

# SENATE, No. 2319

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## STATE OF NEW JERSEY 216th LEGISLATURE

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INTRODUCED JULY 31, 2014

**Sponsored by:**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**SYNOPSIS**

Modifies various aspects of charter school program, including authorization, regulation, and monitoring; appropriates \$250,000 to DOE for expenses of charter school authorizing board.

**CURRENT VERSION OF TEXT**

As introduced.



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2

1 AN ACT concerning charter schools, revising various parts of  
2 statutory law, supplementing P.L.1995, c.426 (C.18A:36A-1 et  
3 seq.), and making an appropriation.

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 P.L.1995, c.426 (C.18A:36A-1 et  
9 seq.):

10 “Charter school authorizer” means an entity charged with the  
11 ongoing monitoring of the charter schools it authorizes, and with  
12 granting, renewing, and revoking charters for charter schools  
13 established pursuant to the provisions of P.L.1995, c.426  
14 (C.18A:36A-1 et seq.). A charter school authorizer shall include  
15 the Commissioner of Education and the charter school authorizing  
16 board established pursuant to section 2 of P.L. , c. (C. ) (pending  
17 before the Legislature as this bill).

18  
19 2. (New section) a. There is hereby established the charter  
20 school authorizing board. The board shall consist of nine members  
21 as follows: three members appointed by the Governor; one member  
22 appointed by the President of the Senate; one member appointed by  
23 the Minority Leader of the Senate; one member appointed by the  
24 Speaker of the General Assembly; one member appointed by the  
25 Minority Leader of the General Assembly; and two ex officio  
26 members, the President of the State Board of Education or his  
27 designee and the Executive Director of the New Jersey School  
28 Boards Association or his designee. Of the appointed members of  
29 the board no more than four shall be of the same political party.  
30 The appointed members of the board shall have experience in public  
31 and nonprofit governance, management, finance, public school  
32 leadership, assessment, curriculum, instruction, and public school  
33 law. Each member shall have a demonstrated understanding of and  
34 commitment to the use of charter schools as a strategy for  
35 strengthening public education. The appointments to the board  
36 shall be made no later than 90 days after the effective date of P.L. ,  
37 c. (C. ) (pending before the Legislature as this bill).

38 b. The term of the first members appointed by the Governor  
39 shall be four years, and the term for members subsequently  
40 appointed or reappointed by the Governor shall be three years. The  
41 term of a member of the board appointed by the President of the  
42 Senate or the Speaker of the General Assembly shall be three years.  
43 The term of a member of the board appointed by the Minority  
44 Leader of the Senate or the Minority Leader of the General  
45 Assembly shall be two years. No appointed member of the board

**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.**

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1 shall serve for more than seven consecutive years. A vacancy on  
2 the board shall be filled by the original appointment authority for  
3 the remainder of the term.

4 c. The members of the board shall serve without compensation,  
5 but may be reimbursed for any necessary expenses incurred in the  
6 performance of their duties.

7  
8 3. (New section) a. The State Board of Education shall be  
9 responsible for the ongoing oversight of the performance and  
10 effectiveness of the charter school authorizing board. The State  
11 board may, at any time, take corrective action against the charter  
12 school authorizing board, including suspending the charter school  
13 authorizing board's authority, for a period not to exceed three  
14 school years, for:

15 (1) failure to adequately discharge the responsibilities  
16 established pursuant to the provisions of P.L.1995, c.426  
17 (C.18A:36A-1 et seq.);

18 (2) failure to provide adequate oversight of one or more charter  
19 schools with which it has entered into a charter contract;

20 (3) persistent unsatisfactory performance of charter schools  
21 monitored by the charter school authorizing board; or

22 (4) any other good cause as determined by the State board.

23 b. In the event that the State board suspends the charter school  
24 authorizing board's authority, the oversight of its charter schools  
25 shall transfer to the commissioner.

26  
27 4. (New section) No later than 90 days prior to the charter  
28 school application submission date set forth in section 4 of  
29 P.L.1995, c.426 (C.18A:36A-4), a charter school authorizer shall  
30 issue a request for proposals for prospective charter school  
31 applicants. The information included in the request for proposal  
32 shall include, but need not be limited to, the following:

33 a. The specific school district or community to be served by  
34 any charter school that is granted a charter by the charter school  
35 authorizer;

36 b. The criteria that the charter school authorizer will use to  
37 approve or reject a charter school application submitted in response  
38 to the request for proposal;

39 c. The performance framework that the charter school  
40 authorizer has developed for the oversight and evaluation of a  
41 charter school pursuant to section 6 of P.L. , c. (C. ) (pending  
42 before the Legislature as this bill); and

43 d. Any preference that the charter school authorizer may have  
44 for an applicant that demonstrates the capacity to serve a specific  
45 disadvantaged population of students. For the purposes of this  
46 subsection "disadvantaged population of students" means students  
47 who meet the definition of an "at-risk pupil" pursuant to section 3  
48 of P.L.2007, c.260 (C.18A:7F-45) or students who score in the

1 partially proficient range in the language arts or mathematics  
2 subject area of the State assessments.

3 A charter school applicant shall not submit an application for a  
4 particular charter school to more than one charter school authorizer  
5 in the same year.

6  
7 5. (New section) a. When reviewing a charter school  
8 application, a charter school authorizer shall employ procedures,  
9 practices, and criteria that are consistent with nationally recognized  
10 principles and standards for charter school authorization, and ensure  
11 that the application review procedures are transparent. The State  
12 Board of Education shall promulgate regulations pursuant to the  
13 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
14 seq.), that define the nationally recognized principles and standards  
15 pursuant to which a charter school authorizer shall review a charter  
16 school application. In evaluating charter school applications, the  
17 charter school authorizer shall avoid any real or perceived conflicts  
18 of interest. The charter school application review process shall  
19 include, but not be limited to, the following:

20 (1) an in-person interview with each charter school applicant;  
21 and

22 (2) two public meetings at which a single charter school  
23 application is discussed, and the residents of the school district that  
24 would be served by the charter school would have an opportunity to  
25 provide input on the application.

26 b. (1) A charter school authorizer shall only approve a charter  
27 school application if the applicant demonstrates competence in each  
28 element of the charter school authorizer’s published approval  
29 criteria. The State Board of Education shall promulgate regulations  
30 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410  
31 (C.52:14B-1 et seq.), that establish criteria by which a charter  
32 school authorizer shall determine whether or not an applicant has  
33 demonstrated competence in approval criteria.

34 (2) A charter school authorizer may, when appropriate, establish  
35 reasonable conditions that an approved charter school applicant  
36 shall meet prior to executing a charter contract pursuant to section 6  
37 of P.L. , c. (C. ) (pending before the Legislature as this bill).  
38 The State Board of Education shall promulgate regulations pursuant  
39 to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-  
40 1 et seq.), establishing a list of reasonable conditions which a  
41 charter school authorizer may impose on an applicant prior to  
42 executing a charter contract.

