

ASSEMBLY, No. 5572

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED OCTOBER 5, 2026

Sponsored by:

Assemblyman ERIK K. SIMONSEN

District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS

Permits choice district to enroll certain new out-of-district students on tuition basis following termination of district choice program.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/5/2026)

1 AN ACT concerning the interdistrict public school choice program
2 and amending P.L.2010, c.65.

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

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7 1. Section 8 of P.L.2010, c.65 (C.18A:36B-21) is amended to
8 read as follows:

9 8. a. (1) The school board of a sending district may adopt a
10 resolution to restrict enrollment of its students in a choice district to
11 a maximum of **【10%】** 10 percent of the number of students per
12 grade level per year limited by any resolution adopted pursuant to
13 this paragraph and **【15%】** 15 percent of the total number of
14 students enrolled in the sending district, provided that the resolution
15 shall be subject to approval by the commissioner upon a
16 determination that the resolution is in the best interest of the
17 district's students and that it will not adversely affect the district's
18 programs, services, operations, or fiscal conditions, and that the
19 resolution will not adversely affect or limit the diversity of the
20 remainder of the student population in the district who do not
21 participate in the choice program.

22 (2) Enrollment restriction percentages adopted by any resolution
23 pursuant to paragraph (1) of this subsection shall not be
24 compounded from year to year and shall be based upon the
25 enrollment counts for the year preceding the sending district's initial
26 year of participation in the choice program, except that in any year
27 of the program in which there is an increase in enrollment, the
28 percentage enrollment restriction may be applied to the increase and
29 the result added to the preceding year's count of students eligible to
30 attend a choice district. If there is a decrease in enrollment at any
31 time during the duration of the program, the number of students
32 eligible to attend a choice district shall be the number of students
33 enrolled in the choice program in the initial year of the district's
34 participation in the program, provided that a student attending a
35 choice district school shall be entitled to remain enrolled in that
36 school until graduation.

37 (3) The calculation of the enrollment of a sending district shall
38 be based on the enrollment count as reported on the Application for
39 State School Aid in October preceding the school year during which
40 the restriction on enrollment shall be applicable.

41 b. (1) A choice district shall not be eligible to enroll students
42 on a tuition basis pursuant to N.J.S.18A:38-3 while participating in
43 the interdistrict public school choice program. Any student enrolled
44 on a tuition basis prior to the establishment of the choice program

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 shall be entitled to remain enrolled in the choice district as a choice
2 student.

3 (2) If the board of education of a school district adopts and
4 submits to the commissioner a board resolution certifying
5 termination of the district's choice program, any choice student
6 enrolled in the choice district on the date of termination shall be
7 entitled to remain enrolled as a choice student until the district's
8 terminal grade.

9 (3) (a) Following the termination of a school district's choice
10 program and during such time as the district continues to enroll
11 choice students pursuant to paragraph (2) of this subsection, a
12 district may enroll new out-of-district students on a tuition basis
13 pursuant to N.J.S.18A:38-3 in the same grades in which the choice
14 students are enrolled, provided that each student:

15 (i) transfers from a nonpublic school or was receiving a home
16 school education; or

17 (ii) is determined to have extraordinary circumstances, upon
18 application by the student's parent or guardian and approval of the
19 sending district, receiving district, and executive county
20 superintendent.

21 (b) The board of education of the district shall annually
22 determine the number of out-of-district enrollments to be made
23 available pursuant to this paragraph in each grade based on the
24 district's capacity.

25 (cf: P.L.2010, c.65, s.8)

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27 2. This act shall take effect immediately and shall first apply to
28 the first school year beginning after the date of enactment.

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STATEMENT

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33 This bill permits a choice district to enroll certain new out-of-
34 district students on a tuition basis following the termination of the
35 district's choice program.

36 Under current law, a choice district is prohibited from enrolling
37 students on a tuition basis while participating in the interdistrict
38 public school choice program. The interdistrict public school
39 choice program is a program through which parents may enroll their
40 children in a public school located outside of the school district of
41 residence without paying any costs of tuition.

42 This bill amends the interdistrict public school choice program
43 law to prohibit a choice district from enrolling students on a tuition
44 basis while enrolling new students in the choice program. The bill
45 codifies current State regulations and practice providing that if the
46 board of education of a school district adopts and submits to the
47 commissioner a board resolution certifying termination of its choice
48 program, any choice student enrolled on the date of termination will

1 be entitled to remain enrolled as a choice student until the district's
2 terminal grade. The bill permits a school district, following the
3 termination of its choice program and during such time as the
4 district continues to enroll grandfathered choice students, to enroll
5 new out-of-district students on a tuition basis in the same grades in
6 which the choice students are enrolled. The new out-of-district
7 students, however, are required to have:

- 8 • transferred from a nonpublic school or was receiving a home
9 school education; or
- 10 • been determined to have extraordinary circumstances, upon
11 application by the student's parent or guardian and approval
12 of the sending district, receiving district, and executive
13 county superintendent.

14 The bill directs the board of education of the district to annually
15 determine the number of out-of-district enrollments to be made
16 available in each grade based on the district's capacity.