

P.L.2011, CHAPTER 140, *approved November 10, 2011*  
Assembly, No. 2806 (*First Reprint*)

1 AN ACT concerning the conversion of <sup>1</sup>certain<sup>1</sup> nonpublic schools  
2 into 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 <sup>1</sup>high-  
9 performing<sup>1</sup> nonpublic school <sup>1</sup>that is located in a failing school  
10 district<sup>1</sup> may submit an application to the Commissioner of  
11 Education to convert the school to a charter school. The application  
12 of a nonpublic school to convert to a charter school shall certify that  
13 upon conversion to charter school status the school shall prohibit  
14 religious instruction, events, and activities that promote religious  
15 views, and the display of religious symbols. The name of the  
16 proposed charter school shall not include any religious reference.

17 b. The Commissioner of Education shall establish <sup>1</sup>**[**an  
18 expedited<sup>1</sup> **]** <sup>1</sup>a<sup>1</sup> process for the review of charter school conversion  
19 applications. The commissioner <sup>1</sup>**[**shall<sup>1</sup> may<sup>1</sup> grant an application  
20 if the school is <sup>1</sup>**[**either:<sup>1</sup> <sup>1</sup>a<sup>1</sup> high-performing <sup>1</sup>**[**, as determined by  
21 the commissioner; or contracting the services of an approved  
22 charter management organization<sup>1</sup> nonpublic school and located in  
23 a failing school district<sup>1</sup>.

24 As used in this subsection <sup>1</sup>**[**, “approved charter management  
25 organization” means a nonprofit entity that establishes and manages  
26 new charter schools and which has been approved by the  
27 Commissioner of Education to assist a nonpublic school in its  
28 conversion to a charter school<sup>1</sup> **]** :

29 “Failing school district” means a school district in need of  
30 improvement pursuant to the provisions of the “No Child Left  
31 Behind Act of 2001,” Pub.L.107-110;

32 “High-performing nonpublic school” means a nonpublic school  
33 that ranked in the 66th percentile or higher on a norm-referenced  
34 achievement test in the school year prior to the school year in which  
35 a conversion application is submitted pursuant to subsection a. of  
36 this section;

37 “Norm-referenced achievement test” means the California  
38 Achievement Test (CAT), Metropolitan Achievement Test (MAT),

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ABU committee amendments adopted June 27, 2011.

1 Stanford Achievement Test (SAT), or the Comprehensive Test of  
2 Basic Skills (CTBS) or one of the tests within the CTBS<sup>1</sup>.

3 c. Students enrolled in the nonpublic school in the school year  
4 preceding its conversion to a charter school shall be eligible to  
5 continue enrollment at the school after its conversion. Preference  
6 for any remaining enrollment spaces for the charter school for its  
7 first year, and for all enrollment spaces in each successive year,  
8 shall be provided pursuant to the provisions of section 8 of  
9 P.L.1995, c.426 (C.18A:36A-8).

10 d. Teaching staff and other employees of the nonpublic school  
11 may continue employment at the charter school upon its conversion.  
12 Any employee who is not certified in accordance with the  
13 provisions of subsection c. of section 14 of P.L.1995, c.426  
14 (C.18A:36A-14) shall take immediate action towards receiving  
15 appropriate New Jersey certification and shall be in full compliance  
16 with all certification requirements within two years of the school's  
17 conversion. Any employee hired following the conversion of the  
18 nonpublic school to charter school status shall meet the  
19 requirements of subsection c. of section 14 of P.L.1995, c.426  
20 (C.18A:36A-14).

21 e. Except as otherwise provided in this section, the provisions  
22 of P.L.1995, c.426 (C.18A:36A-1 et seq.) shall apply in the case of  
23 a nonpublic school applying for conversion or having undergone  
24 conversion to charter school status.

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

28 4. a. A charter school may be established by teaching staff  
29 members, parents with children attending the schools of the district,  
30 or a combination of teaching staff members and parents. A charter  
31 school may also be established by an institution of higher education  
32 or a private entity located within the State in conjunction with  
33 teaching staff members and parents of children attending the  
34 schools of the district. If the charter school is established by a  
35 private entity, representatives of the private entity shall not  
36 constitute a majority of the trustees of the school, and the charter  
37 shall specify the extent to which the private entity shall be involved  
38 in the operation of the school. The name of the charter school shall  
39 not include the name or identification of the private entity, and the  
40 private entity shall not realize a net profit from its operation of a  
41 charter school. **[A private or parochial school shall not be eligible**  
42 **for charter school status.]**

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

45 (1) At least 51% of the teaching staff in the school shall have  
46 signed a petition in support of the school becoming a charter  
47 school; and

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

4 c. An application to establish a charter school shall be  
5 submitted to the commissioner and the local board of education or  
6 State district superintendent, in the case of a **[State-operated]**  
7 school district under full State intervention, in the school year  
8 preceding the school year in which the charter school will be  
9 established. Notice of the filing of the application shall be sent  
10 immediately by the commissioner to the members of the State  
11 Legislature, school superintendents, and mayors and governing  
12 bodies of all legislative districts, school districts, or municipalities  
13 in which there are students who will be eligible for enrollment in  
14 the charter school. The board of education or State district  
15 superintendent shall review the application and forward a  
16 recommendation to the commissioner within 60 days of receipt of  
17 the application. The commissioner shall have final authority to  
18 grant or reject a charter application.

19 d. The local board of education or a charter school applicant  
20 may appeal the decision of the commissioner to the **[State Board of**  
21 **Education**. The State board shall render a decision within 30 days  
22 of the date of the receipt of the appeal. If the State board does not  
23 render a decision within 30 days, the decision of the commissioner  
24 shall be deemed final] Appellate Division of the Superior Court.

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

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

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

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

44 10. A charter school may be located in part of an existing public  
45 school building, in space provided on a public work site, in a public  
46 building, or any other suitable location. In the case of a nonpublic  
47 school that converts to a charter school pursuant to the provisions of  
48 section 1 of P.L. , c. (C. ) (pending before the Legislature as this

1 bill), the charter school may be located in the same school building  
2 in which the nonpublic school was located. The facility shall be  
3 exempt from public school facility regulations except those  
4 pertaining to the health or safety of the pupils. A charter school  
5 shall not construct a facility with public funds other than federal  
6 funds.

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

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9 4. This act shall take effect immediately.

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15 Permits the conversion of high-performing nonpublic schools  
located in failing school district into charter schools.