

Policy

SCHOOL CHOICE PROGRAM

The Frenchtown School District shall admit choice students on a space available basis.

Admission may be limited to a particular grade level or program as designated by the administration on an annual basis.

The board of education shall not prevent or discourage students from participating in the school choice program who meet the criteria as detailed in the district's application for participation in the choice program. The district may establish reasonable criteria to evaluate prospective choice students, including:

- A. The student's interest in the program offered;
- B. All criteria outlined in the board of education's application for choice program participation.

The district may not impose admission criteria upon prospective choice program students other than those used to determine admission of the residents of this district. No applicant to become a choice student of this district shall be discriminated against on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a student with disabilities, proficiency in the English language, or any other basis prohibited by State or Federal law. This 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.

All students enrolled in the choice program shall not be required to reapply and shall be guaranteed enrollment in the district through all the grades offered by the district. The 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.

Preferences for Enrollment

- A. Enrollment may be prioritized for:
 - 1. Students with siblings in the district (including students applying for kindergarten);
 - 2. Choice students from a district that terminates before grade 12; or
 - 3. Resident students who moved out of the district and want to remain the following year.

Students granted preference may be put ahead of Tier 1 applicants and need not be entered into a lottery with Tier 1 applicants. If the number of preference applicants exceeds the spaces available a lottery shall be held for the preference applicants.

- B. The district shall prioritize all Tier 1 applicants for the spaces available in the School Choice program.

A Tier 1 student shall be enrolled in a NJ public school in his or her resident school district for the entire year immediately preceding enrollment in the Choice Program. If applying for kindergarten, a student must be attending his or her resident district's public preschool or, if that district does not offer preschool, have a sibling currently attending the Choice Program to be considered Tier 1.

Only if space remains after all Tier 1 applications have been accepted in the choice program the district shall accept Tier 2 students. Tier 2 students include New Jersey residents who have not attended their

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resident public school for the entire year immediately prior to enrollment in the desired choice district and do not otherwise meet the requirements for Tier 1. If the number of Tier 2 applications exceeds the number of remaining choice seats available, a lottery shall be conducted to select students.

Special Education Students

An application for enrollment of a student who has been classified as eligible for special education services pursuant to N.J.S.A. 18A:46 may be rejected:

- A. If the student's individualized education program can not be implemented in this district; or
- B. If the enrollment of that student would require the district to fundamentally alter the nature of its educational program; or
- C. If the enrollment of that student would create an undue financial or administrative burden on the district.

A student 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, through the Bureau of Controversies and Disputes.

If the student is determined to need special education services after acceptance but prior to the start of the first school year in the district and the district cannot implement the individualized education program (IEP) as, acceptance into the choice program can be revoked.

Once the applicant has been enrolled and started the first year in the choice program, the district is required to keep the student and ensure that the student's needs for special education services are met, just the same as it would for a resident student. Once the student has enrolled, and an IEP is developed that cannot be implemented by the district, the district must follow the normal IEP process for out-of-district placement (see board policy 6171.4 Special Education and law: N.J.A.C. 6A:14-2.7 for due process hearings, N.J.A.C. 6A:14-3.7 for IEP process and N.J.A.C. 6A:14-4.3 for program options).

Application

The district shall adhere to the notification, application, and reporting deadlines established annually by the NJDOE and found at <http://www.state.nj.us/education/choice/apptimes.htm>. The following steps shall be implemented for notifications, applications and report submissions:

- A. The student's parent or legal guardian must submit the Notice of Intent to Participate in a School Choice Program to the chief school administrator of their resident district no later than the deadline established by the NJDOE);
- B. The resident district shall notify the parent/guardian no later than the deadline established by the NJDOE confirming or denying the students eligibility to participate in the School Choice Program. Students may be denied eligibility if the board has resolved and the Commissioner has approved a limit on the number of students who may leave the district to enroll in a school choice program. Students shall be confirmed on a first come first serve basis;
- C. The student's parent or legal guardian must submit the application for the choice program no later than application deadline established by the NJDOE;
- D. The Frenchtown School District shall notify the parent or legal guardian in writing no later than deadline established by the NJDOE, whether the application for participation in the choice program has been conditionally accepted or rejected. If an application is rejected, the district shall state the reason for rejection in the notification and shall provide applicable information regarding the student's position on the waiting list;

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- E. The parent or legal guardian shall then provide written notification to this district no later than deadline established by the NJDOE whether the student applicant intends to enroll in the choice program. This notification shall be binding;
- F. In the event that parent/guardian is notified that the application has been accepted, but the parent/guardian fails to provide the written binding notice of intent to enroll, the district shall accept applicants from the waiting list. The district shall notify the parent or legal guardian from the waiting list that the student(s) is accepted no later than deadline established by the NJDOE;
- G. The Frenchtown School District shall notify the sending districts in writing of each student's enrollment within 10 days of the student's notification of the intention to attend this choice program.

