ASSEMBLY, No. 324

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman JOE DANIELSEN
District 17 (Middlesex and Somerset)

SYNOPSIS

Modifies various aspects of charter school program including approval, student admissions and enrollment procedures, and board of trustee membership.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning charter schools and amending and supplementing P.L.1995, c.426 (C.18A:36A-1 et seq.).

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

1. (New section) The board of trustees of a charter school shall include at least two members who are members of the local board of education of the charter school district of residence, and at least two members of the community who are chosen by the local board of education.

2. 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. <u>(1)</u> 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

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 <u>thus</u> is new matter.

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 commissioner shall have final authority to grant or reject a charter application.**]**

(2) The commissioner shall make a determination to grant or reject a charter application. If the commissioner makes a determination to grant a charter application, the local board of education shall vote to accept or to override the commissioner's determination by a majority vote of the board within 60 days of the commissioner's determination. The charter application shall be deemed approved upon the local board of education's acceptance of the commissioner's determination to grant a charter application, or it shall be deemed rejected upon the local board of education's override of the commissioner's determination. The local board of education shall not have the authority to override the commissioner's determination to reject a charter application.

d. **[**The local board of education or a**]** A charter school applicant may appeal the decision of the commissioner or the local board of education 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).

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

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

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

a. The identification of the charter applicant;

b. The name of the proposed charter school;

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

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

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

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

g. The school calendar and school day schedule;

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

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

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

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

l. The financial plan for the charter school and the provisions which will be made for auditing the school pursuant to the provisions of N.J.S.18A:23-1;

m. A description of and justification for any waivers of regulations which the charter school will request; **[**and**]**

n. The names of the school districts and municipalities in which there are students who will be eligible for enrollment in the charter school under the provisions of section 7 of P.L.1995, c.426 (C.18A:36A-7); and

o. Such other information as the commissioner may require.

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

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

7. A charter school shall be open to all students who reside in the charter school district of residence as approved by the commissioner, on a space available basis **[**and**]**. If available space permits, a charter school may enroll non-resident students from two additional school districts which are located in municipalities that border the charter school district of residence. A charter school shall not discriminate in its admission policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a handicapped person, proficiency in the English language, or any other basis that would be illegal if used by a school district; however, a charter school may limit admission to a particular grade level or to areas of concentration of the school, such as mathematics, science, or the arts. A charter school may

establish reasonable criteria to evaluate prospective students which shall be outlined in the school's charter.
(cf: P.L.1995, c.426, s.7)

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

8. a. Preference for enrollment in a charter school shall be given to students who reside in the **[**school district in which the charter school is located. If there are more applications to enroll in the charter school than there are spaces available, the**]** charter school district of residence as approved by the commissioner. A charter school shall select students to attend **[**using a random selection process**]** through a lottery. The name of each student who is enrolled in the charter school district of residence shall be placed in the lottery. In the event that the parent or guardian of a student who is selected for admission to the charter school through the lottery determines not to enroll the student in the charter school, then the charter school shall fill that enrollment space with a student from the waiting list maintained pursuant to subsection f. of this section. A charter school shall not charge tuition to students **[**who reside in the district**]**.

b. A 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. If available space permits, a charter school may enroll non-resident students from two additional school districts which are located in municipalities that border the charter school district of residence. The terms and condition of the enrollment shall be outlined in the school's charter and approved by the commissioner.

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.

f. A charter school shall maintain a waiting list for admission of grade-eligible students, and shall use the waiting list to fill any enrollment spaces that become available after the lottery conducted pursuant to subsection a. of this section.
(cf: P.L.1995, c.426, s.8)

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

9. A student may withdraw from a charter school at any time. **[**A student may be expelled from a charter school based on criteria determined by the board of trustees, which are consistent with the

provisions of N.J.S.18A:37-2, and approved by the commissioner as part of the school's charter. Any expulsion shall be made upon the recommendation of the charter school principal, in consultation with the student's teachers.**]** A charter school may not expel a student.
(cf: P.L.1995, c.426, s.9)

7. This act shall take effect immediately.

STATEMENT

This bill makes several modifications to the charter school program. Under current law, a board of education may review a charter application and submit a recommendation to the Commissioner of Education, but the commissioner has final authority to grant or reject a charter application. Under this bill, a local board of education will have the authority to either accept or overturn the commissioner's determination to grant a charter application. The commissioner will retain final authority to reject a charter application. The bill would allow a charter school applicant to appeal the decision of the commissioner, or to appeal the decision of the local board of education if the board acts to reject the charter application.

In addition, the bill limits the population of students who are eligible for admission to a charter school. Under the bill, a charter school will be open to all students who reside in the charter school district of residence on a space available basis. If spaces remain available, a charter school may enroll non-resident students from two additional school districts which are located in municipalities that border the charter school district of residence. The application for a charter school must include the names of the school districts and municipalities in which there are students who will be eligible for enrollment. Under current law, if space permits the school may enroll non-resident students without geographic limit.

The bill also modifies charter school enrollment procedures. Under the bill, students will be selected for enrollment through a lottery, and the name of each student who is enrolled in the charter school's district of residence will be placed in the lottery. If the parent or guardian of a student who is selected through the lottery decides not to enroll the student, the charter school will fill that enrollment space with a student from the school's waiting list. The bill provides that each charter school will maintain a waiting list of grade-eligible students and will use the list to fill enrollment spaces that become available after the lottery. Under current law, a random selection process for charter school enrollment is only used if there are more applicants than there are openings in the charter school.

In addition, the bill requires that the board of trustees of a charter school include at least two members who are members of the local board of education of the charter school district of residence, and at least two members of the community who are chosen by the local board of education. The bill also amends current law to provide that a charter school may not expel a student.