

## **Frequently Asked Questions**

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#### Tier 1 and Tier 2

##### **Q: What are the definitions of a Tier 1 and a Tier 2 student?**

A: A **Tier 1 student** must be enrolled in a NJ public school in his or her resident school district for the entire year immediately preceding enrollment in a choice district. A student who attends public school in his/her resident school district but moves during the school year and attends public school in his/her new district of residence for the remainder of the school year satisfies the one-year requirement for Tier 1. Charter school students are considered to be Tier 1. 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 district.

Choice districts must first fill their available seats with Tier 1 students. If the number of Tier 1 applications exceeds the number of choice seats available, the choice district must hold a lottery to randomly select 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.

Choice districts are not obligated to accept Tier 2 students. If a choice district accepts Tier 2 applicants, they may do so only after all of the qualified Tier 1 applicants have been accepted. If the number of Tier 2 applications exceeds the number of choice seats available, the choice district must hold a lottery to select of students. Parents should contact their desired choice district to find out if it accepts Tier 2 applications. Information on districts' choice policies, programs offered and number of seats available are posted on the Department of Education website: <http://www.state.nj.us/education/choice/districts/>

**Q: My child is applying to a Choice District for Kindergarten. Will he/she be considered a Tier 1 or Tier 2 applicant?**

A: Students applying to kindergarten are considered Tier 2 unless they attend a public pre-school program offered by their resident district or, if their resident district does not offer a public pre-school program, they have a sibling currently attending the same Choice District.

**Q: Are charter school students Tier 1 or 2? What is the application process for students who are enrolled in a charter school?**

A: Charter school students are considered to be Tier 1 in terms of their choice district application status. Follow the regular [application process](#).

Student Application Process

**Q: If my child applies to a Choice District this fall, when will he or she actually begin school in that district if accepted?**

A: For applications submitted by December 2, 2013, students will begin in the Choice District in the 2014-2015 school year. It is important to note the steps and timelines for this process to ensure that your child is eligible and applies in time. The timelines and steps for applying to the program can be found [here](#).

**Q: Where can I find a Student Application for Enrollment in a Choice District?**

A: Each Choice District prepares and provides its own Student Application. Contact the individual district to which you wish to apply to obtain an application. Choice District contact information can be found [here](#).

**Q: What is the purpose of the *Intent to Participate form* and who should fill it out?**

A: By law, a resident district must be informed if a student intends to participate in the choice program. If your student is currently registered with his/her resident district, you must complete the [\*Notice of Intent to Participate form\*](#), submit it to your resident district by **December 2**, and get a signed receipt that acknowledges you submitted the form. If your student is not registered in his/her resident district, it is not necessary to submit the [\*Notice of Intent to Participate form\*](#).

**Q: Is the *Student's Notice of Intent to Enroll in the Choice District* binding, and do students/families have to make a commitment to attend the choice district for a year?**

A: If your student has received a *Notice of Conditional Acceptance* and you decide to enroll the student in the choice district, you must complete the *Notice of Intent to Enroll Form* and return it to the choice district by **January 6, 2014**. You can submit a Notice of Intent to Enroll to only one choice district. You cannot commit to more than one choice district.

Although we discourage applicants to choice programs from changing their mind after they have returned the Notice of Intent to Enroll, there is no penalty for students who later determine not to participate in a choice program or leave the choice district after acceptance. There is also no restriction on students enrolling in their resident district at any time. We hope and encourage choice students to uphold their commitment and remain in their choice district for at least one year.

**Q: Can a Choice program use criteria for enrollment that is based on student performance, including test scores or grade point?**

A: A Choice program cannot discriminate in admission policies on the basis of intellectual aptitude, athletic ability, English language proficiency, status as a handicapped person, or any basis prohibited by State or federal law. However, if a Choice district limits admission to a special choice program with a particular area of concentration, it may evaluate prospective students using enrollment criteria as long as such criteria does not discriminate between Choice and Resident students, is proven to be justifiable for the specific program, and has been approved by the Department of Education.

