

SCHOOL CHOICE MATTERS

# New Jersey Policy Report

# Introduction

## PURPOSE

A combination of well-designed policies give all students access to the broadest range of educational opportunities, including key core policies and helpful policy enhancers. The purpose of this document is to provide insight to how well your state is doing at implementing the Ecosystem of School Choice Policies. This state report summarizes evidence across the seven policy buckets, with each policy component detailed in individual cells.

## CORE POLICIES

Key policies expand student opportunities.



[Open Enrollment](#)



[Charter Schools](#)



[Private School Choice](#)



[Homeschooling](#)

## POLICY ENHANCERS

Supporting policies enhance those opportunities.



[Part-time Enrollment/Course Access](#)



[Learn Everywhere](#)



[Transportation](#)

CORE POLICIES



## Open Enrollment in New Jersey

POLICY	RATING	POLICY OVERVIEW
<p>Transfers Between Districts</p>	<p><b>LIMITED</b></p> <p>Sending and/or receiving districts have discretion over transfers</p>	<p><b>Interdistrict Public School Choice</b>                      New Jersey Statute requires the Commissioner of Education to create an interdistrict public school choice program that provides for the creation of choice districts. Through this, students may enroll across district lines in designated schools of the choice district.</p> <p><a href="#">(NJ Rev Stat 18A:36B-16 Interdistrict public school choice program)</a></p> <p>To participate, school districts must submit an application to the Commissioner.</p> <p><a href="#">(NJ Rev Stat 18A:36B-17 Application by district for choice program)</a></p> <p>Participating districts may adopt a resolution to restrict enrollment to a maximum of 10% the number of students per grade level per year and 15% of the total number of students enrolled in the sending district.</p> <p><a href="#">(NJ Rev Stat 18A:36B-21 Enrollment restrictions)</a></p> <p>Note that the Interdistrict Public School Choice Program is optional for districts.</p> <p><a href="#">(New Jersey Dept of Education, Interdistrict Public School Choice Program)</a></p> <p><b>Tuition Based Open Enrollment</b>                      New Jersey Statute allows individuals who are nonresidents to be admitted to the schools of the district, with the consent of the Board of Education and with the payment of tuition.</p> <p><a href="#">(NJ Rev Stat 18A:38-3 Admission for nonresident of school district; parent on active duty)</a></p>

		<p>When students are attending public school in another district, the “board of education of the receiving district shall determine a tuition rate to be paid by the board of education of the sending district...”</p> <p><a href="#">(NJ Rev Stat 18A:38-19 Tuition of pupils attending schools in another district)</a></p> <p>If a tuition district becomes a choice district, the tuition-based student will automatically convert to a choice student, with no need to file a new application.</p> <p><a href="#">(New Jersey Dept of Education, FAQs for Parents)</a></p>
Transfers Within Districts	<p><b>NO</b></p> <p>No policy</p>	<p>New Jersey does not have intradistrict open enrollment policies.</p>
Year-round Transfer Window	<p><b>LIMITED</b></p> <p>Restricted transfer window</p>	<p><b>Interdistrict Public School Choice</b> In the application to the Commissioner, the district must include information on the application process.</p> <p><a href="#">(NJ Rev Stat 18A:36B-17 Application by district for choice program)</a></p> <p>Parents must submit applications to the choice program no later than the date that has been identified by the Commissioner.</p> <p><a href="#">(NJ Rev Stat 18A:36B-20 Applications by student to choice district)</a></p> <p>The New Jersey Department of Education has established December 1 as the deadline for student applications.</p> <p><a href="#">(New Jersey Dept of Education, Interdistrict Public School Choice Program)</a></p> <p><b>Tuition Based Open Enrollment</b> Statutes relating to open enrollment through payment of tuition are silent as to application windows.</p>
Tuition-Free Public Schools	<p><b>LIMITED</b></p> <p>Tuition can be charged</p>	<p><b>Interdistrict Public School Choice</b> While participating in the choice program, choice districts may not enroll students on a tuition basis.</p> <p><a href="#">(NJ Rev Stat 18A:36B-21 Enrollment restrictions)</a></p>

