

# SENATE, No. 96

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## STATE OF NEW JERSEY 219th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator NIA H. GILL**

**District 34 (Essex and Passaic)**

**Senator LORETTA WEINBERG**

**District 37 (Bergen)**

**SYNOPSIS**

Provides local board of education with approval authority of charter school application.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1   **AN ACT** concerning the approval of a charter school application and  
2       amending P.L.1995, c.426.

3

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

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

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

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

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

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

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

**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.**

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

13     In the event that a subset of local boards of education of school  
14 districts included in the region of residence of a proposed charter  
15 school does not accept the commissioner's determination to grant a  
16 charter application, the charter school applicant may submit a  
17 revised application to the commissioner that does not include the  
18 school districts in which the commissioner's determination to grant  
19 the charter was overridden.

20     As used in this subsection, "region of residence" means the  
21 contiguous school districts in which a charter school proposes to  
22 operate in the application submitted to the commissioner.

23     d. **【**The local board of education or a**】** A charter school  
24 applicant may appeal the decision of the commissioner or the local  
25 board of education to the Appellate Division of the Superior Court.

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

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

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

42  
43     2. This act shall take effect immediately.

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46                     STATEMENT

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48     This bill provides that a local board of education will have the

1 authority to either accept or overturn the Commissioner of  
2 Education's determination to approve a charter application. Under  
3 current law, a board of education may review a charter application  
4 and submit a recommendation to the commissioner; however, the  
5 commissioner has the final authority to grant or reject a charter  
6 application.

7 The bill stipulates that the board of education will vote to accept  
8 or reject the commissioner's determination to approve a charter  
9 application by a majority vote of the board within 60 days of the  
10 commissioner's action. However, the board of education cannot  
11 overturn the commissioner's determination to reject a charter school  
12 application. If the proposed charter school would serve a region of  
13 residence, and a subset of local boards of education vote to override  
14 the commissioner's determination to grant a charter, then the  
15 applicant may submit a revised application that omits the school  
16 districts in which the commissioner's determination to grant the  
17 charter was overridden.

18 Under current law, a charter school applicant may appeal the  
19 decision of the commissioner to reject a charter application to the  
20 Appellate Division of the Superior Court. The bill would allow a  
21 similar appeal if the charter application is rejected by action of the  
22 local board of education.