

# ASSEMBLY, No. 3083

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JULY 1, 2010

**Sponsored by:**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex)**

**Assemblyman ALBERT COUTINHO**

**District 29 (Essex and Union)**

**Assemblyman ANGEL FUENTES**

**District 5 (Camden and Gloucester)**

**Assemblyman DAVID W. WOLFE**

**District 10 (Monmouth and Ocean)**

**SYNOPSIS**

Enables Rutgers University to authorize charter schools; expedites approval of charter school applications; and permits authorization of special purpose charter schools.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/18/2011)**

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1 AN ACT concerning applications for charter schools and amending  
2 P.L.1995, c.426 and P.L.2000, c.142 and supplementing  
3 P.L.1995, c.426 (C.18A:36A-1 et seq.).  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. (New section) As used in this act, “charter school  
9 authorizer” means an entity charged with granting, renewing, and  
10 revoking charters for charter schools established pursuant to the  
11 provisions of P.L.1995, c.426 (C.18A:36A-1 et seq.) and which  
12 shall include the Commissioner of Education, and the Center for  
13 Effective School Practices within the Graduate School of Education  
14 of Rutgers, The State University.  
15

16 2. Section 3 of P.L.1995, c.426 (C.18A:36A-3) is amended to  
17 read as follows:

18 3. a. The Commissioner of Education shall establish a charter  
19 school program which shall provide for the approval and granting of  
20 charters to charter schools , including virtual or e-charter schools,  
21 pursuant to the provisions of this act. A charter school shall be a  
22 public school operated under a charter granted by **[the**  
23 **commissioner]** a charter school authorizer, which is operated  
24 independently of a local board of education and is managed by a  
25 board of trustees. The board of trustees, upon receiving a charter  
26 from the **[commissioner]** charter school authorizer, shall be  
27 deemed to be public agents authorized by the State Board of  
28 Education to supervise and control the charter school.

29 b. The program shall authorize the establishment of not more  
30 than 135 charter schools during the 48 months following the  
31 effective date of this act. A minimum of three charter schools shall  
32 be allocated to each county. The commissioner shall actively  
33 encourage the establishment of charter schools in urban school  
34 districts with the participation of institutions of higher education.  
35 (cf: P.L.1995, c.426, s.3)  
36

37 3. Section 4 of P.L.1995, c.426 (C.18A:36A-4) is amended to  
38 read as follows:

39 4. a. A charter school may be established by teaching staff  
40 members, parents with children attending the schools of the district,  
41 community residents, or a combination of teaching staff members  
42 **[and]** , parents , and community residents. A charter school may  
43 also be established by an institution of higher education or a private  
44 entity that is either for-profit or not-for-profit located within the

**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 State in conjunction with teaching staff members and parents of  
2 children attending the schools of the district. If the charter school is  
3 established by a private entity, representatives of the private entity  
4 shall not constitute a majority of the trustees of the school, and the  
5 charter shall specify the extent to which the private entity shall be  
6 involved in the operation of the school. The name of the charter  
7 school shall not include the name or identification of the private  
8 entity, and the private entity shall not realize a net profit from its  
9 operation of a charter school. A private or parochial school shall  
10 not be eligible for charter school status.

11 b. A currently existing public school is eligible to become a  
12 charter school if the following criteria are met:

13 (1) At least 51% of the teaching staff in the school shall have  
14 signed a petition in support of the school becoming a charter  
15 school; and

16 (2) At least 51% of the parents or guardians of pupils attending  
17 that public school shall have signed a petition in support of the  
18 school becoming a charter school.

19 c. An application to establish a charter school **[shall]** may be  
20 submitted at any time during the school year to **[the commissioner]**  
21 a charter school authorizer and the local board of education or State  
22 district superintendent, in the case of a **[State-operated school]**  
23 district, in the school year preceding the school year in which the  
24 charter school will be established] school district under full State  
25 intervention . Notice of the filing of the application shall be **[sent]**  
26 posted immediately on the charter school authorizer's website and  
27 communicated via email within 15 business days by the  
28 **[commissioner]** charter school authorizer to the members of the  
29 State Legislature, school superintendents, and mayors and  
30 governing bodies of all legislative districts, school districts, or  
31 municipalities in which there are students who will be eligible for  
32 enrollment in the charter school and to the commissioner if he is not  
33 the recipient of the application. The board of education or State  
34 district superintendent shall review the application and forward a  
35 recommendation to the **[commissioner]** charter school authorizer  
36 within 60 days of receipt of the application. The **[commissioner]**  
37 charter school authorizer shall have final authority to grant or reject  
38 a charter application and shall make a decision on an application  
39 within 150 days of receipt of the application.

