

ASSEMBLY, No. 3083

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JULY 1, 2010

Sponsored by:

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District 27 (Essex)

Assemblyman ALBERT COUTINHO

District 29 (Essex and Union)

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District 5 (Camden and Gloucester)

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District 10 (Monmouth and Ocean)

SYNOPSIS

Enables Rutgers University to authorize charter schools; expedites approval of charter school applications; and permits authorization of special purpose charter schools.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/18/2011)

A3083 JASEY, COUTINHO

2

1 AN ACT concerning applications for charter schools and amending
2 P.L.1995, c.426 and P.L.2000, c.142 and supplementing
3 P.L.1995, c.426 (C.18A:36A-1 et seq.).
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 this act, “charter school
9 authorizer” means an entity charged with granting, renewing, and
10 revoking charters for charter schools established pursuant to the
11 provisions of P.L.1995, c.426 (C.18A:36A-1 et seq.) and which
12 shall include the Commissioner of Education, and the Center for
13 Effective School Practices within the Graduate School of Education
14 of Rutgers, The State University.
15

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

18 3. a. The Commissioner of Education shall establish a charter
19 school program which shall provide for the approval and granting of
20 charters to charter schools , including virtual or e-charter schools,
21 pursuant to the provisions of this act. A charter school shall be a
22 public school operated under a charter granted by **[the**
23 **commissioner]** a charter school authorizer, which is operated
24 independently of a local board of education and is managed by a
25 board of trustees. The board of trustees, upon receiving a charter
26 from the **[commissioner]** charter school authorizer, shall be
27 deemed to be public agents authorized by the State Board of
28 Education to supervise and control the charter school.

29 b. The program shall authorize the establishment of not more
30 than 135 charter schools during the 48 months following the
31 effective date of this act. A minimum of three charter schools shall
32 be allocated to each county. The commissioner shall actively
33 encourage the establishment of charter schools in urban school
34 districts with the participation of institutions of higher education.
35 (cf: P.L.1995, c.426, s.3)
36

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

39 4. a. A charter school may be established by teaching staff
40 members, parents with children attending the schools of the district,
41 community residents, or a combination of teaching staff members
42 **[and]** , parents , and community residents. A charter school may
43 also be established by an institution of higher education or a private
44 entity that is either for-profit or not-for-profit located within the

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 State in conjunction with teaching staff members and parents of
2 children attending the schools of the district. If the charter school is
3 established by a private entity, representatives of the private entity
4 shall not constitute a majority of the trustees of the school, and the
5 charter shall specify the extent to which the private entity shall be
6 involved in the operation of the school. The name of the charter
7 school shall not include the name or identification of the private
8 entity, and the private entity shall not realize a net profit from its
9 operation of a charter school. A private or parochial school shall
10 not be eligible for charter school status.

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

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

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

19 c. An application to establish a charter school **[shall]** may be
20 submitted at any time during the school year to **[the commissioner]**
21 a charter school authorizer and the local board of education or State
22 district superintendent, in the case of a **[State-operated school]**
23 district, in the school year preceding the school year in which the
24 charter school will be established] school district under full State
25 intervention . Notice of the filing of the application shall be **[sent]**
26 posted immediately on the charter school authorizer's website and
27 communicated via email within 15 business days by the
28 **[commissioner]** charter school authorizer to the members of the
29 State Legislature, school superintendents, and mayors and
30 governing bodies of all legislative districts, school districts, or
31 municipalities in which there are students who will be eligible for
32 enrollment in the charter school and to the commissioner if he is not
33 the recipient of the application. The board of education or State
34 district superintendent shall review the application and forward a
35 recommendation to the **[commissioner]** charter school authorizer
36 within 60 days of receipt of the application. The **[commissioner]**
37 charter school authorizer shall have final authority to grant or reject
38 a charter application and shall make a decision on an application
39 within 150 days of receipt of the application.

40 d. The local board of education or a charter school applicant
41 may appeal the decision of the **[commissioner]** charter school
42 authorizer to the **[State Board of Education]**. The State board shall
43 render a decision within 30 days of the date of the receipt of the
44 appeal. If the State board does not render a decision within 30
45 days, the decision of the commissioner shall be deemed final
46 Appellate Division of the Superior Court.

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

8 Any two charter schools within the same public school district
9 that are not operating the same grade levels may petition **[the**
10 **commissioner]** their charter school authorizers to amend their
11 charters and consolidate into one school. The **[commissioner]**
12 charter school authorizers may approve an amendment to
13 consolidate, provided that the basis for consolidation is to
14 accommodate the transfer of students who would otherwise be
15 subject to the random selection process pursuant to section 8 of
16 P.L.1995, c.426 (C.18A:36A-8).
17 (cf: P.L.2002, c.123, s.1)

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

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

23 a. The identification of the charter applicant;

24 b. The name of the proposed charter school;

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

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

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

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

41 g. The school calendar and school day schedule;