		<p><b>Tuition Based Open Enrollment</b>                  New Jersey Statute provides that when students are attending public school in another district, in or out of the state, the Board of Education of the receiving district must determine a tuition rate to be paid by the Board of Education of the sending district. This tuition amount must not exceed the cost per pupil.</p> <p><a href="#">(NJ Rev Stat 18A:38-19 Tuition of pupils attending schools in another district)</a></p>
<p>School Capacity Transparency</p>	<p><b>LIMITED</b>                  Only some information reported</p>	<p>New Jersey Statute provides that choice districts must maintain a parent information center that provides information on participating programs and schools and assists parents with the application process. The information about participating programs and schools must be posted on the choice district’s website.</p> <p><a href="#">(NJ Rev Stat 18A:36B-23 Parent information center)</a></p> <p>Districts also report open enrollment information to the State – the New Jersey Department of Education creates Choice Profiles, which provides information on what grades are available for the choice program and how many seats are available total.</p> <p>The information reported is at the district-level, and not the school-level.</p> <p><a href="#">(New Jersey Dept of Education, Find a Choice District)</a></p>
<p>Transfer Data Transparency</p>	<p><b>LIMITED</b>                  Information only collected and/or some data not reported</p>	<p>The New Jersey Department of Education posts program profiles for all participating Choice Programs. This includes the number of open seats per year.</p> <p><a href="#">(New Jersey Dept of Education, Find a Choice District)</a></p>
<p>Transparent Appeal Process</p>	<p><b>YES</b></p>	<p>Parents may appeal a denial of transfer by a choice district to the Commissioner.</p> <p><a href="#">(NJ Rev Stat 18A:36B-20 Applications by student to choice district)</a></p>

SOURCE CITATIONS

**Statutes**

[NJ Rev Stat 18A:38-3 Admission for nonresident of school district; parent on active duty](#)

[NJ Rev Stat 18A:36B-16 Interdistrict public school choice program](#)

[NJ Rev Stat 18A:36B-17 Application by district for choice program](#)

[NJ Rev Stat 18A:38-19 Tuition of pupils attending schools in another district](#)

[NJ Rev Stat 18A:36B-20 Applications by student to choice district](#)

[NJ Rev Stat 18A:36B-21 Enrollment restrictions](#)

[NJ Rev Stat 18A:36B-23 Parent information center](#)

**State Department of Education**

[New Jersey Dept of Education, Interdistrict Public School Choice Program](#)

[New Jersey Dept of Education, Find a Choice District](#)



## Charter Schools in New Jersey

POLICY	RATING	POLICY OVERVIEW
Multiple Charter Authorizers	<p><b>LIMITED</b></p> <p>No real authorizer options</p>	<p>Applications for charter schools must be submitted to the Commissioner and the local board of education or State district superintendent, if the school is under full state intervention. The board of education or state district superintendent, following their approval, must send the application to the Commissioner who has final authority to grant or reject the application.</p> <p><a href="#">(NJ Rev Stat 18A:36A-4 Establishment of charter school)</a></p>
Charter Appeal Process	<p><b>YES</b></p> <p>Independent appeals process</p>	<p>If the Commissioner rejects the application, the local board or charter applicant may appeal the decision to the Appellate Division of the Superior Court.</p> <p><a href="#">(NJ Rev Stat 18A:36A-4 Establishment of charter school)</a></p>
Charter Regulatory Flexibility	<p><b>LIMITED</b></p> <p>Some or no exemptions</p>	<p>New Jersey Statute provides that the Commissioner may exempt charter schools from state regulations concerning public schools, except those relating to assessment, testing, civil rights and student health and safety.</p> <p><a href="#">(NJ Rev Stat 18A:36A-11 Operation of charter school)</a></p> <p>New Jersey Administrative Rules provides that classroom teachers, principals, and professional support staff that are employed in a charter school must hold the appropriate New Jersey certification.</p> <p><a href="#">(N.J.A.C. 6A:11-5.1 Certification)</a></p>
Equitable Charter Funding	<p><b>LIMITED</b></p> <p>Disparities exist</p>	<p>New Jersey Statute provide that the school district of residence must “pay directly to the charter school for each student enrolled in the charter school who resides in the district an amount equal to 90% of the sum of the budget year equalization aid per pupil, the prebudget year general fund tax levy per pupil inflated by the CPI rate most recent to the calculation, and the employer payroll tax per pupil that is transferred to the school district...”</p> <p>The Statute also provides that the district of residence must pay directly to the charter school the security categorical aid attributable to the student and a percentage of the district’s special education categorical aid</p>

