[First Reprint]

ASSEMBLY, No. 1877

STATE OF NEW JERSEY

215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

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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 February 2, 2012, with amendments.

(Sponsorship Updated As Of: 3/16/2012)

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

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

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

4. a. A charter school may be established by teaching staff members, parents with children attending the schools of the district, or a combination of teaching staff members and parents. A charter school may also be established by an institution of higher education or a private entity located within the State in conjunction with teaching staff members and parents of children attending the schools of the district. If the charter school is established by a private entity, representatives of the private entity shall not constitute a majority of the trustees of the school, and the charter shall specify the extent to which the private entity shall be involved in the operation of the school. The name of the charter school shall not include the name or identification of the private entity, and the private entity shall not realize a net profit from its operation of a charter school.

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

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

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

c. (1) An application to establish a charter school shall be submitted to the commissioner and the local board of education or State district superintendent, in the case of a school district under full State intervention, in the school year preceding the school year in which the charter school will be established. Notice of the filing of the application shall be sent immediately by the commissioner to the members of the State Legislature, school superintendents, and mayors and governing bodies of all legislative districts, school districts, or municipalities in which there are students who will be eligible for enrollment in the charter school. The board of education or State district superintendent shall review the application and forward a recommendation to the commissioner within 60 days of receipt of the application. **[**The**]** [1]**[**Except as otherwise provided

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:
[1]Assembly AED committee amendments adopted February 2, 2012.

pursuant to paragraph (2) of this subsection, the commissioner shall have final authority to grant or reject a charter application.**]**[1]

(2) The commissioner shall [1]**[**not approve**]** make a determination to approve or reject a charter application. Upon receiving initial approval from the commissioner,[1] an application for the establishment of a charter school [1]shall not be granted final approval[1] unless the designation of a school district as the charter school district of residence or inclusion of the district in the charter school region of residence has been approved by the voters of the district at the annual school election in the case of a charter school to be established in a Type II district, or the board of school estimate in the case of a charter school to be established in a Type I district or a Type II district with a board of school estimate. In the event that a subset of school districts included in the region of residence of a proposed charter school does not approve of the inclusion, the charter school applicant may submit a revised application [1]**[**to the commissioner**]**[1] that does not include the school districts in which the inclusion was not approved.

[1]The provisions of paragraph (2) of this subsection shall also apply to a charter school that has been approved by the commissioner, but has not yet opened, prior to the effective date of P.L. , c. (pending before the Legislature as this bill).[1]

d. The local board of education or a charter school applicant may appeal the decision of the commissioner to the Appellate Division of the Superior Court.

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

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

A charter school may petition the commissioner to amend its charter to expand the number of grade levels that it operates [1]or to enlarge the charter school region of residence[1] . Notice of the filing of the petition to amend the charter shall be sent immediately by the commissioner to the board of education of the charter school district of residence or to the board of education of each district included in

the charter school region of residence ¹or to be added to the charter school region of residence¹. The commissioner shall ¹[not] make a determination to¹ approve ¹or reject¹ a petition for the expansion of a charter school ¹or the enlargement of a charter school region of residence. Upon receiving the initial approval from the commissioner, a petition to expand a charter school shall not be granted final approval¹ unless the expansion has been approved by the voters of the district at the annual school election in the case of a charter school in a Type II district, or the board of school estimate in the case of a charter school in a Type I district or a Type II school district with a board of school estimate. In the case of a charter school with a region of residence, the expansion shall be deemed approved if each district included in the charter school region of residence approves the expansion.

¹Upon receiving initial approval from the commissioner, a petition to enlarge a charter school region of residence shall not be granted final approval unless the enlargement has been approved by the voters of the district at the annual school election in the case of a charter school in a Type II district, or the board of school estimate in the case of a charter school in a Type I district or a Type II school district with a board of school estimate, that would be added to the charter school region of residence.¹

f. Upon receipt of a notice of the ¹[filing] commissioner's initial approval¹ of a charter school application or a petition to expand the number of grade levels that the charter school operates ¹or to enlarge the charter school region of residence¹ , a local board of education of a Type II district shall submit to the voters at the next annual school election a question regarding the approval of its designation as the charter school district of residence, its inclusion in the charter school region of residence, or the expansion of the number of grade levels that the charter school operates, as applicable.

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

(cf: P.L.2011, c.140, s.2)

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

8. a. ¹[Preference for enrollment in a charter school shall be given to students who reside in the charter school district [in which the charter school is located] of residence.]¹ If there are more applications to enroll in the charter school than there are spaces available, the charter school shall select students to attend using a random selection process. A charter school shall not charge tuition

to students ¹[who reside in the charter school district of residence]¹.

b. ¹[A] Notwithstanding the provisions of subsection f. of this section, a¹ charter school shall allow any student who was enrolled in the school in the immediately preceding school year to enroll in the charter school in the appropriate grade unless the appropriate grade is not offered at the charter school.

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

d. ¹[If available space permits, a charter school may enroll non-resident students. The terms and condition of the enrollment shall be outlined in the school's charter and approved by the commissioner.] Deleted by amendment, P.L. , c. (pending before the Legislature as this bill)¹

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

¹f. After the effective date of P.L. , c. (pending before the Legislature as this bill), a charter school shall not enroll a student who does not reside in the charter school district of residence.¹

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

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

13. The students who reside in the charter school district [in which the charter school is located] of residence shall 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. Non-resident students ¹enrolled in the charter school prior to the effective date of P.L. , c. (pending before the Legislature as this bill)¹ shall receive transportation services pursuant to regulations established by the State board.

(cf: P.L.1995, c.426, s.13)

4. This act shall take effect immediately.