43 The charter school authorizer’s decision shall be based on  
44 information collected during the application process.

45 c. No later than 30 days after approving or rejecting a charter  
46 school application, a charter school authorizer shall publish a report  
47 detailing the charter school authorizer’s reasons for approving or  
48 rejecting the charter school application. Each report shall be posted

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1 on the Department of Education’s website. In the event that the  
2 charter school authorizer is the charter school authorizing board  
3 established pursuant to section 2 of P.L. , c. (C. ) (pending  
4 before the Legislature as this bill), the board shall forward a copy of  
5 the report to the department no later than 25 days after approving or  
6 rejecting a charter school application.

7  
8 6. (New section) a. Within 60 days of approving a charter  
9 school application, the charter school authorizer and the applicant  
10 shall enter into a charter contract that details the performance  
11 framework by which the charter school’s performance will be  
12 assessed. The charter contract shall also outline the administrative  
13 relationship between the charter school authorizer and the charter  
14 school, including each party’s rights and responsibilities. The  
15 performance framework included in the charter contract shall  
16 include, but need not be limited to, annual performance targets for  
17 the following:

- 18 (1) absolute measures of student academic proficiency;
- 19 (2) student academic growth over time;
- 20 (3) academic achievement gaps between student subgroups;
- 21 (4) student attendance rates;
- 22 (5) student attrition rates;
- 23 (6) in the case of a charter school that enrolls students in grades  
24 9 through 12, measures of students’ readiness for college and  
25 careers;
- 26 (7) financial viability and sustainability;
- 27 (8) performance by the school’s board of trustees, including  
28 compliance with applicable laws, rules, and regulations, and  
29 provisions of the charter contract; and
- 30 (9) any additional indicators proposed by the charter school and  
31 approved by the charter school authorizer to account for the charter  
32 school’s specific mission. The charter school authorizer shall only  
33 approve additional indicators that are rigorous and valid.

34 b. The charter contract shall require that any information  
35 included in the performance framework that relates to students shall  
36 be disaggregated by student subgroups, including racial and ethnic  
37 classifications, gender, income groups, students with disabilities,  
38 students who are English language learners, and students who are  
39 gifted and talented.

40 c. The annual performance targets included in the performance  
41 framework shall be agreed to by the charter school authorizer and  
42 the charter school, and shall be designed to ensure that the charter  
43 school meets applicable federal and State expectations for student  
44 academic performance.

45 The charter contract shall include a provision that any federal or  
46 State accountability requirements shall be applicable to the charter  
47 school.

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1 d. The charter contract shall be signed by the authorized  
2 representative of the charter school authorizer and the president of  
3 the board of trustees of the charter school. In the event that the  
4 charter school authorizer is the charter school authorizing board,  
5 then the board, within 30 days of entering into the charter contract,  
6 shall forward a copy of the contract and any attachments to the  
7 commissioner. A copy of all executed charter contracts shall be  
8 made available on the department's website.

9 e. An approved charter school shall not begin operations prior  
10 to entering into a charter contract with the charter school authorizer  
11 that approved the charter school application. Neither party may  
12 delegate or reassign any of the rights or responsibilities included in  
13 the charter contract.

14 f. The applicant may elect to use one year as a planning year  
15 prior to entering into a charter contract. The applicant shall be  
16 required to obtain the consent of the charter school authorizer to use  
17 any additional years as planning years.

18

19 7. (New section) A charter school authorizer shall prepare an  
20 annual report documenting its operations during the prior school  
21 year. The charter school authorizing board shall submit its annual  
22 report to the commissioner no later than October 1 of each school  
23 year. The commissioner shall forward a copy of each charter school  
24 authorizer's annual report to the Legislature pursuant to section 2 of  
25 P.L.1991, c.164 (C.52:14-19.1) no later than November 1 of each  
26 school year. Each charter school authorizer's annual report shall  
27 include, but need not be limited to, the following:

28 a. the performance of each charter school authorized by the  
29 charter school authorizer, as measured by the performance  
30 framework developed by the charter school authorizer;

31 b. a listing of charter schools that:

32 (1) have been approved by the charter school authorizer, but not  
33 yet opened;

34 (2) are currently operating under an initial charter;

35 (3) are currently operating under a renewed charter;

36 (4) did not have its charter renewed;

37 (5) had its charter revoked;

38 (6) voluntarily relinquished its charter; and

39 (7) had been approved by the charter school authorizer, but  
40 never opened; and

41 c. a summary of the expenses incurred by the charter school  
42 authorizer in performing its responsibilities.

43

44 8. (New section) An employee, agent, or representative of a  
45 charter school authorizer shall not serve as an employee, agent,  
46 representative, vendor, contractor, or board of trustee member of a  
47 charter school that is subject to the oversight of the charter school  
48 authorizer.

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1       9. (New section) Except as provided pursuant to section 14 of  
2 P.L.2007, c.137 (C.18A:7G-45), a school district that intends to sell  
3 or lease a school facility shall grant right of first refusal to purchase  
4 or lease the property for an amount equal to the fair market value of  
5 the school facility to a charter school that, pursuant to its charter,  
6 enrolls students who reside in that district. In the event that more  
7 than one charter school enrolls students who reside in that district,  
8 then the order in which right of first refusal is to be granted shall be  
9 determined by lottery.

10

11       10. (New section) In the event that a student withdraws from a  
12 charter school and enrolls in another public school located in the  
13 State, the new school shall accept all credits earned by the student  
14 in a uniform and consistent manner, and using the same criteria  
15 applied to accept credits from other public schools. The new school  
16 shall honor the student's status and grade level achieved at the  
17 charter school.

18

19       11. (New section) On or before March 1 of each year, the  
20 commissioner shall submit a report to the Governor, and to the  
21 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),  
22 regarding the State's charter school program. The annual report  
23 shall be based on information contained in the reports submitted by  
24 the charter school authorizers pursuant to section 7 of P.L.     , c.  
25 (C. ) (pending before the Legislature as this bill) and any other  
26 relevant data compiled by the commissioner. The annual report  
27 shall include a summary of the performance measures included in  
28 charter contracts entered into by the charter school authorizers, an  
29 assessment of the successes, challenges, and potential areas of  
30 improvement, an assessment of the sufficiency of funding provided  
31 to charter schools, and recommendations for changes to State law,  
32 regulations, or practices that may promote the objectives of charter  
33 schools.

34

35       12. (New section) The executive county superintendent of  
36 schools and a representative of the regional achievement center of  
37 the region in which the county is located shall meet quarterly with a  
38 representative of each charter school in the county to discuss the  
39 innovations and best practices being implemented by the charter  
40 schools which may be adopted in the traditional public school  
41 setting. The appropriate regional achievement center shall prepare  
42 an annual report no later than January 1 which provides a detailed  
43 description of the innovations and best practices discussed in the  
44 quarterly meetings. The Department of Education shall make the  
45 annual reports available to the public through an Internet website  
46 maintained by the department in an easily accessible location.

47

48       13. N.J.S.18A:23-1 is amended to read as follow:

1 18A:23-1. The board of education of every school district and  
2 the board of trustees of every charter school shall cause an annual  
3 audit of the district's or charter school's accounts and financial  
4 transactions to be made by a public school accountant employed by  
5 it, which audit shall be completed not later than 5 months after the  
6 end of the school fiscal year.