		<p>equal to the percentage of the district’s special education students enrolled, and, if applicable, 100% of the preschool education aid. The district must also pay any federal funds attributable to the student.</p> <p><a href="#">(NJ Rev Stat 18A:36A-12 Per pupil payments to charter schools)</a></p>
<p><b>Charter Facilities Funding</b></p>	<p><b>LIMITED</b></p> <p>Some or no facilities funding</p>	<p>New Jersey Statute gives charter schools the power to acquire real property from public or private sources, by purchase, lease, lease with an option to purchase, or by gift, for use as a school facility.</p> <p><a href="#">(NJ Rev Stat 18A:36A:6 Powers of charter schools)</a></p> <p>Charter schools may be located in part of an existing public school building, in space provided on a public work site, in a public building, or any other suitable location. These facilities are exempt from public school facility regulations, except those relating to the health or safety of the students.</p> <p><a href="#">(NJ Rev Stat 18A:36A-10 Location of charter school)</a></p> <p>New Jersey Administrative Rules provide that charter schools may not use public funds other than federal funds for the construction of a facility. Charter schools may use state and local funds for the rehabilitation or expansion of a facility, only if the charter school submits a statement assuring adequate funds are allocated to the classroom to the Department.</p> <p><a href="#">(N.J.A.C. 6A:11-4.15 Facilities)</a></p>
<p><b>Options for High-Performing Charters</b></p>	<p><b>YES</b></p> <p>High-performing charter schools receive incentives and a favorable regulatory environment</p>	<p>New Jersey Administrative Rules provide for expedited renewal which allows a charter’s renewal to be granted on an accelerated basis for a 5-year period for high-performing charter schools with no major fiscal or compliance issues. High-performing schools must meet certain criteria outlined in the state’s Academic Performance Framework for three consecutive years, with no major fiscal or compliance issues.</p> <p><a href="#">(N.J.A.C. 6A-:11-2.3 Renewal of charter)</a></p>
<p><b>Charter Zoning Exemptions</b></p>	<p><b>LIMITED</b></p> <p>Less than full protections</p>	<p>Unable to locate policies relating to charter school exemptions from local zoning and ordinances.</p>

SOURCE CITATIONS

**Statutes**

[NJ Rev Stat 18A:36A-4 Establishment of charter school](#)

[NJ Rev Stat 18A:36A:6 Powers of charter schools](#)

[NJ Rev Stat 18A:36A-10 Location of charter school](#)

[NJ Rev Stat 18A:36A-11 Operation of charter school](#)

[NJ Rev Stat 18A:36A-12 Per pupil payments to charter schools](#)

**Administrative Code**

[N.J.A.C. 6A:11 Charter Schools](#)

**State Department of Education**

[New Jersey Dept of Education, Charter Schools](#)



## Private School Choice in New Jersey

POLICY	OVERALL RATING	PROGRAM OVERVIEW
Universal Eligibility	<p><b>NO</b></p> <p>No choice program</p>	<p>New Jersey does not have a private school choice program.</p>
Comparable Student Funding	<p><b>NO</b></p> <p>No choice program</p>	
Uncapped Student Access	<p><b>NO</b></p> <p>No choice program</p>	
Extended Application Window	<p><b>NO</b></p> <p>No choice program</p>	
Student Testing Options	<p><b>NO</b></p> <p>No choice program</p>	
School Autonomy	<p><b>NO</b></p> <p>No choice program</p>	

Accessible School Participation	<b>NO</b> No choice program	
<b>ESAs and Parent-Directed Spending</b>		
Freedom to Customize	<b>NO</b> No ESA or microgrant program	New Jersey does not provide for education scholarship accounts or microgrant programs.
Freedom to Access	<b>NO</b> No ESA or microgrant program	
Carry-Over Funding	<b>NO</b> No ESA or microgrant program	
<b>Tax Credits</b>		
Full Tax Credit	<b>NO</b> No choice program	New Jersey does not have an education tax credit program.