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

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

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

- 1 k. Information on the manner in which community groups will
2 be involved in the charter school planning process;
- 3 l. The financial plan for the charter school and the provisions
4 which will be made for auditing the school pursuant to the
5 provisions of N.J.S.18A:23-1;
- 6 m. A description of and justification for any waivers of
7 regulations which the charter school will request; and
- 8 n. Such other information as the **【commissioner】** charter
9 school authorizer may require.
10 (cf: P.L.1995, c.426, s.5)

11
12 5. Section 7 of P.L.1995, c.426 (C.18A:36A-7) is amended to
13 read as follows:

- 14 7. A charter school shall be open to all students on a space
15 available basis and shall not discriminate in its admission policies
16 or practices on the basis of intellectual or athletic ability, measures
17 of achievement or aptitude, status as a handicapped person,
18 proficiency in the English language, or any other basis that would
19 be illegal if used by a school district; however, a charter school may
20 limit admission to a particular grade level , gender, or to areas of
21 concentration of the school, such as mathematics, science, or the
22 arts , or to students with specific behavioral needs or disorders
23 including, but not limited to, autism spectrum disorder. The
24 commissioner shall actively encourage the establishment of charter
25 schools addressing behavioral needs or disorders. A charter school
26 may establish reasonable criteria to evaluate prospective students
27 which shall be outlined in the school's charter.
28 (cf: P.L.1995, c.426, s.7)

29
30 6. Section 8 of P.L.1995, c.426 (C.18A:36A-8) is amended to
31 read as follows:

- 32 8. a. Preference for enrollment in a charter school shall be
33 given to students who reside in the school district in which the
34 charter school is located. If there are more applications to enroll in
35 the charter school than there are spaces available, the charter school
36 shall select students to attend using a random selection process. A
37 charter school shall not charge tuition to students who reside in the
38 district.
- 39 b. A charter school shall allow any student who was enrolled in
40 the school in the immediately preceding school year to enroll in the
41 charter school in the appropriate grade unless the appropriate grade
42 is not offered at the charter school.
- 43 c. A charter school may give enrollment priority to a sibling of
44 a student enrolled in the charter school.
- 45 d. If available space permits, a charter school may enroll non-
46 resident students. The terms and condition of the enrollment shall
47 be outlined in the school's charter and approved by the
48 **【commissioner】** charter school authorizer.

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

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

6

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

9 9. A student may withdraw from a charter school at any time.
10 A student may be expelled from a charter school based on criteria
11 determined by the board of trustees, which are consistent with the
12 provisions of N.J.S.18A:37-2, and approved by the **[commissioner]**
13 charter school authorizer as part of the school's charter. Any
14 expulsion shall be made upon the recommendation of the charter
15 school principal, in consultation with the student's teachers.

16 (cf: P.L.1995, c.426, s.9)

17

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

20 16. a. The **[commissioner]** charter school authorizer shall
21 annually assess whether each charter school under its authority is
22 meeting the goals of its charter, and shall conduct a comprehensive
23 review prior to granting a renewal of the charter.

24 The executive county superintendent of schools of the county in
25 which the charter school is located shall have on-going access to the
26 records and facilities of the charter school to ensure that the charter
27 school is in compliance with its charter and that State board
28 regulations concerning assessment, testing, civil rights, and student
29 health and safety are being met.

30 b. In order to facilitate the **[commissioner's]** review required
31 pursuant to subsection a. of this section, each charter school shall
32 submit an annual report to the local board of education, the
33 executive county superintendent of schools, and **[the**
34 **commissioner]** its charter school authorizer in the form prescribed
35 by the **[commissioner]** charter school authorizer. The report shall
36 be received annually by the local board, the executive county
37 superintendent, and the **[commissioner]** charter school authorizer
38 no later than August 1.

39 The report shall also be made available to the parent or guardian
40 of a student enrolled in the charter school.

41 c. By April 1, 2001, the commissioner shall hold public
42 hearings in the north, central, and southern regions of the State to
43 receive input from members of the educational community and the
44 public on the charter school program.

45 d. The commissioner shall commission an independent study of
46 the charter school program. The study shall be conducted by an
47 individual or entity identified with expertise in the field of

1 education and the selection shall be approved by the Joint
2 Committee on the Public Schools. The individual or entity shall
3 design a comprehensive study of the charter school program.

4 e. The commissioner shall submit to the Governor, the
5 Legislature, and the State Board of Education by October 1, 2001
6 an evaluation of the charter school program based upon the public
7 input required pursuant to subsection c. of this section and the
8 independent study required pursuant to subsection d. of this section.
9 The evaluation shall include, but not be limited to, consideration of
10 the following elements:

11 (1) the impact of the charter school program on resident
12 districts' students, staff, parents, educational programs, and
13 finances;

14 (2) the impact of the charter school program and the increased
15 number of schools on the economics of educational services on a
16 Statewide basis;

17 (3) the fairness and the impact of the reduction of available
18 resources on the ability of resident districts to promote competitive
19 educational offerings;

20 (4) the impact of the shift of pupils from nonpublic schools to
21 charter schools;

