

SENATE, No. 458

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator BARBARA BUONO

District 18 (Middlesex)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

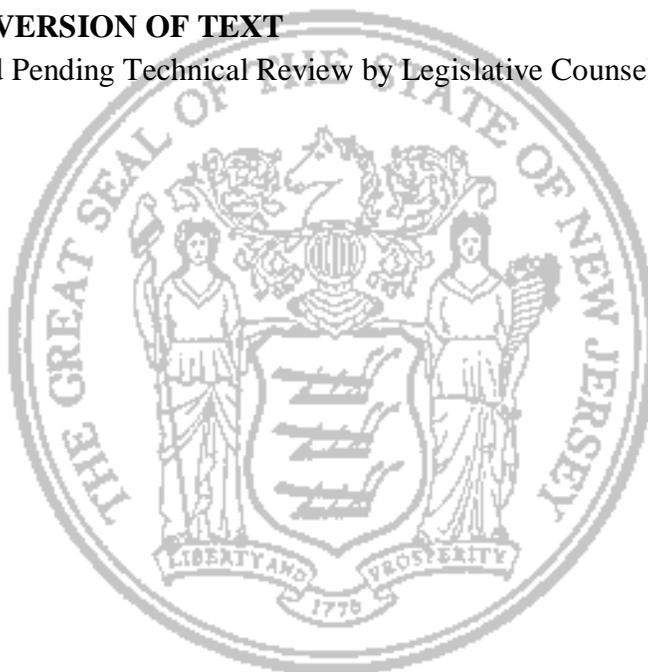
Senators Gill, Codey, Rice, Sarlo, Whelan, B.Smith, Vitale, Bateman and Beach

SYNOPSIS

Requires voter approval at the annual school election or by the board of school estimate prior to the establishment of a charter school.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 2/7/2012)

1 AN ACT concerning the establishment of charter schools 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. A private or parochial school shall not be eligible
23 for charter school status.

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

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

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

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

1 the application. **【The】** Except as otherwise provided pursuant to
2 paragraph (2) of this subsection, the commissioner shall have final
3 authority to grant or reject a charter application.

4 (2) The commissioner shall not approve an application for the
5 establishment of a charter school unless the establishment of the
6 charter school has been approved by the voters of the district at the
7 annual school election in the case of a charter school to be
8 established in a Type II district, or the board of school estimate in
9 the case of a charter school to be established in a Type I district.

10 d. The local board of education or a charter school applicant
11 may appeal the decision of the commissioner to the **【State Board of**
12 **Education.** The State board shall render a decision within 30 days
13 of the date of the receipt of the appeal. If the State board does not
14 render a decision within 30 days, the decision of the commissioner
15 shall be deemed final **】** Appellate Division of the Superior Court.

16 e. A charter school established during the 48 months following
17 the effective date of this act, other than a currently existing public
18 school which becomes a charter school pursuant to the provisions of
19 subsection b. of section 4 of this act, shall not have an enrollment in
20 excess of 500 students or greater than 25% of the student body of
21 the school district in which the charter school is established,
22 whichever is less.

23 Any two charter schools within the same public school district
24 that are not operating the same grade levels may petition the
25 commissioner to amend their charters and consolidate into one
26 school. The commissioner may approve an amendment to
27 consolidate, provided that the basis for consolidation is to
28 accommodate the transfer of students who would otherwise be
29 subject to the random selection process pursuant to section 8 of
30 P.L.1995, c.426 (C.18A:36A-8).
31 (cf: P.L.2002, c.123, s.4)

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33 2. This act shall take effect immediately.

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STATEMENT

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38 This bill provides that the Commissioner of Education may not
39 approve an application for the establishment of a charter school
40 unless the establishment of the charter school has been approved by
41 the voters of the district at the annual school election in the case of
42 a charter school to be established in a Type II district. In the case
43 of a charter school to be established in a Type I district, the bill
44 provides that the board of school estimate must approve the
45 establishment of the charter school.