Unfunded School Choice Students

The district may enroll students for all approved seats available in accordance with the approved district application for the School Choice Program and board policy after the application deadline and the enrollment data has been sent to the NJDOE. However, when a student is enrolled after the enrollment data submission deadline (from the waiting list or from a late application) the student shall be an unfunded choice student in the subsequent school year. The unfunded student's enrollment will be automatically converted to a funded choice student the following year if he/she remains in the choice program.

An application for the Choice Program may be accepted late and the student enrolled during the ongoing school year, for resident students who move out of the district and wish to complete the year or continue as a Choice Program student. In such a case the district will obtain a deadline waiver from the Commissioner. The student shall be unfunded in the subsequent school year. The unfunded student's enrollment will be automatically converted to a funded choice student the following year if he/she remains in the choice program.

The enrollment data to the NJDOE shall be accurate and reflect the number of accepted applications as well as the actual number of students reporting the intention to enroll. If however, a student defaults and creates a vacancy for a funded space, the district may fill the vacancy and it shall be funded.

The district shall use the waitlist and select students according to the policy and regulations governing the development and use of the waitlist for all available seats and/or vacancies that occur before accepting late applications.

Late applications may be accepted for existing funded spaces, only after the applicants from the waiting list have been contacted and offered the spaces available.

Lottery Selection Process

When there are more applications than space available in the choice program, the district shall hold a public lottery to determine the selection of students for participation in the choice program. The district shall:

- A. Hold a public lottery to determine the selection of students for participation in the choice program;
- B. Notify the parent or 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 or guardian of the number assigned to their child(ren); and
- D. Develop a waiting list based on the lottery.

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Students granted preference may be put ahead of Tier 1 applicants and need not be entered into a lottery with Tier 1 applicants. The district shall give preference in the following priority order (district should list only the priority categories consistent with their Choice agreement):

- A. Students with siblings in the district (including students applying for kindergarten);
- B. Choice students who have completed the terminal grade of the sending district; or
- C. Resident students of the Choice district who moved out of the district and want to remain in the choice district the following year.

If the number of preference applicants exceeds the spaces available a lottery shall be held for the preference applicants. Separate lotteries may be held in priority order as stated above for the assignment of seats.

Examples of Lotteries

A. Group lottery

Applications for all grade levels are combined into one group lottery. Students' names/numbers are drawn randomly and seats are filled according to the grade-levels of the applicants and the seat availability in the grades. A waitlist is created for all applicants whose names/numbers are drawn after the seats have been filled.

B. Tiered or grade-level lottery

One or more grade levels are given priority in the lottery process. For each grade-level that is given priority by the district, a separate lottery is held. In other words, all applicants for the same priority grade-level are pooled and names are randomly drawn. Once available seats for the priority grade are filled and a waitlist is created, another lottery for the next priority grade level is held. Once all priority grade level lotteries have been held and waitlists are created, the remaining applications for the non-priority grades levels can be grouped into a group lottery.

Waiting List

When the number of student application for the choice program exceeds the available space in the choice program 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 subject to reapplication.

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Key Words

Choice, School Choice, School Choice Program, Application, Lottery, Waiting List

Legal References: N.J.S.A. 18A:7F-45 Definitions
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:36B-1 et seq. Interdistrict Public School Choice Program Act of 1999

SCHOOL CHOICE PROGRAM (continued)See particularly:N.J.S.A. 18A:36B-20, -21N.J.S.A. 18A:38-1 et seq. Attendance at school free of chargeSee particularly:N.J.S.A. 18A:38-2, 38-3, 38-8,
38-9N.J.S.A. 18A:46-20

Receiving pupils from outside district; establishment of facilities

N.J.S.A. 18A:54-20

Powers of board (county vocational schools)

N.J.A.C. 6A:12-1.3 et seq.

Inter-district Public School Choice

See ParticularlyN.J.A.C. 6A:12-4.1, -4.2, -4.3N.J.A.C. 6A:17-1.1 et seq.

Students at Risk of Not Receiving a Public Education

N.J.A.C. 6A:22

Student residency

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

Eligibility to attend school

N.J.A.C. 6A:22-3.1

Students domiciled within the school district

N.J.A.C. 6A:23-5.2

Method of determining the district of residence

N.J.A.C. 6A:23-5.3

Address submission for determining the district of residence

Illegal Immigrant and Immigration Responsibility Act of 1997, 8 U.S.C. § 1101No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.**Possible**

Cross References: 3240 Tuition income
 *5111 Admission
 *5118 Nonresidents
 *6151 Class size

*Indicates the policy is included in the Critical Policy Reference Manual.