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New Jersey's Interdistrict Public School Choice Program Act provides interested New Jersey school districts an opportunity to apply to the New Jersey Department of Education to become a public school choice district that can make available classroom seats within the school district for the Board of Education to accept non-resident students. A choice district may enroll students across district lines in designated schools of the choice district pursuant to N.J.S.A. 18A:36B-16.

A proposed choice district shall submit an application to the Commissioner of Education no later than April 30 in the year prior to the school year in which the choice program will be implemented except that for the first year of implementation of the program pursuant to N.J.S.A. 18A:36B-14 et seq., the application shall be submitted no later than the date specified by the Commissioner pursuant to N.J.S.A. 18A:36B-17.a. The application shall include, but not be limited to, the information outlined in N.J.S.A. 18A:36B-17.a.(1) through (4).

The Commissioner shall notify a choice district of the approval or disapproval of its application no later than July 30, and the reasons for disapproval shall be included in the notice; except that for the first year of implementation of the program pursuant to N.J.S.A. 18A:36B-14 et seq., notification shall be no later than the date specified by the Commissioner. The Commissioner shall notify the New Jersey State Board of Education of the approval of a choice district application and the State Board shall include a public notice of the approval on the next agenda for its public monthly meeting pursuant to N.J.S.A. 18A:36B-17.a.

The Commissioner may take appropriate action, consistent with State and Federal law, to provide that student population diversity in all districts participating in a choice district program is maintained in accordance with the provisions of N.J.S.A. 18A:36B-17.b.

The Commissioner shall evaluate an application submitted by a proposed choice district in accordance with the provisions of N.J.S.A. 18A:36B-18.

The parent of a student shall notify the sending district of the student's intention to participate in the choice program and shall submit an application to the choice district, indicating the school the student wishes to attend, no later than the date specified by the Commissioner pursuant to N.J.S.A. 18A:36B-20.a.

A choice district may evaluate a prospective student on the student's interest in the program offered by a designated school. The district shall not discriminate in its admission policies or practices on the basis of athletic ability, intellectual aptitude, English language proficiency, status as a person with a disability, or any basis prohibited by State or Federal law in accordance with N.J.S.A. 18A:36B-20.b.

Pursuant to N.J.S.A. 18A:36B-20.c., 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



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eligible for special education services pursuant to N.J.S.A. 18A:46 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.

In accordance with N.J.S.A. 18A:36B-20.d., a student whose application is rejected by a choice 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.

Pursuant to N.J.S.A. 18A:36B-20.e., once a student is enrolled in a designated school, the student shall not be required to reapply each school year for enrollment in any designated school of the choice district and shall continue to be permitted to be enrolled until graduation. A 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.

The Board of a sending district may adopt a resolution to restrict enrollment of its students in a choice district to a maximum of ten percent of the number of students per grade level per year limited by any resolution adopted pursuant to N.J.S.A. 18A:36B-21.a.(1) and fifteen percent of the total number of students enrolled in the sending district; provided that the resolution shall be subject to approval by the Commissioner upon a determination that the resolution is in the best interest of the district's students and that it will not adversely affect the district's programs, services, operations, or fiscal conditions, and that the resolution will not adversely affect or limit the diversity of the remainder of the student population in the district who do not participate in the choice program in accordance with N.J.S.A. 18A:36B-21.a.(1).

Enrollment restriction percentages adopted by any resolution pursuant to N.J.S.A. 18A:36B-21.a.(1) shall not be compounded from year to year and shall be based upon the enrollment counts for the year preceding the sending district's initial year of participation in the choice program, except that in any year of the program in which there is an increase in enrollment, the percentage enrollment restriction may be applied to the increase and the result added to the preceding year's count of students eligible to attend a choice district. If there is a decrease in enrollment at any time during the duration of the program, the number of students eligible to attend a choice district shall be the number of students enrolled in the choice program in the initial year of the district's participation in the program, provided that a student attending a choice district school shall be entitled to remain enrolled in that school until graduation pursuant to N.J.S.A. 18A:36B-21.a.(2).