7 (cf: P.L.2010, c.49)

8

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

11 1. **【This act】** P.L.1995, c.426 (C.18A:36A-1 et seq.) shall be  
12 known and may be cited as the "Charter School **【Program Act of**  
13 **1995】** Accountability and Authorizer Act."

14 (cf: P.L.1995, c.426, s.1)

15

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

18 2. The Legislature finds and declares that the establishment of  
19 charter schools as part of this State's program of public education  
20 can assist in promoting comprehensive educational reform **【by**  
21 **providing a mechanism for the implementation of a variety of**  
22 **educational approaches which may not be available in the**  
23 **traditional public school classroom】**. Charter schools serve a  
24 distinct purpose in supporting innovations and best practices that  
25 can be adopted by other public schools to strengthen the  
26 performance of all students. Specifically, charter schools offer the  
27 potential to improve pupil learning; increase for students and  
28 parents the educational choices available when selecting the  
29 learning environment which they feel may be the most appropriate;  
30 encourage the use of different and innovative learning methods;  
31 establish a new form of accountability for schools; require the  
32 measurement of learning outcomes; make the school the unit for  
33 educational improvement; and establish new professional  
34 opportunities for teachers.

35 The Legislature **【further】** also finds that the establishment of a  
36 charter school program is in the best interests of the students of this  
37 State and it is therefore the public policy of the State to encourage  
38 and facilitate the development of charter schools.

39 The Legislature further finds that based on experience since the  
40 original enactment of the "Charter School Program Act of 1995,"  
41 P.L.1995, c.426 (C.18A:36A-1 et seq.), it is necessary to establish  
42 additional standards and safeguards to ensure that the charter school  
43 program is operated in an effective and accountable manner and  
44 contributes to the overall improvement of public education for all  
45 students in the districts served by charter schools.

46 (cf: P.L.1995, c.426, s.2)



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

3       3. **[a.]** The Commissioner of Education shall establish a charter  
4 school program which shall provide for the approval and granting of  
5 charters to charter schools pursuant to the provisions of **[this act]**  
6 P.L.1995, c.426 (C.18A:36A-1 et seq.). A charter school shall be a  
7 public school operated under a charter granted by **[the**  
8 **commissioner]** a charter school authorizer, which is operated  
9 independently of a local board of education and is managed by a  
10 board of trustees. The board of trustees, upon receiving a charter  
11 from **[the commissioner]** and entering into a charter contract with a  
12 charter school authorizer, shall be deemed to be public agents  
13 authorized by the State Board of Education to supervise and control  
14 the charter school.

15       **[b.]** The program shall authorize the establishment of not more  
16 than 135 charter schools during the 48 months following the  
17 effective date of this act. A minimum of three charter schools shall  
18 be allocated to each county. The commissioner shall actively  
19 encourage the establishment of charter schools in urban school  
20 districts with the participation of institutions of higher education.**]**  
21 (cf: P.L.1995, c.426, s.3)  
22

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

25       4. a. A charter school may be established by teaching staff  
26 members, parents with children attending the schools of the district,  
27 or a combination of teaching staff members and parents. A charter  
28 school may also be established by an institution of higher education  
29 or a private nonprofit entity located within the State in conjunction  
30 with teaching staff members and parents of children attending the  
31 schools of the district. If the charter school is established by a  
32 private nonprofit entity, representatives of the private nonprofit  
33 entity shall not constitute a majority of the trustees of the school,  
34 and the charter shall specify the extent to which the private  
35 nonprofit entity shall be involved in the operation of the school.  
36 The name of the charter school shall not include the name or  
37 identification of the private nonprofit entity **[**, and the private entity  
38 shall not realize a net profit from its operation of a charter school**]**.  
39 A private or parochial school shall not be eligible for charter school  
40 status.

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

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

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

4 c. An application to establish a charter school shall be  
5 submitted to the **【commissioner】** charter school authorizer and the  
6 local board of education or State district superintendent, in the case  
7 of a school district under full State intervention, no later than  
8 January 1 in the **【school】** year preceding the school year in which  
9 the charter school will be established. Notice of the filing of the  
10 application shall be sent immediately by the **【commissioner】**  
11 charter school authorizer to the members of the State Legislature,  
12 school superintendents, and mayors and governing bodies of all  
13 legislative districts, school districts, or municipalities in which there  
14 are students who will be eligible for enrollment in the charter  
15 school. The board of education or State district superintendent  
16 shall review the application and forward a recommendation to the  
17 **【commissioner】** charter school authorizer within 60 days of receipt  
18 of the application. The **【commissioner】** charter school authorizer  
19 shall have final authority to grant or reject a charter application.

20 The charter school authorizer shall notify a charter school  
21 applicant of the initial approval or rejection of the charter school  
22 application no later than September 1 after the submission of the  
23 charter school application. The charter school authorizer shall  
24 provide for the final granting of a charter, no later than February 1,  
25 after:

26 (1) receiving and approving documentation, as required by the  
27 charter school authorizer, that is not available at the time of the  
28 application's submission;

29 (2) assessing the student composition of the charter school and  
30 the potential effects that the loss of the students may have on the  
31 school district in which the potential charter school students reside;  
32 and

33 (3) conducting a preparedness visit to the prospective charter  
34 school.

35 d. The local board of education or a charter school applicant  
36 may appeal the decision of the **【commissioner】** charter school  
37 authorizer to the Appellate Division of the Superior Court.

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

45 Any two charter schools within the same public school district  
46 that are not operating the same grade levels may petition **【the**  
47 **commissioner】** their charter school authorizer to amend their

1 charters and consolidate into one school. The **【commissioner】**  
2 charter school authorizer may approve an amendment to  
3 consolidate, provided that the basis for consolidation is to  
4 accommodate the transfer of students who would otherwise be  
5 subject to the random selection process pursuant to section 8 of  
6 P.L.1995, c.426 (C.18A:36A-8).  
7 (cf: P.L.2011, c.140, s.2)

8  
9 18. Section 5 of P.L.1995, c.426 (C.18A:36A-5) is amended to  
10 read as follows:

11 5. The application for a charter school shall include the  
12 following information:

13 a. The identification of the charter applicant;

14 b. The name of the proposed charter school;

15 c. The proposed governance structure of the charter school  
16 including a list of the proposed members of the board of trustees of  
17 the charter school, including background information, or a  
18 description of the qualifications and method for the appointment or  
19 election of members of the board of trustees;

20 d. The educational goals of the charter school, the curriculum  
21 to be offered, and the methods of assessing whether students are  
22 meeting educational goals. Charter school students shall be required  
23 to meet the same testing and academic performance standards as  
24 established by law and regulation for public school students.  
25 Charter school students shall also meet any additional assessment  
26 indicators which are included within the charter approved by the  
27 **【commissioner】** charter school authorizer;

28 e. The admission policy and criteria for evaluating the  
29 admission of students which shall comply with the requirements of  
30 section 8 of **【this act】** P.L.1995, c.426 (C.18A:36A-8), including a  
31 detailed plan and timeline for student recruitment and the procedure  
32 for conducting a public lottery if the number of students seeking  
33 admission exceeds the capacity;

34 f. The age or grade range of students to be enrolled in each  
35 year during the term of the charter;