## Homeschooling in New Jersey

POLICY	RATING	POLICY OVERVIEW
Homeschool without Prior Approval	<p><b>YES</b></p> <p>No permission required</p>	<p>Under New Jersey’s compulsory attendance law, parents may enroll their students in day schools in which there is given “instruction equivalent to that provided in the public schools for children of similar grades and attainments or to receive equivalent instruction elsewhere than at school.”</p> <p><a href="#">(NJ Rev Stat 18A:38-25 Attendance required of children between six and 16; exceptions)</a></p>
No Extra Homeschool Notifications	<p><b>YES</b></p> <p>One-time or no notification</p>	<p>Parents are generally not required to notify local or state officials of their plan to homeschool, but the state encourages parents to do so. The New Jersey Department of Education explains that if a parent decides to remove their child from their high school educational program, the parent will be required to complete a transfer form which includes information on the intent to provide instruction elsewhere.</p> <p><a href="#">(New Jersey Dept of Education, Frequently Asked Questions: Homeschooling)</a></p>
No Certification to Homeschool	<p><b>YES</b></p> <p>No certification requirement</p>	<p>Homeschool parents in New Jersey do not need to possess teacher certification.</p>
Flexible Assessment Options	<p><b>YES</b></p> <p>Flexible academic accountability</p>	<p>New Jersey policy does not provide for any type of assessment of student academic progress.</p>

SOURCE CITATIONS

**Statutes**

[NJ Rev Stat 18A:38-25 Attendance required of children between six and 16; exceptions](#)

**State Department of Education**

[New Jersey Dept of Education, Non-Traditional Schooling](#)

[New Jersey Dept of Education, Frequently Asked Questions: Homeschooling](#)

POLICY ENHANCERS



## Part-time Enrollment in New Jersey

POLICY	RATING	POLICY OVERVIEW
Resident Course Access	<p><b>LIMITED</b></p> <p>By type of student, type of course, or district policy</p>	<p><b>Homeschool Students</b> New Jersey does not require homeschool children to have access to courses within their district. Children may be able to participate in the regular school curriculum only at the discretion of the Board.</p> <p><a href="#">(New Jersey Dept of Education, Frequently Asked Questions: Homeschooling)</a></p> <p>New Jersey Statute is silent regarding nonpublic student access to individual courses within their local school district.</p>
Nonresident Course Access	<p><b>LIMITED</b></p> <p>Districts only serve resident students or can impose other restrictions</p>	<p>New Jersey Statute provides that where a high school is not offering a particular course of study, a resident student may attend a high school located in another district for that particular course of study, so long as tuition is paid.</p> <p><a href="#">(NJ Rev Stat 18A:38-15 Attendance at special high school courses of study in another district)</a></p>
Virtual Course Access	<p><b>NO</b></p> <p>No virtual options provided by other entities than the school district in which a student resides</p>	<p>Students in New Jersey may take courses through <a href="#">New Jersey Virtual School</a>. This is limited to students in grades 6-12. This is not, however, a publicly funded option, so students are required to pay tuition.</p>

<p><b>Extracurricular Access</b></p>	<p><b>NO</b></p> <p>No requirement to make extra/co-curricular opportunities available to all students</p>	<p><b>Homeschool Students</b> The decision to allow a homeschool student to participate in extracurricular or sports activities is left to the discretion of the local school district.</p> <p><a href="#">(New Jersey Dept of Education, Frequently Asked Questions: Homeschooling)</a></p> <p><b>Charter School Students</b> New Jersey Administrative Rules provide that secondary charter school students who attend a school that does not offer the particular sport in which a student wishes to participate may participate in the sport at their school of residence, upon agreement of both principals.</p> <p><a href="#">(N.J.A.C. 6A:11-4.14 Sports programs)</a></p> <p><b>Nonpublic School Students</b> New Jersey policy does not provide for private school student participation in extracurricular activities.</p> <p><b>Note:</b> <a href="#">Assembly Bill 2737</a> currently pending in the 2024-2025 legislative session would allow public schools to let nonpublic school students to participate in high school interscholastic athletics.</p>
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**SOURCE CITATIONS**

