ASSEMBLY, No. 1197

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman ANDREW ZWICKER
District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Requires approval by voters or board of school estimate to establish, expand number of grade levels, or enlarge region of residence of charter schools.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning 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. 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 commissioner shall **[**have final authority to grant**]** <u>make an initial determination to approve</u> or reject a charter application. <u>The commissioner shall notify a charter school applicant of the initial approval or rejection of the charter school application.</u>

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.

An application for the establishment of a charter school which has received initial approval from the commissioner shall not be granted final approval by the commissioner 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 by 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 that does not include the school districts in which the inclusion was not approved.

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 or to enlarge the charter school region of residence. 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 and to be added to the charter school region of residence. The commissioner shall make an initial determination to approve or reject a petition for the expansion of a charter school or the enlargement of a charter school region of residence.

A petition to expand the number of grade levels of a charter school which has received initial approval from the commissioner shall not be granted final approval 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 by 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.

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

f. Upon receipt of a notice of the commissioner's initial approval of a charter school application or a petition to expand the number of grade levels that the charter school operates or to enlarge the charter school region of residence, 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. This act shall take effect immediately.

STATEMENT

This bill provides that an application for the establishment of a charter school, after receiving initial approval from the Commissioner of Education, may not receive final approval unless the designation of the school district as the charter school district of residence or inclusion in the region of residence has been approved by the voters of the district or the board of school estimate, as appropriate. The bill also requires voter or board of school estimate approval, as appropriate, of any petition to amend a charter to expand the number of grade levels that a charter school operates or to enlarge its region of residence.

The bill defines "region of residence" as contiguous school districts in which a charter school operates pursuant to its charter or proposes to operate in the application submitted to the Commissioner of Education.