36 g. The **【school】** school's proposed calendar and **【school day】** a  
37 sample daily schedule;

38 h. A description of the charter school staff responsibilities and  
39 the proposed qualifications of teaching staff;

40 i. A description of the **【procedures to be implemented to**  
41 **ensure】** opportunities for and expectations of significant parental  
42 involvement in the operation of the school;

43 j. A description of, and address for, the physical facility in  
44 which the charter school will be located, and a plan for identifying  
45 an alternative facility if the need arises ;

46 k. Information on the manner in which community groups will  
47 be involved in the charter school planning process;

- 1 l. The financial plan for the charter school and the provisions  
2 which will be made for auditing the school pursuant to the  
3 provisions of N.J.S.18A:23-1;
- 4 m. A description of and justification for any waivers of  
5 regulations which the charter school will request; **[and]**
- 6 n. The mission and vision of the proposed charter school,  
7 including any specific student population that the charter school  
8 would serve;
- 9 o. For each grade level and for each year for the term of the  
10 charter, the projected student enrollment, the minimum number of  
11 students that the charter school may serve while remaining  
12 financially viable, and the maximum number of students that the  
13 charter school could feasibly serve;
- 14 p. An explanation of how the proposed charter school's  
15 academic programs will align with standards adopted by the State  
16 Board of Education;
- 17 q. A description of the proposed charter school's instructional  
18 design, including information on the type of learning environment  
19 that would be used, class size and structure, and teaching methods  
20 that will be employed;
- 21 r. The proposed charter school's plan for using assessments to  
22 measure and report student progress on the performance framework  
23 developed by the charter school authorizer pursuant to section 6 of  
24 P.L. , c. (C. ) (pending before the Legislature as this bill);
- 25 s. The proposed charter school's plan for identifying and  
26 successfully serving students with disabilities, English language  
27 learners, students who are currently not performing on grade level  
28 in one or more academic areas, and students who are gifted and  
29 talented;
- 30 t. A description of extracurricular and co-curricular activities  
31 that will be offered at the school, including the method by which  
32 the costs of such programs will be supported;
- 33 u. The proposed charter school's policy on student discipline.  
34 The policy shall be consistent with the student discipline policy of  
35 the school district in which the charter school is located;
- 36 v. An organization chart that clearly presents the proposed  
37 charter school's organizational structure, including lines of  
38 authority among the board of trustees, staff, and any other related  
39 entities;
- 40 w. A clear description of the roles and responsibilities of the  
41 board of trustees, the school's leadership and management team,  
42 and any other entities included in the organization chart;
- 43 x. A detailed plan for recruiting and developing the proposed  
44 charter school's leadership and management team and staff;
- 45 y. The school's proposed employment policy, including the  
46 plan for conducting performance evaluations;
- 47 z. The board of trustee's proposed bylaws;

- 1     aa. A description or explanation of any partnerships or  
2 contractual arrangements that will be a significant component of the  
3 school's operations or mission;  
4     bb. The plan for providing food services and other operational  
5 services;  
6     cc. A detailed start-up plan that includes tasks to be completed,  
7 a timeline during which the identified tasks will be completed, and  
8 a list of individuals who will be responsible for completing the  
9 tasks;  
10    dd. A description of the insurance coverage the school will  
11 obtain;  
12    ee. Projected budgets for any start-up period and the first five  
13 years of the school's operations, including a description of relevant  
14 assumptions used in developing the budget;  
15    ff. A cash flow analysis for any start-up period and the first  
16 year of the school's operations, including a description of relevant  
17 assumptions used in developing the cash flow analysis;  
18    gg. An explanation of any anticipated revenues from fundraising  
19 that are included in the projected budgets; and  
20    hh. Such other information as the [commissioner] charter  
21 school authorizer may require.  
22 (cf: P.L.1995, c.426, s.5)

23  
24     19. Section 6 of P.L.1995, c.426 (C.18A:36A-6) is amended to  
25 read as follows:

26     6. A charter school established pursuant to the provisions of  
27 **[this act]** P.L.1995, c.426 (C.18A:36A-1 et seq.) shall be a body  
28 corporate and politic with all powers necessary or desirable for  
29 carrying out its charter program, including, but not limited to, the  
30 power to:

31     a. Adopt a name and corporate seal; however, any name  
32 selected shall include the words "charter school;"

33     b. Sue and be sued, but only to the same extent and upon the  
34 same conditions that a public entity can be sued;

35     c. Acquire real property from public or private sources, by  
36 purchase, lease, lease with an option to purchase, or by gift, for use  
37 as a school facility;

38     d. Receive and disburse funds for school purposes;

39     e. Make contracts and leases for the procurement of services,  
40 equipment and supplies;

41     f. Incur temporary debts in anticipation of the receipt of funds;

42     g. Solicit and accept any gifts or grants for school purposes;

43 **[and]**

44     h. Purchase appropriate insurance; and

45     i. Have such other powers as are necessary to fulfill its charter  
46 and which are not inconsistent with **[this act]** P.L.1995, c.426  
47 (C.18A:36A-1 et seq.) or the requirements of the **[commissioner]**  
48 charter school authorizer which granted its charter.

1 The board of trustees of a charter school shall comply with the  
2 provisions of the "Open Public Meetings Act," P.L.1975, c.231  
3 (C.10:4-6 et seq.).  
4 (cf: P.L.1995, c.426, s.6)

5  
6 20. Section 8 of P.L.1995, c.426 (C.18A:36A-8) is amended to  
7 read as follows:

8 8. a. Preference for enrollment in a charter school shall be given  
9 to students who reside in the school district **【in which】** specified in  
10 the approved charter school 【is located】 application; except that in  
11 the case of a charter school located in a school facility which is  
12 being leased or has been purchased from a school district, the first  
13 preference for enrollment in the charter school shall be given to  
14 students who reside in the attendance area established by the district  
15 for that facility. If there are more applications to enroll in the  
16 charter school than there are spaces available, the charter school  
17 shall select students to attend using a 【random selection process】  
18 certified public lottery. The charter school authorizer shall develop  
19 a procedure for publicizing and certifying a lottery conducted by a  
20 charter school to which it has granted a charter.

21 A charter school shall not charge tuition **【to students who reside**  
22 **in the district】** and may only charge fees that may also be charged  
23 by other public schools in the State.

24 b. A charter school shall allow any student who was enrolled in  
25 the school in the immediately preceding school year to enroll in the  
26 charter school in the appropriate grade unless the appropriate grade  
27 is not offered at the charter school.

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

30 d. If available space permits, a charter school may enroll non-  
31 resident students. The terms and condition of the enrollment shall  
32 be outlined in the school's charter contract and approved by the  
33 **【commissioner】** charter school authorizer.

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

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

39

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

42 9. A student may withdraw from a charter school at any time.  
43 A student may be expelled from a charter school based on criteria  
44 determined by the board of trustees, which are consistent with the  
45 provisions of N.J.S.18A:37-2, and approved by the **【commissioner】**  
46 charter school authorizer as part of the school's charter contract.