**Q: How does the lottery work?**

A: When a choice district receives more applications than there are spaces available, the choice district must hold a public lottery to determine which students may participate in the choice program. The following processes are required:

- Before conducting the lottery, the choice district may give preference to siblings of students already enrolled in and attending the choice district; these students do not need to be entered into the lottery.
- The choice district must assign a number to each student participating in the lottery and notify the parent or guardian of the lottery process, the date and time it will be held, and what number has been assigned to the applicant.
- The choice district must develop a waiting list for those students not selected for admission in the lottery and must let the families know the students' number on the waiting list.

- The choice district must inform students of conditional acceptance or rejection by the determined deadline.
- If a student application is rejected, the choice district must include a reason for the rejection.

**Q: Under what circumstances are students given preference in the application process?**

A: Inquire with the Choice district to find out what application preferences are given. Choice districts may establish policies granting preference to: 1). students with siblings enrolled in the choice district; 2). choice students from send-serve or limited purpose regional districts; or 3). resident students of the choice district who move during the school year and want to enroll in the choice district the following year.

Choice districts also may give preference among Tier 2 students [applying to kindergarten](#) to those with siblings in the district.

Students granted preference may be put ahead of Tier 1 applicants and need not be entered into a lottery with Tier 1 applicants. However, if there are more 'preference' students than open seats, there needs to be a lottery of preference students.

**Q: How does sibling preference work?**

A: Inquire with the Choice district to find out what application preferences are given. Choice districts may grant preference to an applicant if a sibling is already enrolled in their choice program. A choice district may also grant sibling preference for siblings applying to the choice program in the same year, in accordance with board policy, such that if one sibling applicant is admitted to the choice program, his/her sibling will also be admitted, provided a choice seat is available in that grade. Choice districts may also grant preference to tier 2 students [applying to kindergarten](#) with siblings already in the choice program. Enrollment is not guaranteed if the number of sibling applicants exceeds the number of seats available, in which case a lottery will determine which Choice students will be able to enroll.

Resident district notification from non-public school students

**Q: Must students who attend a non-public school notify their resident district if they apply to or are accepted into a choice district?**

A: All students who attend public schools in the state must be registered with their resident district, so non-public school students intending to enroll in a choice district should register with their resident district **by Jan. 17, 2014**. If the student receives a *Notice of Conditional Acceptance* in the choice program and sends the *Notice of Intent to Enroll* to the choice district, it is the responsibility of the choice district to send enrollment notification to the student's resident district by 1/17/2014. The choice district must also send the transportation requests for all their enrolled students to the resident district.

Accepting Late Applications

**Q: Can choice districts continue to accept student applications after the application deadline (Dec. 2, 2013)?**

A: Choice districts may accept late applications after December 2, 2013 if they still have open choice seats. Late applicants may be added to the district's waitlist (if one exists) and may be accepted if seats become available. Contact the choice districts to find out if they have unfilled seats and are accepting late applications.

Transportation

**Q: Is my Resident district obligated to guarantee my child transportation if our Choice District is within 20 miles of our residence?**

A: Your resident district is obligated to provide either transportation or aid in lieu of transportation. Physical transportation will be provided unless the annual cost exceeds \$884. If the transportation costs more than \$884, you will be given \$884 as aid in lieu of transportation. In some cases, you will be given the option of receiving the transportation and paying the additional amount over \$884. Please be aware that you will not receive the Resident district's confirmation regarding transportation until August 1, 2014.

New Choice Districts

**Q: Will new Choice districts be added to the program and when?**

A: New applications to become a Choice district are submitted every April. The list of newly approved Choice Districts for 2014-15 was to be released in August 2013, but has been delayed. Information on the [programs offered and number of seats available](#) will be posted on the Department of Education website this fall. Please check back regularly to see if this information has been posted.