40 d. The local board of education or a charter school applicant  
41 may appeal the decision of the **[commissioner]** charter school  
42 authorizer to the **[State Board of Education]**. The State board shall  
43 render a decision within 30 days of the date of the receipt of the  
44 appeal. If the State board does not render a decision within 30  
45 days, the decision of the commissioner shall be deemed final  
46 Appellate Division of the Superior Court.

1 e. A charter school established during the 48 months following  
2 the effective date of this act, other than a currently existing public  
3 school which becomes a charter school pursuant to the provisions of  
4 subsection b. of section 4 of this act, shall not have an enrollment in  
5 excess of 500 students or greater than 25% of the student body of  
6 the school district in which the charter school is established,  
7 whichever is less.

8 Any two charter schools within the same public school district  
9 that are not operating the same grade levels may petition **[the**  
10 **commissioner]** their charter school authorizers to amend their  
11 charters and consolidate into one school. The **[commissioner]**  
12 charter school authorizers may approve an amendment to  
13 consolidate, provided that the basis for consolidation is to  
14 accommodate the transfer of students who would otherwise be  
15 subject to the random selection process pursuant to section 8 of  
16 P.L.1995, c.426 (C.18A:36A-8).  
17 (cf: P.L.2002, c.123, s.1)

18  
19 4. Section 5 of P.L.1995, c.426 (C.18A:36A-5) is amended to  
20 read as follows:

21 5. The application for a charter school shall include the  
22 following information:

23 a. The identification of the charter applicant;

24 b. The name of the proposed charter school;

25 c. The proposed governance structure of the charter school  
26 including a list of the proposed members of the board of trustees of  
27 the charter school or a description of the qualifications and method  
28 for the appointment or election of members of the board of trustees;

29 d. The educational goals of the charter school, the curriculum  
30 to be offered, and the methods of assessing whether students are  
31 meeting educational goals. Charter school students shall be required  
32 to meet the same testing and academic performance standards as  
33 established by law and regulation for public school students.  
34 Charter school students shall also meet any additional assessment  
35 indicators which are included within the charter approved by the  
36 **[commissioner]** charter school authorizer;

37 e. The admission policy and criteria for evaluating the  
38 admission of students which shall comply with the requirements of  
39 section 8 of this act;

40 f. The age or grade range of students to be enrolled;

41 g. The school calendar and school day schedule;

42 h. A description of the charter school staff responsibilities and  
43 the proposed qualifications of teaching staff;

44 i. A description of the procedures to be implemented to ensure  
45 significant parental involvement in the operation of the school;

46 j. A description of, and address for, the physical facility in  
47 which the charter school will be located;

- 1 k. Information on the manner in which community groups will  
2 be involved in the charter school planning process;
- 3 l. The financial plan for the charter school and the provisions  
4 which will be made for auditing the school pursuant to the  
5 provisions of N.J.S.18A:23-1;
- 6 m. A description of and justification for any waivers of  
7 regulations which the charter school will request; and
- 8 n. Such other information as the **【commissioner】** charter  
9 school authorizer may require.  
10 (cf: P.L.1995, c.426, s.5)

11  
12 5. Section 7 of P.L.1995, c.426 (C.18A:36A-7) is amended to  
13 read as follows:

- 14 7. A charter school shall be open to all students on a space  
15 available basis and shall not discriminate in its admission policies  
16 or practices on the basis of intellectual or athletic ability, measures  
17 of achievement or aptitude, status as a handicapped person,  
18 proficiency in the English language, or any other basis that would  
19 be illegal if used by a school district; however, a charter school may  
20 limit admission to a particular grade level , gender, or to areas of  
21 concentration of the school, such as mathematics, science, or the  
22 arts , or to students with specific behavioral needs or disorders  
23 including, but not limited to, autism spectrum disorder. The  
24 commissioner shall actively encourage the establishment of charter  
25 schools addressing behavioral needs or disorders. A charter school  
26 may establish reasonable criteria to evaluate prospective students  
27 which shall be outlined in the school's charter.  
28 (cf: P.L.1995, c.426, s.7)

29  
30 6. Section 8 of P.L.1995, c.426 (C.18A:36A-8) is amended to  
31 read as follows:

- 32 8. a. Preference for enrollment in a charter school shall be  
33 given to students who reside in the school district in which the  
34 charter school is located. If there are more applications to enroll in  
35 the charter school than there are spaces available, the charter school  
36 shall select students to attend using a random selection process. A  
37 charter school shall not charge tuition to students who reside in the  
38 district.
- 39 b. A charter school shall allow any student who was enrolled in  
40 the school in the immediately preceding school year to enroll in the  
41 charter school in the appropriate grade unless the appropriate grade  
42 is not offered at the charter school.
- 43 c. A charter school may give enrollment priority to a sibling of  
44 a student enrolled in the charter school.
- 45 d. If available space permits, a charter school may enroll non-  
46 resident students. The terms and condition of the enrollment shall  
47 be outlined in the school's charter and approved by the  
48 **【commissioner】** charter school authorizer.