1 Any expulsion shall be made upon the recommendation of the  
2 charter school principal, in consultation with the student's teachers.  
3 (cf: P.L.1995, c.426, s.9)

4

5 22. Section 10 of P.L.1995, c.426 (C.18A:36A-10) is amended  
6 to read as follows:

7 10. A charter school may be located in part of an existing public  
8 school building, in space provided on a public work site, in a public  
9 building, or any other suitable location. **【**In the case of a nonpublic  
10 school that converts to a charter school pursuant to the provisions of  
11 section 1 of P.L.2011, c.140 (C.18A:36A-4.1), the charter school  
12 may be located in the same school building in which the nonpublic  
13 school was located.**】** The facility shall be exempt from public  
14 school facility regulations except those pertaining to the health or  
15 safety of the pupils. A charter school shall not construct a facility  
16 with public funds other than federal funds.

17 (cf: P.L. 2011, c.140, s.3)

18

19 23. Section 11 of P.L.1995, c.426 (C.18A:36A-11) is amended  
20 to read as follows:

21 11. a. A charter school shall operate in accordance with its  
22 charter and the provisions of law and regulation which govern other  
23 public schools; except that, upon the request of the board of trustees  
24 of a charter school, the commissioner may exempt the school from  
25 State regulations concerning public schools, except those pertaining  
26 to assessment and accountability, testing, civil rights and student  
27 health and safety, if the board of trustees satisfactorily demonstrates  
28 to the commissioner that the exemption will advance the  
29 educational goals and objectives of the school.

30 b. A charter school shall comply with the provisions of chapter  
31 46 of Title 18A of the New Jersey Statutes concerning the provision  
32 of services to handicapped students; except that the fiscal  
33 responsibility for any student currently enrolled in or determined to  
34 require a private day or residential school shall remain with the  
35 district of residence.

36 Within 15 days of the signing of the individualized education  
37 plan, a charter school shall provide notice to the resident district of  
38 any individualized education plan which results in a private day or  
39 residential placement. The resident district may challenge the  
40 placement within 30 days in accordance with the procedures  
41 established by law.

42 c. A charter school shall comply with applicable State and  
43 federal anti-discrimination statutes.

44 d. A charter school shall not engage in any sectarian practices in  
45 its educational programs, admission or employment policies, or any  
46 of its operations.

47 e. The board of trustees of a charter school shall adopt and  
48 implement a nepotism policy that is in accordance with the

1 provisions of law and regulation regarding nepotism policies which  
2 govern other public schools.

3 f. The provisions of section 7 of P.L.1996, c.138 (C.18A:7F-7)  
4 shall be applicable to a charter school.  
5 (cf: P.L.2007, c.260, s.57)  
6

7 24. Section 14 of P.L.1995, c.426 (C.18A:36A-14) is amended  
8 to read as follows:

9 14. a. The board of trustees of a charter school shall have the  
10 authority to decide matters related to the operations of the school  
11 including budgeting, curriculum, and operating procedures, subject  
12 to the school's charter. The board shall provide for appropriate  
13 insurance against any loss or damage to its property or any liability  
14 resulting from the use of its property or from the acts or omissions  
15 of its officers and employees.

16 b. In the case of a currently existing public school which  
17 becomes a charter school pursuant to the provisions of subsection b.  
18 of section 4 of **[this act]** P.L.1995, c.426 (C.18A:36A-4), all school  
19 employees of the charter school shall be deemed to be members of  
20 the bargaining unit defined in the applicable agreement and shall be  
21 represented by the same majority representative organization as the  
22 employees covered by that agreement. In the case of other charter  
23 schools, the board of trustees of a charter school shall have the  
24 authority to employ, discharge and contract with necessary teachers  
25 and nonlicensed employees subject to the school's charter. The  
26 board of trustees may choose whether or not to offer the terms of  
27 any collective bargaining agreement already established by the  
28 school district for its employees, but the board shall adopt any  
29 health and safety provisions of the agreement. The charter school  
30 and its employees shall be subject to the provisions of the "New  
31 Jersey Employer-Employee Relations Act," P.L.1941, c.100  
32 (C.34:13A-1 et seq.). A charter school shall not set a teacher salary  
33 lower than the minimum teacher salary specified pursuant to section  
34 7 of P.L.1985, c.321 (C.18A:29-5.6) nor higher than the highest  
35 step in the salary guide in the collective bargaining agreement  
36 which is in effect in the district in which the charter school is  
37 located.

38 c. All classroom teachers and professional support staff shall  
39 hold appropriate New Jersey certification. The commissioner shall  
40 make appropriate adjustments in the alternate route program in  
41 order to expedite the certification of persons who are qualified by  
42 education and experience. All classroom teachers shall demonstrate  
43 that the teacher is highly qualified. To be considered highly  
44 qualified, a teacher shall possess, at a minimum, a bachelor's  
45 degree from a regionally accredited institution of higher education,  
46 and demonstrate mastery of the subject matter taught through a  
47 combination of teaching experience, professional development,



1 other related work experience, and subject matter knowledge  
2 garnered during prior employment experience.

3 d. A public school employee, tenured or non-tenured, may  
4 request a leave of absence of up to three years from the local board  
5 of education or State district superintendent in order to work in a  
6 charter school. Approval for a leave of absence shall not be  
7 unreasonably withheld. Employees on a leave of absence as  
8 provided herein shall remain in, and continue to make contributions  
9 to, their retirement plan during the time of the leave and shall be  
10 enrolled in the health benefits plan of the district in which the  
11 charter school is located. The charter school shall make any  
12 required employer's contribution to the district's health benefits  
13 plan.

14 e. Public school employees on a leave shall not accrue tenure  
15 in the public school system but shall retain tenure, if so applicable,  
16 and shall continue to accrue seniority, if so applicable, in the public  
17 school system if they return to their non-charter school when the  
18 leave ends. An employee of a charter school shall not accrue tenure  
19 pursuant to N.J.S.18A:17-2, N.J.S.18A:17-3, or N.J.S.18A:28-5, but  
20 shall acquire streamline tenure pursuant to guidelines promulgated  
21 by the commissioner, and the charter shall specify the security and  
22 protection to be afforded to the employee in accordance with the  
23 guidelines.

24 f. Any public school employee who leaves or is dismissed  
25 from employment at a charter school within three years shall have  
26 the right to return to the employee's former position in the public  
27 school district which granted the leave of absence, provided the  
28 employee is otherwise eligible for employment in the public school.  
29 (cf: P.L.1995, c.426, s.14)

30

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

33 16. a. The charter school authorizer shall continually monitor  
34 the performance and legal compliance of each charter school to  
35 which it has granted a charter. The charter school authorizer shall  
36 have the authority to conduct any reasonable oversight activities  
37 necessary to fulfill its responsibilities that are consistent with the  
38 provisions of P.L.1995, c.426 (C.18A:36A-1 et seq.) and do not  
39 diminish the autonomy provided to the charter school. In the event  
40 that a charter school authorizer determines that a charter school's  
41 performance is unsatisfactory or that the charter school is not in  
42 compliance with a legal requirement, the charter school authorizer  
43 shall promptly notify the charter school of the deficiency and shall  
44 provide a reasonable opportunity for the charter school to address  
45 the deficiencies. The charter school authorizer may require that the  
46 charter school develop and implement a corrective action plan to  
47 address any deficiency.