**Q: How do I find out about the programs and choice policies of choice districts?**

A: Information on the [programs offered, the policies and number of seats available](#) are posted on the Department of Education website.

Choice and Student Athletes

**Q: Can a choice district encourage student athletes to apply to their program?**

A: No, a choice district cannot recruit or encourage student enrollment based on athletic ability. Similarly, students cannot participate in a choice program for athletic reasons. The NJSIAA 30-day transfer rule for varsity athletes will apply to choice students as well as to other students attending NJSIAA-member districts, beginning in September 2013. Visit <http://njsiaa.org/> to find their Constitution, Rules and Regulations.

**Q: What are the policies for student varsity athletes who transfer from their resident school to a choice school?**

A: The transfer policy of the New Jersey State Interscholastic Athletic Association (NJSIAA) (<http://www.njsiaa.org/> and click on "Constitution") is beneficial in discouraging the enrollment of students in the choice program for athletic advantage, which goes against the intent of the Interdistrict Choice Program. The NJSIAA has a student transfer policy that applies to students who transfer from one school to another for reasons other than a change of address. The chart below the NJSIAA transfer policy explains how it is applied to choice students.

**NJSIAA Transfer Policy:**

- a. A student-athlete transferring from one secondary school to another, without a bona fide change of residence by that student's parent or guardian, shall be ineligible to participate for a period of thirty (30) calendar days or one half of the maximum number of games allowed in the sport by NJSIAA rules (the ineligibility period) from the beginning of the regular schedule, whichever is less, in any sport in which the student has previously participated at the varsity level.
- b. To prevent possible recruitment or transfer for athletic advantage, a Transfer Form must be executed by the two involved schools and filed with the NJSIAA before any interscholastic participation.
- c. A student who transfers during the second half of a sports season, regardless of whether the transfer was the result of a bona fide change of residence, shall be ineligible to participate in any post-season championship competition at the new school. The Executive Director of the NJSIAA will annually publish the dates that will define the halfway point of each sports season.
- d. Any student who is subject to the 30-day period of ineligibility may nevertheless participate in interscholastic scrimmages at the discretion of the school.

<b>Question</b>	<b>NJSIAA Application of Transfer Rule</b>
1. How do we handle 8th graders who enroll in a Choice school straight out of 8th grade?	Considered initial enrollment; <u>not a transfer</u>
2. What do we do with that same 8th grader who during the 2013-2014 school year (after September 1, 2013) decides to transfer out of Choice school and goes to any other NJSIAA member school, resident school or otherwise?	This is a transfer and student is subject to 30 day sit rule, <u>except if a student transfers back to his resident district</u>
3. How do we handle a student (non-8th grader) who was accepted into a Choice school program prior to 9/11/13?	The student is "grandfathered in" under the previous determination and <u>no 30 day sit will apply</u>
4. How do we handle a "grandfathered student"	If the transfer is after the effective date of the new policy (Sept. 1, 2013), then

who during the 2013-2014 school year wishes to transfer to resident school or any other NJSIAA member school?	student is not grandfathered, except if a student transfers back to his resident district
5. How do we handle students in the class of 2014, 2015, and 2016 who transfer to a NJSIAA member Choice school after September 1, 2013?	Transfer rule would be applicable
6. Does grandfathering only apply to 2013-14 school year?	Yes, after 2013-14 school year, any transfer to resident school or any other NJSIAA member school will be subject to the 30 day sit rule

Choice policies and law

**Q: Under what circumstances can a choice district reject applicants? Can my child be rejected if he/she has an IEP? What process must a district follow?**

A: The circumstances warranting rejection of an applicant who meets the eligibility requirements are limited, according to [statute](#):

**18A:36B-20 Applications by student to choice district.**

A choice 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. A choice district may reject the application for enrollment of a student who has been classified as eligible for special education services pursuant to chapter 46 of Title 18A of the New Jersey Statutes if that student's individualized education program could not be implemented in the district, or if the enrollment of that student would require the district to fundamentally alter the nature of its educational program, or would create an undue financial or administrative burden on the district.

