

[First Reprint]

ASSEMBLY, No. 3852

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED FEBRUARY 22, 2011

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Chivukula and Johnson**

SYNOPSIS

Requires voter approval at the annual school election or by the board of school estimate prior to designation as charter school district of residence or expansion of a charter school.

CURRENT VERSION OF TEXT

As reported by the Assembly Education Committee on May 23, 2011, with amendments.

(Sponsorship Updated As Of: 6/30/2011)

1 AN ACT concerning the establishment ¹and expansion¹ of charter
2 schools and amending P.L.1995, c.426.

3

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

6

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

9 4. a. A charter school may be established by teaching staff
10 members, parents with children attending the schools of the district,
11 or a combination of teaching staff members and parents. A charter
12 school may also be established by an institution of higher education
13 or a private entity located within the State in conjunction with
14 teaching staff members and parents of children attending the
15 schools of the district. If the charter school is established by a
16 private entity, representatives of the private entity shall not
17 constitute a majority of the trustees of the school, and the charter
18 shall specify the extent to which the private entity shall be involved
19 in the operation of the school. The name of the charter school shall
20 not include the name or identification of the private entity, and the
21 private entity shall not realize a net profit from its operation of a
22 charter school. A private or parochial school shall not be eligible
23 for charter school status.

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

26 (1) At least 51% of the teaching staff in the school shall have
27 signed a petition in support of the school becoming a charter
28 school; and

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

32 c. (1) An application to establish a charter school shall be
33 submitted to the commissioner and the local board of education or
34 State district superintendent, in the case of a **[State-operated school**
35 **district]** school district under full State intervention, in the school
36 year preceding the school year in which the charter school will be
37 established. Notice of the filing of the application shall be sent
38 immediately by the commissioner to the members of the State
39 Legislature, school superintendents, and mayors and governing
40 bodies of all legislative districts, school districts, or municipalities
41 in which there are students who will be eligible for enrollment in
42 the charter school. The board of education or State district
43 superintendent shall review the application and forward a
44 recommendation to the commissioner within 60 days of receipt of

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AED committee amendments adopted May 23, 2011.

1 the application. ~~【The】~~ Except as otherwise provided pursuant to
2 paragraph (2) of this subsection, the commissioner shall have final
3 authority to grant or reject a charter application.

4 (2) The commissioner shall not approve an application for the
5 establishment of a charter school unless the ¹【establishment of】
6 designation of a school district as¹ the charter school ¹district of
7 residence or inclusion of the district in the charter school region of
8 residence¹ has been approved by the voters of the district at the
9 annual school election in the case of a charter school to be
10 established in a Type II district, or the board of school estimate in
11 the case of a charter school to be established in a Type I district ¹or
12 a Type II district with a board of school estimate. In the event that
13 a subset of school districts included in the region of residence of a
14 proposed charter school does not approve of the inclusion, the
15 charter school applicant may submit a revised application to the
16 commissioner that does not include the school districts in which the
17 inclusion was not approved.¹

18 d. The local board of education or a charter school applicant
19 may appeal the decision of the commissioner to the ~~【State Board of~~
20 ~~Education. The State board shall render a decision within 30 days~~
21 ~~of the date of the receipt of the appeal. If the State board does not~~
22 ~~render a decision within 30 days, the decision of the commissioner~~
23 ~~shall be deemed final】~~ Appellate Division of the Superior Court.

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

31 Any two charter schools within the same public school district
32 that are not operating the same grade levels may petition the
33 commissioner to amend their charters and consolidate into one
34 school. The commissioner may approve an amendment to
35 consolidate, provided that the basis for consolidation is to
36 accommodate the transfer of students who would otherwise be
37 subject to the random selection process pursuant to section 8 of
38 P.L.1995, c.426 (C.18A:36A-8).

39 ¹A charter school may petition the commissioner to amend its
40 charter to expand the number of grade levels that it operates.
41 Notice of the filing of the petition to amend the charter shall be sent
42 immediately by the commissioner to the board of education of the
43 charter school district of residence or to the board of education of
44 each district included in the charter school region of residence. The
45 commissioner shall not approve a petition for the expansion of a
46 charter school unless the expansion has been approved by the voters
47 of the district at the annual school election in the case of a charter

1 school in a Type II district, or the board of school estimate in the
2 case of a charter school in a Type I district or a Type II school
3 district with a board of school estimate. In the case of a charter
4 school with a region of residence, the expansion shall be deemed
5 approved if each district included in the charter school region of
6 residence approves the expansion.

7 f. Upon receipt of a notice of the filing of a charter school
8 application or a petition to expand the number of grade levels that
9 the charter school operates, a local board of education of a Type II
10 district shall submit to the voters at the next annual school election
11 a question regarding the approval of its designation as the charter
12 school district of residence, its inclusion in the charter school region
13 of residence, or the expansion of the number of grade levels that the
14 charter school operates, as applicable.

15 g. As used in this section, "region of residence" means the
16 contiguous school districts in which a charter school operates
17 pursuant to its charter or proposes to operate in the application
18 submitted to the commissioner.¹

19 (cf: P.L.2002, c.123, s.1)

20

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

23 8. a. Preference for enrollment in a charter school shall be
24 given to students who reside in the charter school district [in which
25 the charter school is located] of residence. If there are more
26 applications to enroll in the charter school than there are spaces
27 available, the charter school shall select students to attend using a
28 random selection process. A charter school shall not charge tuition
29 to students who reside in the charter school district of residence.

30 b. A charter school shall allow any student who was enrolled in
31 the school in the immediately preceding school year to enroll in the
32 charter school in the appropriate grade unless the appropriate grade
33 is not offered at the charter school.

34 c. A charter school may give enrollment priority to a sibling of
35 a student enrolled in the charter school.

36 d. If available space permits, a charter school may enroll non-
37 resident students. The terms and condition of the enrollment shall
38 be outlined in the school's charter and approved by the
39 commissioner.

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

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

45

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

1 13. The students who reside in the charter school district [in
2 which the charter school is located] of residence shall be provided
3 transportation to the charter school on the same terms and
4 conditions as transportation is provided to students attending the
5 schools of the district. Non-resident students shall receive
6 transportation services pursuant to regulations established by the
7 State board.¹
8 (cf: P.L.1995, c.426, s.13)
9
10 ¹[2.] 4.¹ This act shall take effect immediately.