1 The **【commissioner】** charter school authorizer shall annually  
2 assess whether each charter school to which it has granted a charter  
3 is meeting the goals of its charter contract, and shall conduct a  
4 comprehensive review prior to granting a renewal of the charter.  
5 The **【county superintendent of schools of the county in which the**  
6 **charter school is located】** charter school authorizer shall have on-  
7 going access to the records and facilities of the charter school to  
8 ensure that the charter school is in compliance with its charter and  
9 that State board regulations concerning assessment and  
10 accountability, testing, civil rights, and student health and safety are  
11 being met.

12 b. In order to facilitate the **【commissioner's】** charter school  
13 authorizer's review, each charter school shall submit an annual  
14 report to the **【local board of education, the county superintendent of**  
15 **schools, and the commissioner in the form prescribed by the**  
16 **commissioner. The report shall be received annually by the local**  
17 **board, the county superintendent, and the commissioner】** charter  
18 school authorizer no later than August 1.

19 The report shall also be made available to the **【parent or**  
20 **guardian of a student enrolled in the charter school】** public.

21 c. **【By April 1, 2001, the commissioner shall hold public**  
22 **hearings in the north, central, and southern regions of the State to**  
23 **receive input from members of the educational community and the**  
24 **public on the charter school program.】** (Deleted by amendment,  
25 P.L. , c. ) (pending before the Legislature as this bill)

26 d. **【The commissioner shall commission an independent study**  
27 **of the charter school program. The study shall be conducted by an**  
28 **individual or entity identified with expertise in the field of**  
29 **education and the selection shall be approved by the Joint**  
30 **Committee on the Public Schools. The individual or entity shall**  
31 **design a comprehensive study of the charter school program.】**  
32 (Deleted by amendment, P.L. , c. ) (pending before the Legislature  
33 as this bill)

34 e. **【The commissioner shall submit to the Governor, the**  
35 **Legislature, and the State Board of Education by October 1, 2001**  
36 **an evaluation of the charter school program based upon the public**  
37 **input required pursuant to subsection c. of this section and the**  
38 **independent study required pursuant to subsection d. of this section.**  
39 **The evaluation shall include, but not be limited to, consideration of**  
40 **the following elements:**

41 (1) the impact of the charter school program on resident  
42 districts' students, staff, parents, educational programs, and  
43 finances;

44 (2) the impact of the charter school program and the increased  
45 number of schools on the economics of educational services on a  
46 Statewide basis;

- 1 (3) the fairness and the impact of the reduction of available  
2 resources on the ability of resident districts to promote competitive  
3 educational offerings;
- 4 (4) the impact of the shift of pupils from nonpublic schools to  
5 charter schools;
- 6 (5) the comparative demographics of student enrollments in  
7 school districts of residence and the charter schools located within  
8 those districts. The comparison shall include, but not be limited to,  
9 race, gender, socioeconomic status, enrollment of special education  
10 students, enrollment of students of limited English proficiency, and  
11 student progress toward meeting the core curriculum content  
12 standards as measured by student results on Statewide assessment  
13 tests;
- 14 (6) the degree of involvement of private entities in the operation  
15 and financial support of charter schools, and their participation as  
16 members of charter school boards of trustees;
- 17 (7) verification of the compliance of charter schools with  
18 applicable laws and regulations;
- 19 (8) student progress toward meeting the goals of the charter  
20 schools;
- 21 (9) parent, community and student satisfaction with charter  
22 schools;
- 23 (10) the extent to which waiting lists exist for admission to  
24 charter schools and the length of those lists;
- 25 (11) the extent of any attrition among student and faculty  
26 members in charter schools; and
- 27 (12) the results of the independent study required pursuant to  
28 subsection d. of this section.

29 The evaluation shall include a recommendation on the  
30 advisability of the continuation, modification, expansion, or  
31 termination of the program. If the evaluation does not recommend  
32 termination, then it shall include recommendations for changes in  
33 the structure of the program which the commissioner deems  
34 advisable. The commissioner may not implement any  
35 recommended expansion, modification, or termination of the  
36 program until the Legislature acts on that recommendation.】

37 (Deleted by amendment, P.L. , c. ) (pending before the Legislature  
38 as this bill)

39 (cf: P.L.2000, c.142, s.3)

40

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

43 17. A charter granted by the **【commissioner】** charter school  
44 authorizer pursuant to the provisions of **【this act】** P.L.1995, c.426  
45 (C.18A:36A-1 et seq.), shall be granted for a **【four-year】** five-year  
46 period and may be renewed for up to a 【five-year】 ten-year period,  
47 as determined by the charter school authorizer. The

1 **【commissioner】** charter school authorizer may revoke a school's  
2 charter if the school has not fulfilled **【any condition imposed by the**  
3 **commissioner in connection with the granting of the charter or if**  
4 **the school has violated】** any provision of its charter contract. The  
5 **【commissioner】** charter school authorizer may place the charter  
6 school on probationary status to allow the implementation of a  
7 remedial plan after which, if the plan is unsuccessful, the charter  
8 may be summarily revoked. The **【commissioner】** charter school  
9 authorizer shall develop procedures and guidelines for the  
10 revocation and renewal of a school's charter.

11 a. No later than September 1 of each school year, the charter  
12 school authorizer shall provide a charter renewal application and  
13 guidance to each charter school whose charter with the charter  
14 school authorizer will expire at the end of that school year. The  
15 guidance shall include the criteria that the charter school authorizer  
16 will use in determining whether to renew a charter. These criteria  
17 shall be based on the charter contract entered into by the charter  
18 school authorizer and the charter school.

19 b. In order to determine whether a charter that it has granted  
20 should be renewed, no later than September 1 of each school year, a  
21 charter school authorizer shall issue a charter school performance  
22 report for each charter school whose charter with the charter school  
23 authorizer will expire at the end of the current school year. The  
24 charter school performance report shall provide a summary of the  
25 charter school's performance record, based on data required in the  
26 charter contract, and shall identify any matters that the charter  
27 school authorizer believes may jeopardize the renewal of the  
28 charter. The charter school shall have 30 days to issue a response to  
29 the performance report. The response shall include, but need not be  
30 limited to:

31 (1) comments that relate to the annual reports that were issued  
32 by the charter school authorizer;

33 (2) information not included in the performance report that may  
34 support the case for the charter's renewal; and

35 (3) a description of improvements that are currently being  
36 undertaken or are planned to be implemented during the next term  
37 upon the charter's renewal.

38 c. No later than October 15 of the school year in which its  
39 charter will expire, a charter school board of trustees shall submit a  
40 complete charter school renewal application to its original charter  
41 school authorizer. The charter school authorizer shall not renew a  
42 charter if the renewal application is not received within this  
43 timeframe.

44 d. No later than 90 days after the receipt of a complete charter  
45 school renewal application, a charter school authorizer shall make a  
46 determination to renew or not to renew a charter. In making this  
47 determination, a charter school authorizer shall ensure that the  
48 decision is based on evidence of the charter school's performance

1 during the term of its charter in accordance with the charter  
2 contract, and that any data used in making the determination is  
3 available to the public.

