

ASSEMBLY, No. 2806

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JUNE 10, 2010

Sponsored by:

Assemblywoman MILA M. JASEY

District 27 (Essex)

Assemblyman ALBERT COUTINHO

District 29 (Essex and Union)

SYNOPSIS

Permits the conversion of nonpublic schools into charter schools.

CURRENT VERSION OF TEXT

As introduced.



A2806 JASEY, COUTINHO

2

1 AN ACT concerning the conversion of nonpublic schools into
2 charter schools and amending and supplementing P.L.1995,
3 c.426.

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

7
8 1. (New section) a. The governing body of a nonpublic school
9 may submit an application to the Commissioner of Education to
10 convert the school to a charter school. The application of a
11 nonpublic school to convert to a charter school shall certify that
12 upon conversion to charter school status the school shall prohibit
13 religious instruction, events, and activities that promote religious
14 views, and the display of religious symbols. The name of the
15 proposed charter school shall not include any religious reference.

16 b. The Commissioner of Education shall establish an expedited
17 process for the review of charter school conversion applications.
18 The commissioner shall grant an application if the school is either:
19 high-performing, as determined by the commissioner; or contracting
20 the services of an approved charter management organization.

21 As used in this subsection, “approved charter management
22 organization” means a nonprofit entity that establishes and manages
23 new charter schools and which has been approved by the
24 Commissioner of Education to assist a nonpublic school in its
25 conversion to a charter school.

26 c. Students enrolled in the nonpublic school in the school year
27 preceding its conversion to a charter school shall be eligible to
28 continue enrollment at the school after its conversion. Preference
29 for any remaining enrollment spaces for the charter school for its
30 first year, and for all enrollment spaces in each successive year,
31 shall be provided pursuant to the provisions of section 8 of
32 P.L.1995, c.426 (C.18A:36A-8).

33 d. Teaching staff and other employees of the nonpublic school
34 may continue employment at the charter school upon its conversion.
35 Any employee who is not certified in accordance with the
36 provisions of subsection c. of section 14 of P.L.1995, c.426
37 (C.18A:36A-14) shall take immediate action towards receiving
38 appropriate New Jersey certification and shall be in full compliance
39 with all certification requirements within two years of the school’s
40 conversion. Any employee hired following the conversion of the
41 nonpublic school to charter school status shall meet the
42 requirements of subsection c. of section 14 of P.L.1995, c.426
43 (C.18A:36A-14).

44 e. Except as otherwise provided in this section, the provisions
45 of P.L.1995, c.426 (C.18A:36A-1 et seq.) shall apply in the case of

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.

A2806 JASEY, COUTINHO

1 a nonpublic school applying for conversion or having undergone
2 conversion to charter school status.

3

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

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

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

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

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

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

44 d. The local board of education or a charter school applicant
45 may appeal the decision of the commissioner to the **[State Board of**
46 **Education]**. The State board shall render a decision within 30 days
47 of the date of the receipt of the appeal. If the State board does not

1 render a decision within 30 days, the decision of the commissioner
2 shall be deemed final] Appellate Division of the Superior Court.

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

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

18 (cf: P.L.2002, c.123, s.1)

19

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

22 10. A charter school may be located in part of an existing public
23 school building, in space provided on a public work site, in a public
24 building, or any other suitable location. In the case of a nonpublic
25 school that converts to a charter school pursuant to the provisions of
26 section 1 of P.L. , c. (C.) (pending before the Legislature as this
27 bill), the charter school may be located in the same school building
28 in which the nonpublic school was located. The facility shall be
29 exempt from public school facility regulations except those
30 pertaining to the health or safety of the pupils. A charter school
31 shall not construct a facility with public funds other than federal
32 funds.

33 (cf: P.L.2002, c.10)

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35 4. This act shall take effect immediately.

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STATEMENT

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40 This bill permits nonpublic schools to convert to charter schools.
41 Under the bill, the governing body of a nonpublic school may
42 submit an application to the Commissioner of Education to convert
43 the school to a charter school. The application must certify that
44 upon conversion to charter school status the school will prohibit
45 religious instruction, events and activities that promote religious
46 views, and the display of religious symbols. The name of the
47 proposed charter school cannot include any religious reference.

1 Under the bill, the Commissioner of Education is directed to
2 establish an expedited process for the review of such applications.
3 The commissioner must grant a charter application for the
4 conversion of a nonpublic school provided that the school is either:
5 high-performing, as determined by the commissioner; or engaging
6 the services of a charter management organization approved by the
7 commissioner.

8 The bill permits the former students of the converted school to
9 enroll in the charter school and provides that preference for any
10 remaining enrollment spaces for the charter school for its first year,
11 and for all enrollment spaces in each successive year, be provided
12 according to existing law. The bill permits teaching staff and other
13 employees of the nonpublic school, under certain conditions, to
14 continue employment at the charter school upon its conversion.
15 Under the bill, such a charter school may continue to be located in
16 the same building that housed the nonpublic school prior to
17 conversion to charter school status.