The calculation of the enrollment of a sending district shall be based on the enrollment count as reported on the Application for State School Aid in October preceding the school year during which the restriction on enrollment shall be applicable pursuant to N.J.S.A. 18A:36B-21.a.(3)..

A choice district shall not be eligible to enroll students on a tuition basis pursuant to N.J.S.A. 18A:38-3 while participating in the Interdistrict Public School Choice Program. Any student enrolled on a tuition basis prior to the establishment of the choice program shall be entitled to



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remain enrolled in the choice district as a choice student in accordance with N.J.S.A. 18A:36B-21.b.

Nonresident teaching staff members, as defined in N.J.S.A. 18A:1-1, whose children are not accepted as choice students in the district may, upon Board approval, be granted enrollment in the district without the payment of tuition pursuant to N.J.S.A. 18A:38-3.c.

Transportation, or aid in-lieu-of transportation, shall be provided to an elementary school student who lives more than two miles from the choice district school of attendance and to a secondary school student who lives more than two and one-half miles from the choice district school of attendance, provided the choice district school is not more than twenty miles from the residence of the student in accordance with N.J.S.A. 18A:36B-22.a.

Transportation, or aid in-lieu-of transportation, shall be the responsibility of the sending district. The choice district and the sending district may enter into a shared service agreement in accordance with the "Uniform Shared Services and Consolidation Act," sections 1 through 35 of P.L. 2007, c.63 (C.40A:65-1 through C.40A:65-35). Notwithstanding the provisions of section 20 of P.L. 2007, c.260 (C.18A:7F-62) to the contrary, the sending district shall receive State aid for transportation calculated pursuant to section 15 of P.L. 2007, c.260 (C.18A:7F-57) for a student transported or receiving aid-in-lieu-of transportation pursuant to N.J.S.A. 18A:36B-22.

A choice district shall establish and maintain a parent information center. The center shall collect and disseminate information about participating programs and schools and shall assist parents and guardians in submitting applications for enrollment of students in an appropriate program and school. The information about participating programs and schools shall be posted on the choice district's website in accordance with N.J.S.A. 18A:36B-23.

The Commissioner shall annually report to the New Jersey State Board of Education, the Legislature, and the Joint Committee on the Public Schools on the effectiveness of the Interdistrict Public School Choice Program. The Commissioner's annual report shall be posted on the New Jersey Department of Education's website and on the website of each choice district pursuant to N.J.S.A. 18A:36B-24.

N.J.S.A. 18A:36B-14 through 18A:36B-24
N.J.A.C. 6A:12-1.1 et seq.

BOE Revised Date: 9/25/2025
BOE Approved Date: 2/28/2019



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A. Definitions – N.J.A.C. 6A:12-1.3

1. “Choice district” means a public school district established pursuant to N.J.S.A. 18A:8 or N.J.S.A. 18A:13 that is authorized pursuant to the Interdistrict Public School Choice Program to open a specialized education program or school(s) to students from a sending district.
2. “Choice program” means the Interdistrict Public School Choice Program authorized at N.J.S.A. 18A:36B-14 et seq.
3. “Choice student” means an out-of-district student who is accepted into a choice district. Students who are received by the choice district through a send-receive relationship pursuant to N.J.S.A. 18A:38-8 et seq., shall not be considered choice students.
4. “Commissioner” means the New Jersey Commissioner of Education.
5. “Department” means New Jersey Department of Education.
6. “Eligible sibling” means a student who has a sibling who is a choice student presently enrolled in and attending a choice district for the current school year and will continue to attend in the following school year. An eligible sibling may be given enrollment preference in the student application process.
7. “Non-public school student” means any student who is obtaining academic instruction outside of a public school at the time of the student’s application to the choice district.
8. “Sending district” means the district of residence, of a choice student or a prospective choice student.
9. “Specialized educational program” means a choice district program that uses student selection criteria for admission, in accordance with N.J.S.A. 18A:36B-20.b.
10. “Unfunded choice student” means a student who has been accepted by a choice district as a choice student outside of the timeline established pursuant to N.J.A.C. 6A:12-3.2 and F. below, and for whom the choice district is unable to receive choice funding in the current and/or subsequent school year due to the Department’s choice enrollment collection cycle.