4 e. No later than 30 days after a determination to renew or not  
5 to renew a charter, a charter school authorizer shall publish a report  
6 detailing the charter school authorizer's reasons for the  
7 determination. Each report shall be posted on the Department of  
8 Education's website. In the event that the charter school authorizer  
9 is the charter school authorizing board established pursuant to  
10 section 2 of P.L. , c. (C.) (pending before the Legislature as this  
11 bill), the board shall forward a copy of each report to the  
12 department no later than 25 days after making the determination to  
13 renew or not to renew the charter.

14 f. A charter school authorizer may, at any time, revoke a  
15 charter or place a charter school in probationary status if the charter  
16 school authorizer determines that a charter school has:

17 (1) committed a material and substantial violation of any of the  
18 terms, conditions or procedures required under P.L.1995, c.426  
19 (C.18A:36A-1 et seq.) or included in the charter contract;

20 (2) failed to meet or make sufficient progress towards the  
21 performance expectations established in its charter contract;

22 (3) failed to meet generally accepted standards of fiscal  
23 management; or

24 (4) violated any material provision of a law, rule, or regulation  
25 from which a charter school is not exempt.

26 g. A charter school authorizer shall develop a procedure for  
27 revoking a charter. At a minimum, the procedure shall include the  
28 following:

29 (1) the provision of timely notification to the charter school  
30 board of trustees, including the reasons why revocation is being  
31 considered;

32 (2) a reasonable amount of time for the charter school board of  
33 trustees to develop a response to the concerns raised by the charter  
34 school authorizer; and

35 (3) an orderly proceeding, which may be recorded, at which the  
36 board of trustees may present information, through documents and  
37 testimony, challenging the stated rationale for the possible  
38 revocation of the charter. The board of trustees shall be allowed to  
39 have legal representation and call witnesses at the proceedings.

40 h. No later than 30 days after a determination to revoke or not  
41 to revoke a charter, a charter school authorizer shall publish a report  
42 detailing the charter school authorizer's reasons for the  
43 determination. Each report shall be posted on the Department of  
44 Education's website. In the event that the charter school authorizer  
45 is the charter school authorizing board established pursuant to  
46 section 2 of P.L. , c. (C.) (pending before the Legislature as this  
47 bill), the board shall forward a copy of each report to the

1 department no later than 25 days after making the determination to  
2 revoke or not to revoke the charter.

3 (cf: P.L.1995, c.426, s.17)

4

5 27. Section 4 of P.L.2000, c.142 (C.18A:36A-17.1) is amended  
6 to read as follows:

7 4. a. If at any time **【the commissioner】** a charter school  
8 authorizer determines that a board of trustees is in jeopardy of  
9 losing its charter or an applicant is in jeopardy of not being granted  
10 a charter, the **【commissioner】** charter school authorizer shall so  
11 notify the board of trustees or the applicant. The board of trustees  
12 or the applicant shall, within 48 hours of receipt of such  
13 notification, provide to the **【commissioner】** charter school  
14 authorizer, in writing, a complete list of the names and addresses of  
15 all students and staff currently enrolled and working in the school,  
16 or in the case of an applicant, a complete list of the names and  
17 addresses of all students and staff intending to enroll or work at the  
18 school, so the **【commissioner】** charter school authorizer may send  
19 the appropriate notice to the parents or guardians and staff.

20 b. Prior to closing a charter school, either through non-renewal  
21 or revocation of the charter, a charter school authorizer shall  
22 develop a protocol to ensure the orderly transition of students and  
23 their records to the new school of attendance, and the proper  
24 disposition of school funds, property, and assets. The protocol shall  
25 establish specific tasks to be performed, the timeframe in which the  
26 tasks shall be performed, and the individuals responsible for  
27 performing the tasks. In the event that a charter school closes for  
28 any reason, the charter school authorizer shall manage the closure to  
29 ensure an orderly transition for students and parents.

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

31

32 28. R.S.52:14-7 is amended to read as follows:

33 52:14-7. a. Every person holding an office, employment, or  
34 position

35 (1) in the Executive, Legislative, or Judicial Branch of this  
36 State, or

37 (2) with an authority, board, body, agency, commission, or  
38 instrumentality of the State including any State college, university,  
39 or other higher educational institution, and, to the extent consistent  
40 with law, any interstate agency to which New Jersey is a party, or

41 (3) with a county, municipality, or other political subdivision of  
42 the State or an authority, board, body, agency, district, commission,  
43 or instrumentality of the county, municipality, or subdivision, or

44 (4) with a school district or an authority, board, body, agency,  
45 commission, or instrumentality of the district,

46 shall have his or her principal residence in this State and shall  
47 execute such office, employment, or position.

1 This residency requirement shall not apply to any person (a) who  
2 is employed on a temporary or per-semester basis as a visiting  
3 professor, teacher, lecturer, or researcher by any State college,  
4 university, or other higher educational institution, or county or  
5 community college, or in a full or part-time position as a member of  
6 the faculty, the research staff, or the administrative staff by any  
7 State college, university, or other higher educational institution, or  
8 county or community college, that the college, university, or  
9 institution has included in the report required to be filed pursuant to  
10 this subsection, or (b) who is employed full-time by the State who  
11 serves in an office, employment, or position that requires the person  
12 to spend the majority of his or her working hours in a location  
13 outside of this State.

14 For the purposes of this subsection, a person may have at most  
15 one principal residence, and the state of a person's principal  
16 residence means the state (1) where the person spends the majority  
17 of his or her nonworking time, and (2) which is most clearly the  
18 center of his or her domestic life, and (3) which is designated as his  
19 or her legal address and legal residence for voting. The fact that a  
20 person is domiciled in this State shall not by itself satisfy the  
21 requirement of principal residency hereunder.

22 A person, regardless of the office, employment, or position, who  
23 holds an office, employment, or position in this State on the  
24 effective date of P.L.2011, c.70 but does not have his or her  
25 principal residence in this State on that effective date shall not be  
26 subject to the residency requirement of this subsection while the  
27 person continues to hold office, employment, or position without a  
28 break in public service of greater than seven days.

29 Any person may request an exemption from the provisions of  
30 this subsection on the basis of critical need or hardship from a five-  
31 member committee hereby established to consider applications for  
32 such exemptions. The committee shall be composed of three  
33 persons appointed by the Governor, a person appointed by the  
34 Speaker of the General Assembly, and a person appointed by the  
35 President of the Senate, each of whom shall serve at the pleasure of  
36 the person making the appointment and shall have a term not to  
37 exceed five years. A vacancy on the committee shall be filled in the  
38 same manner as the original appointment was made. The Governor  
39 shall make provision to provide such clerical, secretarial and  
40 administrative support to the committee as may be necessary for it  
41 to conduct its responsibilities pursuant to this subsection.

42 The decision on whether to approve an application from any  
43 person shall be made by a majority vote of the members of the  
44 committee, and those voting in the affirmative shall so sign the  
45 approved application. If the committee fails to act on an application  
46 within 30 days after the receipt thereof, no exemption shall be  
47 granted and the residency requirement of this subsection shall be  
48 operative. The head of a principal department of the Executive

1 Branch of the State government, a Justice of the Supreme Court,  
2 judge of the Superior Court and judge of any inferior court  
3 established under the laws of this State shall not be eligible to  
4 request from the committee an exemption from the provisions of  
5 this subsection.