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1 e. The admission policy of the charter school shall, to the  
2 maximum extent practicable, seek the enrollment of a cross section  
3 of the community's school age population including racial and  
4 academic factors.

5 (cf: P.L.1995, c.426, s.8)

6

7 7. Section 9 of P.L.1995, c.426 (C.18A:36A-9) is amended to  
8 read as follows:

9 9. A student may withdraw from a charter school at any time.  
10 A student may be expelled from a charter school based on criteria  
11 determined by the board of trustees, which are consistent with the  
12 provisions of N.J.S.18A:37-2, and approved by the **[commissioner]**  
13 charter school authorizer as part of the school's charter. Any  
14 expulsion shall be made upon the recommendation of the charter  
15 school principal, in consultation with the student's teachers.

16 (cf: P.L.1995, c.426, s.9)

17

18 8. Section 16 of P.L.1995, c.426 (C.18A:36A-16) is amended  
19 to read as follows:

20 16. a. The **[commissioner]** charter school authorizer shall  
21 annually assess whether each charter school under its authority is  
22 meeting the goals of its charter, and shall conduct a comprehensive  
23 review prior to granting a renewal of the charter.

24 The executive county superintendent of schools of the county in  
25 which the charter school is located shall have on-going access to the  
26 records and facilities of the charter school to ensure that the charter  
27 school is in compliance with its charter and that State board  
28 regulations concerning assessment, testing, civil rights, and student  
29 health and safety are being met.

30 b. In order to facilitate the **[commissioner's]** review required  
31 pursuant to subsection a. of this section, each charter school shall  
32 submit an annual report to the local board of education, the  
33 executive county superintendent of schools, and **[the**  
34 **commissioner]** its charter school authorizer in the form prescribed  
35 by the **[commissioner]** charter school authorizer. The report shall  
36 be received annually by the local board, the executive county  
37 superintendent, and the **[commissioner]** charter school authorizer  
38 no later than August 1.

39 The report shall also be made available to the parent or guardian  
40 of a student enrolled in the charter school.

41 c. By April 1, 2001, the commissioner shall hold public  
42 hearings in the north, central, and southern regions of the State to  
43 receive input from members of the educational community and the  
44 public on the charter school program.

45 d. The commissioner shall commission an independent study of  
46 the charter school program. The study shall be conducted by an  
47 individual or entity identified with expertise in the field of

1 education and the selection shall be approved by the Joint  
2 Committee on the Public Schools. The individual or entity shall  
3 design a comprehensive study of the charter school program.

4 e. The commissioner shall submit to the Governor, the  
5 Legislature, and the State Board of Education by October 1, 2001  
6 an evaluation of the charter school program based upon the public  
7 input required pursuant to subsection c. of this section and the  
8 independent study required pursuant to subsection d. of this section.  
9 The evaluation shall include, but not be limited to, consideration of  
10 the following elements:

11 (1) the impact of the charter school program on resident  
12 districts' students, staff, parents, educational programs, and  
13 finances;

14 (2) the impact of the charter school program and the increased  
15 number of schools on the economics of educational services on a  
16 Statewide basis;

17 (3) the fairness and the impact of the reduction of available  
18 resources on the ability of resident districts to promote competitive  
19 educational offerings;

20 (4) the impact of the shift of pupils from nonpublic schools to  
21 charter schools;

22 (5) the comparative demographics of student enrollments in  
23 school districts of residence and the charter schools located within  
24 those districts. The comparison shall include, but not be limited to,  
25 race, gender, socioeconomic status, enrollment of special education  
26 students, enrollment of students of limited English proficiency, and  
27 student progress toward meeting the core curriculum content  
28 standards as measured by student results on Statewide assessment  
29 tests;

30 (6) the degree of involvement of private entities in the operation  
31 and financial support of charter schools, and their participation as  
32 members of charter school boards of trustees;

33 (7) verification of the compliance of charter schools with  
34 applicable laws and regulations;

35 (8) student progress toward meeting the goals of the charter  
36 schools;

37 (9) parent, community and student satisfaction with charter  
38 schools;

39 (10) the extent to which waiting lists exist for admission to  
40 charter schools and the length of those lists;

41 (11) the extent of any attrition among student and faculty  
42 members in charter schools; and

43 (12) the results of the independent study required pursuant to  
44 subsection d. of this section.

