the
12 pupil shall remain enrolled therein for the duration of the pilot project
13 and shall not be required to submit annual or periodic applications for
14 renewal. In order to return to the resident district or to attend the
15 schools of a different nonresident district, the parent or guardian of the
16 pupil shall provide notice to both the resident district and the
17 nonresident district or apply to a different nonresident district by
18 November 15 for enrollment beginning the following school year.

19 b. A district receiving an application from a nonresident pupil
20 under this act shall notify the pupil's parent or guardian in writing
21 within 20 days following receipt of an application whether the
22 application has been accepted or rejected. The only basis for rejection
23 of an application by a school district shall be that all openings for
24 nonresident pupils have been filled, as determined by the date a
25 completed application is received by the district. The pupil's parent or
26 guardian shall notify the nonresident district within 20 days following
27 acceptance whether the pupil intends to enroll in the nonresident
28 district. Notice of intent to enroll in the nonresident district obligates
29 the pupil to attend the nonresident district during the following school
30 year, unless the school boards of the resident and the nonresident
31 districts agree in writing to allow the pupil to transfer back to the
32 resident district, or the pupil's residence changes to another district.
33 The nonresident district shall notify the resident district and the
34 Commissioner of Education of the pupil's intent to enroll in the
35 nonresident district. The procedures set forth in this subsection shall
36 also apply to a pupil who applies to transfer from one participating
37 nonresident district to another participating nonresident district.

38 c. A nonresident district shall award a diploma to a nonresident
39 pupil participating in the public school choice program if the pupil
40 meets State graduation requirements.

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42 3. a. A school district which has enrolled nonresident pupils
43 pursuant to this act shall submit to the Commissioner of Education on
44 the first day of October, December, February, April and June proof of
45 a pupil's attendance or continued attendance in the nonresident district.
46 If a pupil ceases to attend the school during the school year, the

1 nonresident district shall notify the commissioner immediately.
2 However, a pupil attending a nonresident school district pursuant to
3 this act shall continue to be included in the calculation of the resident
4 enrollment of the district of residence and shall not be included in the
5 resident enrollment of the district of attendance.

6 b. The commissioner shall pay to the nonresident school district for
7 each pupil enrolled pursuant to this act an amount equal to the greater
8 of 85% of the foundation aid attributable to a pupil in the district of
9 residence for the year of attendance, as defined pursuant to subsection
10 e. of this section, or 50% of the per pupil local levy budget of the
11 district of residence as determined pursuant to subsection c. of this
12 section. The commissioner shall also pay to the nonresident district
13 any special education aid, aid for bilingual pupils, and at-risk aid
14 attributable to the pupil pursuant to chapter 7D of Title 18A of the
15 New Jersey Statutes. The amount so calculated shall be paid to the
16 nonresident school district in 10 equal monthly installments on the first
17 day of each month from September through June.

18 c. The local levy budget per pupil for the district of residence shall
19 be calculated for each pupil by dividing the sum of the district's
20 foundation aid and local levies for current expense and capital outlay
21 by the resident enrollment of the school district and multiplying the
22 quotient by 1.00 for a pupil in grades kindergarten through fifth, 1.10
23 for a pupil in grades sixth through eighth and 1.30 for a pupil in grades
24 ninth through twelfth.

25 d. The commissioner shall annually reduce the State aid entitlement
26 of the school district of residence by the amount of State aid paid to
27 the district of attendance pursuant to subsection b. of this section.

28 e. For the purposes of this section, "foundation aid attributable to
29 a pupil" means an amount equal to the average per pupil foundation
30 aid received by a district for all pupils in the same grade as the pupil
31 seeking enrollment under this act. This amount shall be calculated
32 using the foundation weights for the appropriate grade level set forth
33 in section 6 of P.L.1990, c.52 (C.18A:7D-6).

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35 4. Each district in which resides pupils eligible to participate in the
36 public school choice program established under this act shall make
37 available to its pupils and parents and guardians of pupils by
38 November 1 of each school year a list of the public school districts,
39 along with the number of openings for nonresident pupils for each
40 district, which the pupil would be authorized to attend under the bill.
41 The list shall be annually prepared by the Commissioner of Education
42 and provided to each school district.

43 All public school districts accepting nonresident pupils pursuant to
44 this act shall make available to interested persons information about
45 the district, schools, programs, policies and procedures.