22 (5) the comparative demographics of student enrollments in
23 school districts of residence and the charter schools located within
24 those districts. The comparison shall include, but not be limited to,
25 race, gender, socioeconomic status, enrollment of special education
26 students, enrollment of students of limited English proficiency, and
27 student progress toward meeting the core curriculum content
28 standards as measured by student results on Statewide assessment
29 tests;

30 (6) the degree of involvement of private entities in the operation
31 and financial support of charter schools, and their participation as
32 members of charter school boards of trustees;

33 (7) verification of the compliance of charter schools with
34 applicable laws and regulations;

35 (8) student progress toward meeting the goals of the charter
36 schools;

37 (9) parent, community and student satisfaction with charter
38 schools;

39 (10) the extent to which waiting lists exist for admission to
40 charter schools and the length of those lists;

41 (11) the extent of any attrition among student and faculty
42 members in charter schools; and

43 (12) the results of the independent study required pursuant to
44 subsection d. of this section.

45 The evaluation shall include a recommendation on the
46 advisability of the continuation, modification, expansion, or
47 termination of the program. If the evaluation does not recommend
48 termination, then it shall include recommendations for changes in

1 the structure of the program which the commissioner deems
2 advisable. The commissioner may not implement any
3 recommended expansion, modification, or termination of the
4 program until the Legislature acts on that recommendation.
5 (cf: P.L.2000, c.142, s.3)

6
7 9. Section 17 of P.L.1995, c.426 (C.18A:36A-17) is amended
8 to read as follows:

9 17. A charter granted by **【the commissioner】** a charter school
10 authorizer pursuant to the provisions of this act shall be granted for
11 a four-year period and may be renewed for a five-year period. The
12 **【commissioner】** charter school authorizer may revoke a school's
13 charter if the school has not fulfilled any condition imposed by the
14 **【commissioner】** charter school authorizer in connection with the
15 granting of the charter or if the school has violated any provision of
16 its charter. The **【commissioner】** charter school authorizer may
17 place the charter school on probationary status to allow the
18 implementation of a remedial plan after which, if the plan is
19 unsuccessful, the charter may be summarily revoked. The
20 **【commissioner】** charter school authorizer shall develop procedures
21 and guidelines for the revocation and renewal of a school's charter.
22 (cf: P.L.1995, c.426, s.17)

23
24 10. Section 4 of P.L.2000, c.142 (C.18A:36A-17.1) is amended
25 to read as follows:

26 4. a. If at any time the **【commissioner】** charter school
27 authorizer determines that a board of trustees is in jeopardy of
28 losing its charter or an applicant is in jeopardy of not being granted
29 a charter, the **【commissioner】** charter school authorizer shall so
30 notify the board of trustees or the applicant. The board of trustees
31 or the applicant shall, within 48 hours of receipt of such
32 notification, provide to the **【commissioner】** charter school
33 authorizer, in writing, a complete list of the names and addresses of
34 all students and staff currently enrolled and working in the school,
35 or in the case of an applicant, a complete list of the names and
36 addresses of all students and staff intending to enroll or work at the
37 school, so the **【commissioner】** charter school authorizer may send
38 the appropriate notice to the parents or guardians and staff.

39 b. In the event that a charter school authorizer other than the
40 commissioner takes any action pursuant to subsection a. of this
41 section, the charter school authorizer shall notify the commissioner
42 of such action.

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

44
45 11. This act shall take effect on the 180th day after the date of
46 enactment.

STATEMENT

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2

3 Under current law, the Commissioner of Education is the sole
4 entity charged with granting, renewing, and revoking charters of
5 charter schools in the State. This bill maintains the commissioner's
6 role as a charter school authorizer and enables the Center for
7 Effective School Practices within the Graduate School of Education
8 of Rutgers University to act as an additional charter school
9 authorizer.

10 Also, under current law, an application to establish a charter
11 school is submitted to the Commissioner of Education and to the
12 local board of education or State district superintendent, in the case
13 of a school district under full State intervention, in the school year
14 preceding the school year in which the charter school will be
15 established. This bill directs a charter school authorizer to accept
16 an application at any time during the calendar year and removes the
17 requirement that an application be submitted in the school year
18 preceding the school year in which the charter school will be
19 established. The bill requires the charter school authorizer to make
20 a decision on an application within 150 days of its receipt.

21 Current law provides that a charter school may be established by
22 teaching staff members, parents with children attending the schools
23 of the district, or a combination thereof. The bill provides that
24 community residents may also be involved in the establishment of a
25 charter school.

26 The bill provides that the Commissioner of Education may grant
27 charters to virtual or e-charter schools as well as to charter schools
28 that limit admission to students of a particular gender or to students
29 with specific behavioral needs or disorders including, but not
30 limited to, autism spectrum disorder. Under the bill, the
31 commissioner must actively encourage the establishment of charter
32 schools addressing behavioral needs or disorders.

33 The bill also makes a number of technical changes to conform its
34 provisions to more recently enacted law.