Sponsored by:
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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.

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

1. (New section) As used in this act, “charter school authorizer” means an entity charged with granting, renewing, and revoking charters for charter schools established pursuant to the provisions of P.L.1995, c.426 (C.18A:36A-1 et seq.) and which shall include the Commissioner of Education, and the Center for Effective School Practices within the Graduate School of Education of Rutgers, The State University.

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

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

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

3. 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, community residents, or a combination of teaching staff members [and] parents, and community residents. A charter school may also be established by an institution of higher education or a private 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.
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. A private or parochial school shall not be eligible for charter school status.

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 may be submitted at any time during the school year to the commissioner of education or State superintendent, in the case of a State-operated school district, 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 posted immediately on the charter school authorizer’s website and communicated via email within 15 business days 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 and to the commissioner if he is not the recipient of the application. The board of education or State superintendent shall review the application and forward a recommendation to the commissioner. Charter school authorizer within 60 days of receipt of the application. The commissioner charter school authorizer shall have final authority to grant or reject a charter application and shall make a decision on an application within 150 days of receipt of the application.

d. The local board of education or a charter school applicant may appeal the decision of the commissioner charter school authorizer to the State Board of Education. The State board shall render a decision within 30 days of the date of the receipt of the appeal. If the State board does not render a decision within 30 days, the decision of the commissioner shall be deemed final.

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 their charter school authorizers to amend their
charters and consolidate into one school. The charter school authorizers 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
(cf: P.L.2002, c.123, s.1)

4. Section 5 of P.L.1995, c.426 (C.18A:36A-5) is amended to read as follows:
5. The application for a charter school shall include the following information:
   a. The identification of the charter applicant;
   b. The name of the proposed charter school;
   c. The proposed governance structure of the charter school including a list of the proposed members of the board of trustees of
      the charter school or a description of the qualifications and method for the appointment or election of members of the board of trustees;
   d. The educational goals of the charter school, the curriculum to be offered, and the methods of assessing whether students are
      meeting educational goals. Charter school students shall be required to meet the same testing and academic performance standards as
      established by law and regulation for public school students. Charter school students shall also meet any additional assessment
      indicators which are included within the charter approved by the [commissioner] charter school authorizer;
   e. The admission policy and criteria for evaluating the admission of students which shall comply with the requirements of
      section 8 of this act;
   f. The age or grade range of students to be enrolled;
   g. The school calendar and school day schedule;
   h. A description of the charter school staff responsibilities and the proposed qualifications of teaching staff;
   i. A description of the procedures to be implemented to ensure significant parental involvement in the operation of the school;
   j. A description of, and address for, the physical facility in which the charter school will be located;
k. Information on the manner in which community groups will be involved in the charter school planning process;
l. The financial plan for the charter school and the provisions which will be made for auditing the school pursuant to the provisions of N.J.S.18A:23-1;
m. A description of and justification for any waivers of regulations which the charter school will request; and
n. Such other information as the commissioner charter school authorizer may require.
(cf: P.L.1995, c.426, s.5)
5. Section 7 of P.L.1995, c.426 (C.18A:36A-7) is amended to read as follows:
7. A charter school shall be open to all students on a space available basis and shall not discriminate in its admission policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a handicapped person, proficiency in the English language, or any other basis that would be illegal if used by a school district; however, a charter school may limit admission to a particular grade level, gender, or to areas of concentration of the school, such as mathematics, science, or the arts, or to students with specific behavioral needs or disorders including, but not limited to, autism spectrum disorder. The commissioner shall actively encourage the establishment of charter schools addressing behavioral needs or disorders. A charter school may establish reasonable criteria to evaluate prospective students which shall be outlined in the school's charter.
(cf: P.L.1995, c.426, s.7)
6. Section 8 of P.L.1995, c.426 (C.18A:36A-8) is amended to read as follows:
8. a. Preference for enrollment in a charter school shall be given to students who reside in the school district in which the charter school is located. If there are more applications to enroll in the charter school than there are spaces available, the charter school shall select students to attend using a random selection process. A charter school shall not charge tuition to students who reside in the district.
b. A charter school shall allow any student who was enrolled in the school in the immediately preceding school year to enroll in the charter school in the appropriate grade unless the appropriate grade is not offered at the charter school.
c. A charter school may give enrollment priority to a sibling of a student enrolled in the charter school.
d. If available space permits, a charter school may enroll non-resident students. The terms and condition of the enrollment shall be outlined in the school's charter and approved by the commissioner charter school authorizer.
e. The admission policy of the charter school shall, to the maximum extent practicable, seek the enrollment of a cross section of the community's school age population including racial and academic factors.

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

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

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

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

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

16. a. The charter school authorizer shall annually assess whether each charter school under its authority is meeting the goals of its charter, and shall conduct a comprehensive review prior to granting a renewal of the charter.

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

b. In order to facilitate the review required pursuant to subsection a. of this section, each charter school shall submit an annual report to the local board of education, the executive county superintendent of schools, and its charter school authorizer in the form prescribed by the charter school authorizer. The report shall be received annually by the local board, the executive county superintendent, and the charter school authorizer no later than August 1.

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

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

d. The commissioner shall commission an independent study of the charter school program. The study shall be conducted by an individual or entity identified with expertise in the field of
education and the selection shall be approved by the Joint Committee on the Public Schools. The individual or entity shall design a comprehensive study of the charter school program.

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

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

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

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

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

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

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

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

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

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

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

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

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

The evaluation shall include a recommendation on the advisability of the continuation, modification, expansion, or termination of the program. If the evaluation does not recommend termination, then it shall include recommendations for changes in
the structure of the program which the commissioner deems advisable. The commissioner may not implement any recommended expansion, modification, or termination of the program until the Legislature acts on that recommendation. (cf: P.L.2000, c.142, s.3)

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

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

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

4. a. If at any time the charter school authorizer determines that a board of trustees is in jeopardy of losing its charter or an applicant is in jeopardy of not being granted a charter, the charter school authorizer shall so notify the board of trustees or the applicant. The board of trustees or the applicant shall, within 48 hours of receipt of such notification, provide to the charter school authorizer, in writing, a complete list of the names and addresses of all students and staff currently enrolled and working in the school, or in the case of an applicant, a complete list of the names and addresses of all students and staff intending to enroll or work at the school, so the charter school authorizer may send the appropriate notice to the parents or guardians and staff.

b. In the event that a charter school authorizer other than the commissioner takes any action pursuant to subsection a. of this section, the charter school authorizer shall notify the commissioner of such action. (cf: P.L.2000, c.142, s.4)

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

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

Also, under current law, an application to establish a charter school is submitted to the Commissioner of Education and to 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. This bill directs a charter school authorizer to accept an application at any time during the calendar year and removes the requirement that an application be submitted in the school year preceding the school year in which the charter school will be established. The bill requires the charter school authorizer to make a decision on an application within 150 days of its receipt.

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

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

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