Statutes	Administrative Code	State Department of Education	Other Resources
<p><a href="#">NJ Rev Stat 18A:38-15 Attendance at special high school courses of study in another district</a></p>	<p><a href="#">N.J.A.C. 6A:11-4.14 Sports programs</a></p>	<p><a href="#">New Jersey Dept of Education, Frequently Asked Questions: Homeschooling</a></p>	<p><a href="#">New Jersey Virtual School</a></p>



## Learn Everywhere in New Jersey

POLICY	RATING	POLICY OVERVIEW
Provider Qualification Standard	<p><b>NO</b></p> <p>No program</p>	New Jersey has not established a Learn Everywhere program.
Course Credit Standard	<p><b>NO</b></p> <p>No program</p>	
Core Course Opportunities	<p><b>NO</b></p> <p>No program</p>	
Central State List	<p><b>NO</b></p> <p>No program</p>	



## Transportation in New Jersey

POLICY	RATING	POLICY OVERVIEW
<p>Open Enrollment Transit</p>	<p><b>LIMITED</b></p> <p>Less than equitable and/or for some students only</p>	<p>Students participating in the interdistrict school choice program will be provided with transportation as follows:</p> <ul style="list-style-type: none"> <li>• Elementary students who live more than 2 miles from the choice district school of attendance;</li> <li>• Secondary students who live more than 2.5 miles from the choice district school of attendance;</li> <li>• Provided the choice school district for both elementary and secondary students is not more than 20 miles from the residence of the student.</li> </ul> <p>Transportation, or aid in-lieu-of transportation, is the responsibility of the sending district.</p> <p>New Jersey Statute also notes that the choice district and the sending district may enter into a shared service agreement for transportation purposes.</p> <p><a href="#">(NJ Rev Stat 18A:36B-22 Provision of transportation, aid in-lieu-of transportation)</a></p>
<p>Fair Transportation Access</p>	<p><b>YES</b></p>	<p><b>Charter School Students</b></p> <p>Charter school students who reside in the school district in which the charter school is located must be provided transportation to the charter school “on the same terms and conditions as transportation is provided to students attending the schools of the district.”</p> <p><a href="#">(NJ Rev Stat 18A:36A-13 Transportation for students)</a></p>

<p><b>Vehicle Flexibility</b></p>	<p><b>YES</b></p>	<p>Any school bus used to transport students to and from school or school-related activities must meet the vehicle standards, registration, and inspection requirements of the New Jersey Motor Vehicle Commission.</p> <p><a href="#">(N.J.A.C. 6A:27-7.1 General provisions)</a></p> <p>New Jersey Rules provide that small vehicles – those with a seating capacity of 10 or fewer persons – may not be used to transport students to and from school.</p> <p><a href="#">(N.J.A.C. 6A:27-7.4 Small vehicles)</a></p> <p>New Jersey allows school buses, to transport students to and from school, to have a capacity of 11 passengers or more.</p> <p><a href="#">(N.J.A.C. 6A:27-7.5 School buses)</a></p>
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**SOURCE CITATIONS**

<p><b>Statutes</b></p> <p><a href="#">NJ Rev Stat 18A:36A-13 Transportation for students</a></p> <p><a href="#">NJ Rev Stat 18A:36B-22 Provision of transportation, aid in-lieu-of transportation</a></p>	<p><b>Administrative Code</b></p> <p><a href="#">N.J.A.C. 6A:27-7.1 General provisions</a></p> <p><a href="#">N.J.A.C. 6A:27-7.4 Small vehicles</a></p> <p><a href="#">N.J.A.C. 6A:27-7.5 School buses</a></p>	<p><b>State Department of Education</b></p> <p><a href="#">New Jersey Dept of Education, Nonpublic School Transportation Procedures</a></p>
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