45 The evaluation shall include a recommendation on the  
46 advisability of the continuation, modification, expansion, or  
47 termination of the program. If the evaluation does not recommend  
48 termination, then it shall include recommendations for changes in

1 the structure of the program which the commissioner deems  
2 advisable. The commissioner may not implement any  
3 recommended expansion, modification, or termination of the  
4 program until the Legislature acts on that recommendation.  
5 (cf: P.L.2000, c.142, s.3)

6  
7 9. Section 17 of P.L.1995, c.426 (C.18A:36A-17) is amended  
8 to read as follows:

9 17. A charter granted by **the commissioner** a charter school  
10 authorizer pursuant to the provisions of this act shall be granted for  
11 a four-year period and may be renewed for a five-year period. The  
12 **commissioner** charter school authorizer may revoke a school's  
13 charter if the school has not fulfilled any condition imposed by the  
14 **commissioner** charter school authorizer in connection with the  
15 granting of the charter or if the school has violated any provision of  
16 its charter. The **commissioner** charter school authorizer may  
17 place the charter school on probationary status to allow the  
18 implementation of a remedial plan after which, if the plan is  
19 unsuccessful, the charter may be summarily revoked. The  
20 **commissioner** charter school authorizer shall develop procedures  
21 and guidelines for the revocation and renewal of a school's charter.  
22 (cf: P.L.1995, c.426, s.17)

23  
24 10. Section 4 of P.L.2000, c.142 (C.18A:36A-17.1) is amended  
25 to read as follows:

26 4. a. If at any time the **commissioner** charter school  
27 authorizer determines that a board of trustees is in jeopardy of  
28 losing its charter or an applicant is in jeopardy of not being granted  
29 a charter, the **commissioner** charter school authorizer shall so  
30 notify the board of trustees or the applicant. The board of trustees  
31 or the applicant shall, within 48 hours of receipt of such  
32 notification, provide to the **commissioner** charter school  
33 authorizer, in writing, a complete list of the names and addresses of  
34 all students and staff currently enrolled and working in the school,  
35 or in the case of an applicant, a complete list of the names and  
36 addresses of all students and staff intending to enroll or work at the  
37 school, so the **commissioner** charter school authorizer may send  
38 the appropriate notice to the parents or guardians and staff.

39 b. In the event that a charter school authorizer other than the  
40 commissioner takes any action pursuant to subsection a. of this  
41 section, the charter school authorizer shall notify the commissioner  
42 of such action.

43 (cf: P.L.2000, c.142, s.4)

44  
45 11. This act shall take effect on the 180th day after the date of  
46 enactment.



STATEMENT

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3 Under current law, the Commissioner of Education is the sole  
4 entity charged with granting, renewing, and revoking charters of  
5 charter schools in the State. This bill maintains the commissioner's  
6 role as a charter school authorizer and enables the Center for  
7 Effective School Practices within the Graduate School of Education  
8 of Rutgers University to act as an additional charter school  
9 authorizer.

10 Also, under current law, an application to establish a charter  
11 school is submitted to the Commissioner of Education and to the  
12 local board of education or State district superintendent, in the case  
13 of a school district under full State intervention, in the school year  
14 preceding the school year in which the charter school will be  
15 established. This bill directs a charter school authorizer to accept  
16 an application at any time during the calendar year and removes the  
17 requirement that an application be submitted in the school year  
18 preceding the school year in which the charter school will be  
19 established. The bill requires the charter school authorizer to make  
20 a decision on an application within 150 days of its receipt.

21 Current law provides that a charter school may be established by  
22 teaching staff members, parents with children attending the schools  
23 of the district, or a combination thereof. The bill provides that  
24 community residents may also be involved in the establishment of a  
25 charter school.

26 The bill provides that the Commissioner of Education may grant  
27 charters to virtual or e-charter schools as well as to charter schools  
28 that limit admission to students of a particular gender or to students  
29 with specific behavioral needs or disorders including, but not  
30 limited to, autism spectrum disorder. Under the bill, the  
31 commissioner must actively encourage the establishment of charter  
32 schools addressing behavioral needs or disorders.

33 The bill also makes a number of technical changes to conform its  
34 provisions to more recently enacted law.