B. Eligibility Criteria for District Boards of Education – N.J.A.C. 6A:12-2.1



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An eligible Board of Education may participate in the choice program if the school district has classroom space available, completes and submits an application form provided by the Department pursuant to N.J.S.A. 18A:36B-17 and N.J.A.C. 6A:12 and receives approval from the Commissioner or designee to participate.

C. Eligibility Criteria for Students - N.J.A.C. 6A:12-2.2

1. To be eligible to participate in the choice program, a student shall be enrolled at the time of application in preschool through grade twelve in a school of the sending district and shall have attended school in the sending district for at least one full academic year immediately preceding enrollment in a choice district, including time spent at any school that a student in a particular district of residence is required by law to attend.
 - a. If a student is enrolled in the district of residence, is counted in that school district's October Application for State School Aid, and moves during the school year and enrolls in a new district of residence for the remainder of the school year, the student shall have satisfied the one-year eligibility requirement for the school choice program.
 - b. The one-year requirement shall not apply to an eligible sibling applying to enroll in preschool or Kindergarten in a choice district.
 - c. The one-year requirement shall not apply to a choice student currently enrolled in a choice district who reaches the terminal grade in the choice district and the student is applying to enroll in another choice district for secondary school.
2. A public school student who does not meet the eligibility requirements at N.J.A.C. 6A:12-2.2(a) and C.1. above or a nonpublic school student may, nonetheless, apply pursuant to N.J.S.A. 18A:36B-20.a. and N.J.A.C. 6A:12-3.3.
3. Students residing out of New Jersey may not participate in the choice program.

D. Sending District Restrictions on Student Participation in the Choice Program N.J.A.C. 6A:12-3.4

1. The district Board of Education of a sending district may seek to limit the number of students participating in the choice program to a maximum of ten percent of the number of students per grade level per year and fifteen percent of the total number of students enrolled in the sending district, based on the Application for State School Aid of the year prior to the first student participating in the choice program, pursuant to N.J.S.A. 18A:36B-21.a. The Board of a sending district seeking to limit student participation in the choice program shall submit to the Commissioner or designee the following documents:



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- a. A resolution adopted by the Board specifying the limit on the number of students enrolled in the sending district who may participate in the choice program; and
 - b. Supportive documentation that may include, but is not limited to, evidence of the choice program's impact on the following:
 - (1) The sending district's student enrollment;
 - (2) The sending district's student achievement;
 - (3) The diversity of the sending district's student population;
 - (4) The number or quality of programs, course offerings, or classes the sending district offers;
 - (5) The number or quality of the services the sending district provides;
 - (6) The sending district's operations; and
 - (7) The sending district's fiscal conditions.
2. In determining whether to grant approval of a sending district's limiting resolution, the Commissioner or designee shall evaluate the documentation submitted pursuant to N.J.A.C. 6A:12-3.4(a) and D.1. above and determine, pursuant to N.J.S.A. 18A:36B-21, if the sending district has demonstrated that the limiting resolution
 - a. Is in the best interest of the sending district's students;
 - b. Will not adversely affect the sending district's programs, services, operations, or fiscal conditions; and
 - c. Will not adversely affect or limit the diversity of the remainder of the sending district's student population who do not participate in the choice program.
3. If a sending district has received approval from the Commissioner or designee to impose a limit on the number of its students participating in the choice program, the sending district shall use this limit every year unless there is an increase of its student enrollment beyond the enrollment count used to calculate the limiting resolution pursuant to N.J.A.C. 6A:12-3.4(a)1. and D.1.(a) above.



