

# **POLICY**

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## **FRANKLIN TOWNSHIP BOARD OF EDUCATION**

File Code: 5118.1

### SCHOOL CHOICE PROGRAM

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

Admission may be limited to:

- A. Grades K-8
- B. 10 students per grade level not to exceed 20 students per class.

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 for specialized programs only, including:

- A. The student's interest in the program offered.

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. 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.

- B. If space remains in the Choice Program the district may accept Tier 2 students

Tier 2 students include NJ residents who have not attended their 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 status (e.g. private school students).

- C. The district may prioritize enrollment for the following:
1. Resident students moving out of the district during the current school year who wish to continue to attend the district's schools as Choice students the next year and thereafter.
  2. Choice applicants with siblings in the district;

#### 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.

#### 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 Choice applicant'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 or legal guardian no later than the deadline established by the NJDOE, confirming or denying the student's eligibility to participate in the School Choice Program. Students may be denied eligibility if the resident district's board has resolved and the Commissioner has approved a limit on the number of students who may leave the district to enroll in a Choice district. Students shall be confirmed on a first come first serve basis.
- C. The student's parent or legal guardian must submit the application for enrollment in the choice program to the choice district no later than the application deadline established by the NJDOE.
- D. The Choice district shall notify the parent or legal guardian in writing no later than the 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 information regarding the student's position on the waiting list;
- E. The parent or legal guardian must then submit the Notice of Intent to Enroll to the Choice district no later than the deadline established by the NJDOE confirming that the student intends to enroll in the choice district. 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 Choice district shall accept a replacement applicant from the waiting list (if any). The district shall notify the parent/guardian from the waiting list that the student(s) is conditionally accepted.

- G. The Choice 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 enroll in the Choice program.

#### Unfunded School Choice Students

If there are Choice spaces still available after the School Choice application deadline and after the district has submitted its new Choice enrollment data for the next school year to the NJDOE, the district may continue to enroll new Choice students from the waiting list (if any) or from late applications with a deadline waiver approved by the Commissioner, or with resident students who move out of the district after the new Choice enrollment data submission deadline and wish to continue to attend the district's schools as Choice students. The district shall use the waiting list (if any) and select students according to the policy and regulations governing the development and use of the waiting list for all available seats and/or vacancies that occur before accepting late applications. Late applications may be accepted for exiting Choice-funded spaces, only after the applicants from the waiting list (if any) have been contacted and offered the spaces available.

The new Choice enrollment data submitted to the NJDOE shall be accurate and reflect the number of accepted Choice applications as well as the actual number of accepted Choice applicants reporting their intention to enroll. If a student defaults and creates a vacancy for a Choice-funded space, the district may fill the vacancy from the waiting list (if any), or with late applications with a deadline waiver approved by the Commissioner, or with resident students who move out of the district after the new Choice enrollment data submission deadline and wish to continue to attend the district's schools as Choice students; and these substitutions shall be Choice-funded the next school year, provided the total number of new Choice students does not exceed the new Choice enrollment data submitted to the NJDOE for the next school year.

Resident students moving out of the district who wish to complete the current school year in the district's schools may do so. If they are included in the new Choice enrollment data submitted to the NJDOE by the submission deadline, the district may allow them to continue to attend the district's schools as Choice-funded students the next school year and thereafter. If they are not included in the new Choice enrollment data submitted to the NJDOE, they will not be Choice-funded the next school year (although they would be Choice-funded the following school years that the student remain in the Choice program) and the district may therefore not allow them to continue to attend the district's schools as Choice students.

In such a case the choice district must:

- have documentation that the student has been converted to a choice student (the choice application with the appropriate revisions may be used for this purpose).
- Advise the student to register with his/her new resident district to let the district know that he/she is a resident of the district.
- notify the resident district of the student's conversion to a choice student .

- send the transportation request information for the student to the resident district as soon as the resident status changes and transportation services are needed.

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.

#### 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. Develop a waiting list based on the lottery to be used in accordance with N.J.A.C. 6A:12-4.3(g);
- B. Give preference for enrollment to those students on the waiting list in accordance with N.J.A.C. 6A:12-4.3(e)1 and (g);
- C. Notify the parent or guardian of every student who has submitted an application to participate in the choice program of the date and time of the lottery;
- D. Assign a number to each student participating in the lottery and shall notify the parent or guardian of the number assigned to their child(ren).

Before conducting the lottery, the district may give preference to siblings of students already enrolled in a school choice program. "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 students already enrolled in and attending the choice program 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.

Having elected to give preference to siblings of students already enrolled in and attending the choice program and there are more sibling applicants than there are available spaces, the district shall conduct a lottery first for the siblings only, in order to determine the selection of students for participation and for placement on the waiting list. If there are spaces available in the program after all siblings are placed, a lottery shall be conducted for any remaining applicants to determine their placement on the waiting list behind the siblings on the waiting list.

#### 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.

The waiting 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 may be offered admission first.

The school waiting list shall expire annually and all waiting applicants shall be subject to reapplication.

Date adopted: 5/13/13

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

See particularly:

N.J.S.A. 18A:36B-20, -21

N.J.S.A. 18A:38-1 et seq. Attendance at school free of charge

See particularly:

N.J.S.A. 18A:38-2, 38-3, 38-8, 38-9

N.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 Particularly

N.J.A.C. 6A:12-4.1, -4.2, -4.3

N.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. § 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  
\*6151 Class size

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

