

SENATE, No. 2361

STATE OF NEW JERSEY

INTRODUCED JANUARY 8, 1998

By Senator EWING

1 AN ACT concerning charter schools and amending and supplementing
2 P.L.1995, c.426.

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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 read
8 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, or
11 a combination of teaching staff members and parents. A charter
12 school may also be established by an institution of higher education or
13 a private entity located within the State in conjunction with teaching
14 staff members and parents of children attending the schools of the
15 district. If the charter school is established by a private entity,
16 whether for-profit or not-for-profit, representatives of the private
17 entity may sit on the board of trustees but shall not constitute a
18 majority of the trustees of the school, and the charter shall specify the
19 extent to which the private entity shall be involved in the operation of
20 the school. The name of the charter school shall not include the name
21 or identification of the private entity, and the private entity shall not
22 realize a net profit from its operation of a charter school. A private or
23 parochial school shall not be eligible 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 school;
28 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 school
31 becoming a charter school.

32 c. An application to establish a charter school shall be submitted
33 to the commissioner and the local board of education or State
34 superintendent, in the case of a State-operated school district, in 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 school year preceding the school year in which the charter school will
2 be established. The board of education or State superintendent shall
3 review the application and forward a recommendation to the
4 commissioner within 60 days of receipt of the application. The
5 commissioner shall have final authority to grant or reject a charter
6 application.

7 d. The local board of education or a charter school applicant may
8 appeal the decision of the commissioner to the State Board of
9 Education. The State board shall only reverse the commissioner's
10 decision if it determines that the decision was arbitrary and capricious.
11 The State board shall render a decision within 30 days of the date of
12 the receipt of [the] such appeal. If the State board does not render a
13 decision within 30 days, the decision of the commissioner shall be
14 deemed final.

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

22 (cf: P.L.1995, c.426, s.4)

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24 2. Section 6 of P.L.1995, c.426 (C.18A:36A-6) is amended to read
25 as follows:

26 6. A charter school established pursuant to the provisions of this
27 act shall be a body corporate and politic with all powers necessary or
28 desirable for carrying out its charter program, including, but not
29 limited to, the power to:

30 a. Adopt a name and corporate seal; however, any name selected
31 shall include the words "charter school;"

32 b. Sue and be sued, but only to the same extent and upon the
33 same conditions that a public entity can be sued;

34 c. Acquire real property from public or private sources, by
35 purchase, lease, lease with an option to purchase, or by gift, for use as
36 a school facility;

37 d. Receive and disburse funds for school purposes;

38 e. Make contracts and leases for the procurement of services,
39 equipment and supplies, including contracts with vendors for the
40 provision of educational services and programs and any other
41 contracts which may be necessary to achieve the goals of the charter
42 school;

43 f. Incur temporary debts in anticipation of the receipt of funds;

44 g. Solicit and accept any gifts or grants for school purposes; and

45 h. Have such other powers as are necessary to fulfill its charter
46 and which are not inconsistent with this act or the requirements of the

1 commissioner.

2 The board of trustees of a charter school shall comply with the
3 provisions of the "Open Public Meetings Act," P.L.1975, c.231
4 (C.10:4-6 et seq.).

5 (cf: P.L.1995, c.426, s.6)

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

9 12. The school district of residence shall pay directly to the charter
10 school for each student enrolled in the charter school who resides in
11 the district a presumptive amount equal to 90% of the [local levy
12 budget] T&E program budget plus the portion of the district's local
13 levy which is above the district's maximum T&E budget per pupil for
14 the specific grade level in the district. At the discretion of the
15 commissioner and at the time the charter is granted, the commissioner
16 may require the school district of residence to pay directly to the
17 charter school for each student enrolled in the charter school an
18 amount equal to less than 90% percent, or an amount which shall not
19 exceed 100% of the [local levy budget] T&E program budget plus the
20 portion of the district's local levy which is above the district's
21 maximum T&E budget per pupil for the specific grade level in the
22 district of residence :except that in the case of a residential charter
23 school, the commissioner shall require the district of residence to pay
24 100% of the T&E program budget plus the portion of the district's
25 local levy which is above the district's maximum T&E budget per pupil
26 for the specific grade level in the district of residence. The per pupil
27 amount paid to the charter school shall not exceed the [local levy
28 budget] T&E program budget plus the portion of the district's local
29 levy which is above the district's maximum T&E budget per pupil for
30 the specific grade level in the district in which the charter school is
31 located. The district of residence shall also pay directly to the charter
32 school any categorical aid attributable to the student, provided the
33 student is receiving appropriate categorical services, and any federal
34 funds attributable to the student.

35 (cf: P.L.1995, c.426, s.12)

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

39 17. A charter granted by the commissioner pursuant to the
40 provisions of this act shall be granted for a [four] five-year period and
41 may be renewed for [a five-year period] periods of five years. The
42 commissioner may revoke a school's charter if the school has not
43 fulfilled any condition imposed by the commissioner in connection with
44 the granting of the charter or if the school has violated any provision
45 of its charter. The commissioner may place the charter school on
46 probationary status to allow the implementation of a remedial plan

1 after which, if the plan is unsuccessful, the charter may be summarily
2 revoked. The commissioner shall develop procedures and guidelines
3 for the revocation and renewal of a school's charter.

4 (cf: P.L.1995, c.426, s.17)

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6 5. (New section) A charter school may apply to the commissioner
7 for an amendment to its charter and may submit a request for an
8 amendment at any time during the charter period. The board of
9 trustees shall submit the request in the form of a board resolution to
10 the commissioner and the local board of education or State
11 superintendent, in the case of a State-operated district. The board of
12 education or State superintendent may submit comments to the
13 commissioner within 21 days of receipt of the resolution of the board
14 of trustees. The commissioner shall evaluate the request and shall
15 determine if the amendment will further the mission, goals and
16 objectives of the charter school. The commissioner shall approve or
17 disapprove the amendment within 30 days of receipt of the resolution
18 of the board of trustees and the amendment shall only become effective
19 upon the approval of the commissioner.

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21 6. This act shall take effect effect for the 1998-99 school year.

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STATEMENT

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26 This bill makes a number of changes in the "Charter School
27 Program Act of 1995," P.L.1995, c.426. Specifically the bill does the
28 following:

29 clarifies that if a for-profit or not-for profit entity is involved in the
30 formation of a charter school as authorized under current law, that
31 members of that entity may sit on the board of trustees of the school;

32 provides that the State Board of Education shall only reverse a
33 decision of the commissioner in regard to the granting of a charter if
34 the State board finds the commissioner's decision to be arbitrary and
35 capricious;

36 stipulates that the board of trustees of a charter school may enter
37 into a contract with vendors for the provision of educational services
38 and programs and any other contracts which may be necessary to
39 achieve the goals of the charter school;

40 revises the current language in the law in regard to the funding of
41 charter schools to conform the terminology with the new school
42 funding law, the "Comprehensive Educational Improvement and
43 Financing Act of 1996," P.L.1996, c.138. The bill clarifies the original
44 intent of the Legislature as contained in the current law that the
45 charter school is to receive for each student enrolled in the school a
46 presumptive amount equal to 90% of the T&E program budget plus

1 the portion of the district's local levy which is above the district's
2 maximum T&E budget per pupil for the specific grade level in the
3 district;

4 provides that the initial charter received by a school will be granted
5 for a five-year period as opposed to four years under the current law;
6 and

7 establishes a procedure for a charter school to request an
8 amendment to its charter.

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13 Revises certain procedures in the operation and funding of charter
14 schools.