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- a. If there is an increase of the choice district's student enrollment beyond the enrollment count used to calculate the limiting resolution pursuant to N.J.A.C. 6A:12-3.4(a)1 and D.1.(a) above, the sending district shall apply the choice program enrollment restriction percentages contained in the approved resolution to the enrollment counts as reported on the Application for State School Aid in October preceding the school year during which the restriction on enrollment will be applicable.
 - b. If the notices of student intention to participate in the choice program exceed the established limit pursuant to N.J.A.C. 6A:12-3.4
 - (1) Hold a public lottery to determine the selection of students for participation in the choice program;
 - (2) Notify the parent of every student who has submitted notice of intent to participate in the choice program of the date and time of the lottery;
 - (3) Assign a number to each student participating in the lottery and notify the parent of the number assigned to their child(ren); and
 - (4) Develop a waiting list based on the lottery.
4. If a sending district has received approval from the Commissioner or designee to impose a limit on the number of students participating in the choice program; and the notices of student intention to participate in the choice program exceed the established limit, before conducting the lottery, the sending district may give preference to eligible siblings. If the choice district elects to give enrollment preference to eligible siblings of choice students, the sending district also shall give preference to eligible siblings. This provision shall apply only to choice students and eligible siblings who would be attending the same choice district or two choice districts that are in a send-receive relationship.
 - a. If there are more eligible sibling applicants than available spaces, the sending district shall conduct a lottery first for the eligible siblings only to determine the selection of students for participation and for placement on the waiting list.
 - b. If there are no spaces available after granting permission to participate in the choice program to eligible siblings the sending district shall conduct a lottery for the remaining eligible sibling applicants to assign them a place on the waiting list.
5. Prior to any lottery held, according to N.J.A.C. 6A:12-3.4, the sending district shall verify that the student is enrolled in the sending district and was reported on the Application for State School Aid in October of the current school year.



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6. Prior to any lottery that may be held, according to N.J.A.C. 6A:12-3.4, the sending district shall notify the applicants of the date and time of such lottery.
 7. The sending district shall conduct any lottery held pursuant to N.J.A.C. 6A:12-3.4 prior to the deadline established by the Commissioner or designee for written notification to the parent regarding the student's eligibility to participate in the choice program.
- E. Choice District Procedures for Students Meeting the Eligibility Requirements – N.J.A.C. 6A:12-3.1
1. Choice districts shall admit choice students on a space available basis.
 - a. A choice district may not impose admission criteria upon prospective choice students other than the admission criteria for a specialized educational program, pursuant to N.J.S.A. 18A:36B-20.b.
 - b. If a choice district receives more applications than spaces available, the choice district shall hold a public lottery to determine the selection of students for enrollment in the choice program.
 - (1) The choice district shall notify the parent of every student who has submitted an application to participate in the choice program of the lottery's date and time.
 - (2) The choice district shall assign a number to each student participating in the lottery and shall notify the parent of the number assigned to their child(ren).
 - (3) Before conducting the lottery, the choice district may give enrollment preference to eligible siblings of choice students.
 - (a) If the choice district elects to give preference to eligible siblings of choice students and no spaces are available after granting permission to participate in the choice program to eligible siblings the choice district shall conduct a lottery first for the eligible siblings only, to determine the selection of students for participation and placement on the waiting list.
 - (b) If the choice district elects to give preference to eligible siblings of choice students and no spaces are available after granting permission to participate in the choice program to eligible siblings the choice district shall conduct a lottery for the remaining applicants to assign them a place on the waiting list.