A student whose application is rejected by a choice district must be provided with a written reason for the rejection in the Notice of Rejection.

The appeal of a rejection notice may be made by parents to the commissioner, through the Bureau of Controversies and Disputes. To learn more about this appeals process, see the [Bureau's FAQs](#).

Student enrollment procedures for choice students in districts with send-receive agreements or in limited purpose regional districts

**Q: If a choice student completes the terminal grade in a choice district with a limited grade span, can the choice student automatically enroll in the receiving district school or a regional high school to which the choice district's resident students are sent?**



A: Any choice student who reaches the terminal grade level of the choice school district either (1) returns to the resident district or to the resident district's receiving school; or (2) applies to and is accepted into another choice school district with the requisite grade level. In this second scenario, when a choice student needs to change school districts because they have completed the terminal grade, they must reapply to another choice district with the desired grades. They will be Tier 2 students in the second scenario.

However, if the choice district in which the choice student has completed the terminal grade has a send-receive agreement or a constituent relationship with a school with the requisite grades and the receiving school is in a choice district, the receiving school choice district may give enrollment preference to the choice student from their sending district. If the receiving school choice district decides to give enrollment preference to choice students from its sending district, it must develop an acceptance policy that is equitable and defensible. A high school district should develop policy adopted by the board regarding choice student applicants and the preferences allowed.

If the student wants to apply to another choice district, the STUDENT APPLICATION TIMELINE For the 2014-2015 SCHOOL YEAR and application process should be followed:

- The choice student must fill out the choice application for the receiving choice district.
- The new receiving choice district must notify the resident district of the student's change in enrollment by Jan. 17, 2014.
- The transportation request information for the student must be sent to the resident district by March 15, 2014.

#### Tuition Students

**Q: My child was a tuition student in a district that just recently became a Choice District. How does this affect my child?**

A: Tuition students of districts recently approved as Choice Districts are automatically converted to Choice students with no need to file an application. However, the Choice District must maintain documentation of the student's changed status and the student must be registered with his/her Resident District to be enrolled as Choice student. If your child is not already registered, please contact your Resident District on instructions how to register and complete the process by Jan. 17, 2014.

**Q: How are choice students funded?**

A: The state pays the choice district the local portion of its adequacy budget (called the "local fair share") in the form of "choice aid," on a per pupil basis, for each choice student. (The resident districts keep the local tax levy collected for students who "choice out," so this funding stays in the resident district.) In year 2 and beyond, any state aid attributable to choice students will also be paid to the choice district. Transportation is provided by the resident/sending district. To find more information about choice funding, visit the resources area of the website.

Enrollment of students who move from a choice district

**Q: If we live in a Choice district and my child is enrolled in our public school but we move to another district, can my child stay in our old resident Choice district? What are the processes we must go through?**

A: In the case where a resident student moves out of a Choice district, the parents/guardians of the student have the option of keeping the student in the Choice district until the end of the current school year or moving the student to the new resident district.

**Q: What happens the following year—does my child become a choice student?**

A: It may depend on the timing of your move. If the student moves prior to the Choice Student Application deadline (12/2/13), the district will automatically convert the student's enrollment to a funded Choice student for the following year (2014-15). If the student moves after the application deadline, the Choice district will decide whether or not to allow the student to remain in the Choice District as an unfunded Choice student in the following school year (2014-15) and automatically convert the student to a funded Choice student the next year (2015-16). Contact the Choice district to learn about their board policy regarding this situation.

**Q: If my child is a Choice student and we move to a new resident district how does this affect my child?**

A: A change of resident districts will not affect a Choice student's ability to continue in the Choice program. The new resident district will be responsible for providing transportation. Immediately upon moving, you must register your child in your new resident district and inform the district that your child is in the Choice program and will be requiring transportation from them.