6 The exemption provided in this subsection for certain persons  
7 employed by a State college, university, or other higher educational  
8 institution, or a county or community college, other than those  
9 employed on a temporary or per-semester basis as a visiting  
10 professor, teacher, lecturer, or researcher, shall apply only to those  
11 persons holding positions that the college, university, or institution  
12 has included in a report of those full or part-time positions as a  
13 member of the faculty, the research staff, or the administrative staff  
14 requiring special expertise or extraordinary qualifications in an  
15 academic, scientific, technical, professional, or medical field or in  
16 administration, that, if not exempt from the residency requirement,  
17 would seriously impede the ability of the college, university, or  
18 institution to compete successfully with similar colleges,  
19 universities, or institutions in other states. The report shall be  
20 compiled annually and shall also contain the reasons why the  
21 positions were selected for inclusion in the report. The report shall  
22 be compiled and filed within 60 days following the effective date of  
23 P.L.2011, c.70. The report shall be reviewed, revised as necessary,  
24 and filed by January 1 of each year thereafter. Each report shall be  
25 filed with the Governor and, pursuant to section 2 of P.L.1991,  
26 c.164 (C.52:14-19.1), with the Legislature, and a report may be  
27 revised at any time by filing an amendment to the report with the  
28 Governor and Legislature.

29 As used in this section, "school district" means any local or  
30 regional school district established pursuant to chapter 8 or chapter  
31 13 of Title 18A of the New Jersey Statutes and any jointure  
32 commission, county vocational school, county special services  
33 district, educational services commission, educational research and  
34 demonstration center, environmental education center, and  
35 educational information and resource center. The term "school  
36 district" shall include a charter school established pursuant to  
37 P.L.1995, c.426 (C.18A:36A-1 et seq.), except as otherwise  
38 provided pursuant to section 9 of P.L.2013, c.149 (C.18A:36C-18).

39 b. If any person holding any office, employment, or other  
40 position in this State shall attempt to let, farm out or transfer such  
41 office, employment, or position or any part thereof to any person,  
42 he shall forfeit the sum of fifteen hundred dollars (\$1,500.00), to be  
43 recovered with costs by any person who shall sue for the same, one-  
44 half to the prosecutor and the other half to the treasurer for the use  
45 of the State.

46 c. No person shall be appointed to or hold any position in this  
47 State who has not the requisite qualifications for personally  
48 performing the duties of such position in cases where scientific



1 engineering skill is necessary to the performance of the duties  
2 thereof.

3 d. Any person holding or attempting to hold an office,  
4 employment, or position in violation of this section shall be  
5 considered as illegally holding or attempting to hold the same;  
6 provided that a person holding an office, employment, or position in  
7 this State shall have one year from the time of taking the office,  
8 employment, or position to satisfy the requirement of principal  
9 residency, and if thereafter such person fails to satisfy the  
10 requirement of principal residency as defined herein with respect to  
11 any 365-day period, that person shall be deemed unqualified for  
12 holding the office, employment, or position. The Superior Court  
13 shall, in a civil action in lieu of prerogative writ, give judgment of  
14 ouster against such person, upon the complaint of any officer or  
15 citizen of the State, provided that any such complaint shall be  
16 brought within one year of the alleged 365-day period of failure to  
17 have his or her principal residence in this State.

18 (cf: P.L.2011, c.70, s.2)

19

20 29. There is appropriated from the General Fund to the  
21 Department of Education the sum of \$250,000 for the purpose of  
22 supporting the operations of the charter school authorizing board.

23

24 30. Section 1 of P.L.2011, c.140 (C.18A:36A-4.1) is repealed.

25

26 31. This act shall take effect immediately.

27

28

29

#### STATEMENT

30

31 This bill provides a new short title, the "Charter School  
32 Accountability and Authorizer Act," for the law governing charter  
33 schools in New Jersey, and makes various changes to the State's  
34 charter school program.

35 The bill establishes the charter school authorizing board that  
36 will, in addition to the Commissioner of Education, serve as a  
37 charter school authorizer. The board will include nine members,  
38 including three members who will be appointed by the Governor,  
39 four members, one of whom will be appointed by the President of  
40 the Senate, one by the Speaker of the General Assembly, one by the  
41 Minority Leader of the Senate, and one by the Minority Leader of  
42 the General Assembly, and two ex officio members, the President of  
43 the State Board of Education, and the Executive Director of the  
44 New Jersey School Boards Association. The State Board of  
45 Education would provide oversight of the charter school authorizing  
46 board, and would have the authority to suspend the charter school  
47 authorizing board's activities, for up to three years, if the State  
48 board determines that the charter school authorizing board is

1 deficient in performing its duties. The bill also makes an  
2 appropriation of \$250,000 to support the operations of the charter  
3 school authorizing board.

4 Under the provisions of the bill, the process by which charter  
5 school applications are approved is modified. Each charter school  
6 authorizer would annually issue a request for proposal that would  
7 detail, among other things, the school districts or communities in  
8 which a new charter school would be approved, the criteria that the  
9 authorizer will use when evaluating applications, and any  
10 preference the authorizer may have for an applicant that  
11 demonstrates the capacity to serve a specific disadvantaged  
12 population of students.

13 The bill requires that the charter school authorizer and any  
14 charter school that it approves enter into a charter contract. The  
15 charter contract will specify the performance framework on which  
16 the authorizer will evaluate a charter school's performance.

17 The bill requires that a school district that intends to sell or lease  
18 a school facility must grant right of first refusal to purchase or lease  
19 the property to a charter school that, pursuant to its charter, enrolls  
20 students who reside in that district.

21 The bill includes provisions to require that a charter school:  
22 refrain from engaging in any sectarian practices; conduct an annual  
23 audit of the charter school's accounts and financial transactions;  
24 and adopt and implement a nepotism policy that is in accordance  
25 with the nepotism policy requirements that apply to other public  
26 schools.

27 The bill makes a number of other statutory changes, including:

- 28 • lengthens the term of an initial charter, from four years to  
29 five years, and a renewed charter from five years to, at the  
30 discretion of the charter school authorizer, up to 10 years;
- 31 • requires that a charter school teacher demonstrate that he is  
32 highly qualified according to criteria set forth in the bill;
- 33 • requires that a charter school makes admission decisions  
34 through a certified public lottery if the number of students  
35 seeking admission exceeds the number of available spaces;
- 36 • clarifies that a person holding an office, employment, or  
37 position at a charter school must have his principal residence  
38 in New Jersey;
- 39 • requires that when a student withdraws from a charter school  
40 and enrolls in another public school, the new school accept  
41 any credits earned by the student when the student was  
42 enrolled in the charter school;
- 43 • provides that a charter school must comply with the same  
44 requirements that apply to school districts regarding the  
45 retention of an undesignated general fund balance for use in  
46 subsequent school years; and

**S2319 RUIZ**

27

- 1       • repeals the authorization for the conversion of high-
- 2       performing nonpublic schools located in failing school
- 3       districts into charter schools.