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- (4) Before conducting the lottery, the choice district may give enrollment preference to resident students who moved out of the choice district and want to remain enrolled in the choice district as choice students.
 - (a) If the choice district elects to give enrollment preference to resident students who moved out of the choice district and want to remain enrolled in the choice district as choice students and no spaces are available, and the choice district elects to give preference to eligible siblings of choice students, the choice district shall conduct a lottery first for the eligible siblings, pursuant to N.J.A.C. 6A:12-3.1(a)2.iii and E.1.b.(3) above, and second for the resident students, pursuant to N.J.A.C. 6A:12-3.1(a)2.iv and E.1.b.(4) above, to determine the selection of students for participation and placement on the waiting list.
- (5) Before conducting the lottery, a choice district in a receiving relationship with a sending choice district may give enrollment preference to a choice student currently enrolled in its sending choice district who reaches the terminal grade and applies for secondary school in that choice district.
 - (a) If the receiving choice district elects to give enrollment preference to a choice student, pursuant to N.J.A.C. 6A:12-3.1(a)2.v and E.1.b.(5) above, and no spaces are available, and the choice district elects to give preference to eligible siblings of choice students, the receiving choice district shall conduct a lottery first for the eligible siblings pursuant to N.J.A.C. 6A:12-3.1(a)2.iii and E.1.b.(3) above, and second for students eligible pursuant to N.J.A.C. 6A:12-3.1(a)2.iv and 6A:12-3.1(a)2.v and E.1.b.(4) and (5) above.
- (6) The choice district shall develop a waiting list based on the lottery results.

F. Choice Student Application Procedures – N.J.A.C. 6A:12-3.2

- 1. The Commissioner or designee shall establish a student application timeline each year no later than September 1. The timeline shall include the dates for the student application deadline, the lottery pursuant to N.J.A.C. 6A:12-3.1(a)2, and N.J.A.C. 6A:12-3.2(b), (c), and (d) and E.1.b. above and F.2., F.3., and F.4. below.



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2. The choice district shall send a notice of acceptance, rejection, or placement on the waitlist to the parent of every student who submitted a choice application by the deadline established pursuant to N.J.A.C. 6A:12-3.2(a) and F.1. above.
 3. The choice district shall provide to the Department electronic notification of the number of choice students who send notice of their intent to enroll.
 4. The choice district shall provide to each sending district written notification of each notice of intent to enroll received from a choice student who is a resident of the sending district.
 5. A choice student applicant may apply to the Commissioner or designee by showing good cause for a waiver of the student application deadlines in the timeline at N.J.A.C. 6A:12-3.2(a) and F.1. above.
 - a. If the student receives a waiver of the student application deadline and the choice district is unable to receive funding for the student as a choice student for the current and/or subsequent school year, the choice district may enroll the student as an unfunded choice student in the corresponding year and automatically convert the student's enrollment to a funded choice student if the student remains in the choice program.
- G. Choice District Procedures for Students not Meeting Eligibility Requirements – N.J.A.C. 6A:12-3.3
1. If seats remain available in a choice district after exhausting the list of applicants who meet the requirements at N.J.A.C. 6A:12-2.2(a) and C.1. above, including applicants on any waiting list established through the application process, the choice district may fill the seats with public school students who do not meet the requirements at N.J.A.C. 6A:12-2.2(a) and C.1. above, and with nonpublic school students.
 2. Choice districts may accept applications from public school students who do not meet the requirements at N.J.A.C. 6A:12-2.2(a) and C.1. above and/or nonpublic school students ~~up~~ until the deadline established by the Commissioner or designee pursuant to N.J.A.C. 6A:12-3.2(a) and G.1. above.
 3. Upon the receipt of an application from a public school student who does not meet the requirements at N.J.A.C. 6A:12-2.2(a) and C.1. above or a nonpublic school student, the choice district shall send to the student's parent, a letter that includes the following information:
 - a. Whether the choice district will consider public school students who do not meet the requirements at N.J.A.C. 6A:12-2.2(a) and C.1. above and nonpublic school students for admission to the choice district. If the



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choice district has not yet decided, it shall inform the parents of when the decision is expected to be made;

- b. Public school students who do not meet the requirements of N.J.A.C. 6A:12-2.2(a) and C.1. above and nonpublic school students shall not be considered for admission until the choice district has conducted the application cycle and has exhausted its waiting list of students who meet the requirements at N.J.A.C. 6A:12-2.2(a) and C.1. above for the grade level to which they have applied;
- c. The choice district may need to conduct a lottery to select the students to be offered admission to the choice district depending on the seats available and the number of applications received from public school students who do not meet the requirements at N.J.A.C. 6A:12-2.2(a) and C.1. above and/or nonpublic school students; and
- d. The choice district shall fully inform the parents of public school students who do not meet the requirements at N.J.A.C. 6A:12-2.2(a) and C.1. above and nonpublic school students of the lottery process in the event the choice district conducts a lottery, the date it will be held, and what number has been assigned to the applicant.