1 5. Transportation shall be provided by the school district of
2 residence to the nonresident school of attendance for which the school
3 district of residence shall be eligible to receive State transportation aid
4 pursuant to section 16 of P.L.1990, c.52 (C.18A:7D-18). However,
5 if the lowest bid received for providing such transportation exceeds
6 \$675, or the amount determined for nonpublic school transportation
7 costs per pupil pursuant to N.J.S.18A:39-1a, the district shall not be
8 required to provide transportation, and the parent or guardian of the
9 pupil to be transported shall be eligible to receive \$675, or the amount
10 determined for nonpublic school transportation costs per pupil
11 pursuant to N.J.S.18A:39-1a. If the school district of residence does
12 not provide transportation to public school pupils pursuant to
13 N.J.S.18A:39-1, the school district of attendance shall provide the
14 transportation required pursuant to this section and shall receive
15 transportation aid as provided herein. If neither the school district of
16 residence nor the school district of attendance provides transportation
17 to public school pupils pursuant to N.J.S.18A:39-1, neither district
18 shall be required to provide transportation pursuant to this section,
19 and the parent or guardian of the pupil to be transported shall be
20 eligible to receive \$675, or the amount determined for nonpublic
21 school transportation costs per pupil pursuant to N.J.S.18A:39-1a.

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23 6. For the purposes of calculating each district's maximum
24 permissible net budget pursuant to section 85 of P.L.1990, c.52
25 (C.18A:7D-28), a district's local levy budget shall include its
26 foundation aid entitlement prior to any deductions made as a result of
27 P.L. , c. (C.) (now pending before the Legislature as this bill).
28 The Commissioner of Education shall make any adjustments to a
29 district's maximum permissible net budget or equity spending cap
30 which may be necessary as a result of that act.

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32 7. The Commissioner of Education shall evaluate the public school
33 choice pilot program established by this act and shall report to the
34 Legislature and the Governor by September 1, 1997 as to the
35 effectiveness of the program along with a recommendation as to
36 whether the program should be continued, modified or expanded to
37 allow other pupils, in addition to those residing in districts designated
38 as in District Factor Group A, B, C, or D, to participate.

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40 8. This act shall take effect immediately.

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STATEMENT

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45 This bill establishes a four year public school choice pilot program
46 to give pupils in certain school districts expanded educational

1 opportunities.

2 The bill provides that any pupil residing in a special needs district
3 may attend a school or program in any public school district outside
4 the pupil's district of residence beginning in the 1994-95 school year.
5 The program will be expanded to any pupil in a district designated as
6 in District Factor Group A, B, C or D in the 1996-97 school year.

7 Each board of education shall decide how many nonresident pupils
8 will be accepted into the schools of the district, but if the number of
9 openings is less than 15% of the district's resident enrollment, the
10 district must state in a letter to the Commissioner of Education the
11 basis for the district's decision to accept a lesser number of pupils.
12 The nonresident district will then receive State aid equal to the greater
13 of 85% of the foundation aid per pupil at the district of residence or
14 50% of the local levy budget per pupil, weighted by grade level, for
15 the district of residence. The State aid provided should be adequate
16 to compensate the district of attendance for the marginal regular
17 education costs for additional pupils given the district's unused
18 facilities. This distribution of State aid would benefit the district of
19 residence by allowing it to retain a substantial portion of the State and
20 local revenues for pupils exercising the school choice option. The
21 district of residence could then use the remaining State aid and local
22 levies on behalf of those pupils to bolster spending on the education
23 of the other pupils in the school district. The nonresident district will
24 also receive any special education, bilingual or at-risk aid which is
25 attributable to the pupil. A deduction would be made from the State
26 aid entitlement of the district of residence equal to the amount of any
27 State aid paid to the district of attendance on behalf of the pupil.

28 The resident district must provide the pupil with transportation to
29 the school of attendance or, if the costs of the transportation exceed
30 \$675, the parent or guardian of the pupil will be eligible to receive
31 \$675 to defray the costs of transportation. The district of residence
32 will be eligible to receive State transportation aid for this
33 transportation. If the district of residence does not provide
34 transportation to pupils, then the district of attendance must provide
35 transportation and will be eligible to receive transportation aid. If
36 neither the district of attendance nor district of residence provide
37 transportation to pupils, then the parent of the pupil will be eligible to
38 receive \$675 to defray the costs of transportation.

39 The pilot program established under the bill will terminate after the
40 1997-98 school year. However, the Commissioner of Education is to
41 report to the Legislature and the Governor as to the effectiveness of
42 the program and recommend whether the program should be continued
43 or expanded.

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3 Establishes a public school choice pilot program for pupils residing in
4 certain school districts.

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