H. Choice Student Post-Enrollment – N.J.A.C. 6A:12-4.1

1. Once enrolled in a choice district, the choice student may remain enrolled and shall not be required to submit annual or periodic applications.
2. A choice district shall retain an accepted choice student until the choice district's terminal grade or the choice student voluntarily withdraws.
3. If the choice program is terminated in a choice district or Statewide, any choice student enrolled in the choice district shall be entitled to remain enrolled until the school district's terminal grade.
4. A public school student who is currently a choice student attending school in a choice district and who moves to another school district shall be eligible to remain in the choice district as a choice student without application until the terminal grade offered by the choice district.
5. A resident student of a choice district who attends a specialized educational program and/or grade that has been approved for choice students and who moves during the school year may choose to remain in the choice district until the end of the school year as an unfunded choice student. The student may apply to the choice program as a funded choice student for the next school year. If the student moves after the application deadline and the choice district is unable to receive



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funding for the student as a choice student for the subsequent school year, the choice district may enroll the student as an unfunded choice student in that year, and automatically convert the student's enrollment to a funded choice student if the student remains in the choice program.

I. Appeals from Commissioner of Education Determinations

An appeal of any determination by the Commissioner not to grant an application for participation in the choice program may be filed by an eligible choice district applicant according to N.J.A.C. 6A:4.

J. Appeals from Denial of Enrollment

An appeal of any denial of a choice student applicant for enrollment in a choice district may be filed by the parent with the Commissioner in accordance with N.J.A.C. 6A:3.

K. General Provisions – N.J.A.C. 6A:12-5.1

1. Choice districts shall accept all credits toward graduation awarded by another district Board of Education for each accepted choice student.
 - a. Choice districts shall award a diploma to a choice student who meets the graduation requirements of the choice district and of the State of New Jersey.
2. A choice district shall establish and maintain a parent information center in accordance with N.J.S.A. 18A:36B-23.
3. At the end of each student application cycle, a choice district shall file with the Department reports that include demographic and student participation information, fiscal and programmatic information, and updates on the number of available openings.

L. Student Transportation – N.J.A.C. 6A:12-6.1

Each sending district shall be responsible for the transportation or aid in lieu of transportation of enrolled choice students who are eligible for transportation services both to and from the choice school in which the student is accepted, in accordance with N.J.S.A. 18A:36B-22 and N.J.A.C. 6A:27-4.

M. General Provisions

1. Choice students participating in this program shall qualify for State aid pursuant to N.J.S.A. 18A:36B-14 et seq. The sending district will receive transportation aid pursuant to N.J.A.C. 6A:12-6.1.



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2. The sending district shall maintain fiscal responsibility for any choice student enrolled in, or determined to require, a private day or residential school, except the choice district will be required to contribute any State aid received for the student and the sending district will be responsible for the balance.

N. Nonresident Students

1. The choice district shall not be eligible to enroll students on a tuition basis pursuant to N.J.S.A. 18A:38-3.
 - a. Any student enrolled on a tuition basis prior to the establishment of the choice program shall be entitled to remain enrolled in the choice district as a choice student.
2. When a resident student moves out of the district during the school year the student must be allowed to continue to attend the district for the remainder of the school year, provided the student is in the choice-approved grades/programs and the student meets any program-specific criteria.
 - a. These students will become temporary unfunded choice students for the remainder of the school year, and are eligible for choice transportation.
 - b. These students must apply for enrollment in the choice district for the following year.