

“Per pupil amount for the specific grade level” means the lower of either 90 percent of the program budget per pupil for the specific grade level in the district or 90 percent of the maximum T & E amount weighted for kindergarten, elementary (grades one through five), middle school (grades six through eight) and high school (grades nine through 12) respectively as set forth in N.J.S.A. 18A:7F-12 for the applicable budget year. Local levy budget per pupil for the specific grade level is based on the prebudget year of the district of residence and non-resident district(s). The State shall pay the local levy budget per pupil for the specific grade level directly to the charter school for any student enrolled in the charter school at the rate of:

1. The difference between 90 percent of the program budget per pupil if greater than 90 percent of the maximum T & E amount; and
2. One hundred percent of the local levy budget per pupil for the specific grade level for the first year of the student’s enrollment in the charter school if the student was not included in the district’s projected resident enrollment for the school year.

“Prebudget year” means the school fiscal year preceding the year in which the school budget is implemented.

“Program budget” based on the prebudget year means the sum inflated by the CPI rate published most recent to the budget calculation of:

1. Core curriculum standards aid;
2. Supplemental core curriculum standards aid;
3. Stabilization aid including supplemental stabilization aid and supplemental school tax reduction aid;
4. Designated general fund balance;
5. Miscellaneous local general fund revenue; and
6. The district’s general fund tax levy.

“Program budget per pupil” means the apportionment among the district of residence and non-resident district’s October 15 weighted resident enrollment consistent with N.J.S.A. 18A:7F-12 by grade category and then divided by the same districts’ resident enrollment by grade as of October 15.

“Projected enrollments” means the estimated total enrollments of both the district of residence and non-resident district(s) as delineated by the eligible applicant in the *New Jersey Charter School Application*.

“Region of residence” means contiguous district boards of education in which a charter school operates and shall be the charter school’s district of residence.

“Renewal” means the granting of the continuation of a charter for a five-year period by the Commissioner following a comprehensive review conducted by the Commissioner.

“Resident student” means a student who resides in the area served by the district board of education that is the same as the district of residence of the charter school.

“Revocation” means the withdrawal of a charter of a school from the board of trustees by the Commissioner.

“School Ethics Act” means the statute N.J.S.A. 18A:12-21 et seq. designed to set standards to guide the conduct of school officials and ensure maintenance of those standards in order to ensure and preserve public confidence in the integrity of elected and appointed school board members and school administrators.

“School official” means a member of the board of trustees or an administrator of a charter school.

“School year” means July 1 to June 30 of any given academic year. If operating with an extended school year, this term means an alternate fiscal year beginning no later than September 1 and ending no later than August 31 of any given academic year.

“Streamline tenure” means the tenure process for all charter school teaching staff members, janitors and secretaries who are either newly employed in a charter school or who are employed in a charter school while on leave from district boards of education.

“Streamline tenure removal” means the process by which an employee who has obtained streamline tenure can be dismissed or reduced in compensation.

“Structured interview” means the performance assessment of the accomplishments of a charter school during the first three years of its charter for renewal of the charter.

“T & E amount” means the established cost per elementary student for a thorough and efficient (T & E) education as defined by N.J.S.A. 18A:7F-3.

“T & E range” means the range of regular education spending which shall be considered thorough and efficient (T & E) as defined by N.J.S.A. 18A:7F-3. The range is in terms of T & E budget spending per elementary student and is delineated by alternatively adding to and subtracting from the T & E amount the T & E flexible amount to establish the minimum T & E budget and maximum T & E budget when applied to each district’s weighted resident enrollment.

“Waiting list” means the document identifying the names of grade-eligible students with applications to a charter school pending acceptance for the subsequent school year, based upon the order of random selection from a lottery following a recruitment period.

“Weighted resident enrollment” means the differentials in costs based on the efficiency standards established pursuant to N.J.S.A. 18A:7F-4(b) of providing education at the kindergarten, elementary (grades 1 through 5), middle school

(grades 6 through 8) and high school levels (grades 9 through 12) which are determined by dividing the elementary cost per student into each category and applying the weights to resident enrollment in each category pursuant to N.J.S.A. 18A:7F-13.

Amended by R.1998 d.292, effective June 1, 1998.

See: 30 N.J.R. 588(a), 30 N.J.R. 2084(a).

Rewrote "Local levy budget per pupil for the specific grade level" definition; and inserted "inflated by the CPI rate published most recent to the budget calculation" preceding "of (1)" in the "Program budget" definition.

Amended by R.2000 d.403, effective October 2, 2000.

See: 32 N.J.R. 2523(a), 32 N.J.R. 3560(a).

Rewrote section.

Amended by R.2002 d.358, effective November 4, 2002.

See: 34 N.J.R. 2920(a), 34 N.J.R. 3806(a).

Rewrote section.

## SUBCHAPTER 2. APPLICATION AND APPROVAL, REPORTING, RENEWAL, PROBATION AND REVOCATION, APPEAL AND AMENDMENT PROCESSES

### 6A:11-2.1 Application and approval process

(a) The Commissioner with the authority of N.J.S.A. 18A:36-1 et seq. may approve or deny an application for a charter after review of the application submitted by an eligible applicant and the recommendation(s) from the district board(s) of education or State district superintendent(s) of the district of residence of the proposed charter school.

(b) An eligible applicant for a charter school shall:

1. Complete the *New Jersey Charter School Application* which shall be annually disseminated by the Department of Education and which includes a description of the areas listed in N.J.S.A. 18A:36A-5 and a description of the following as each relates to the charter school:

- i. Mission;
- ii. Goals and objectives;
- iii. Founders;
- iv. Student discipline policy and expulsion criteria;
- v. Special populations;
- vi. Transportation;
- vii. Self-evaluation process;
- viii. Insurance;
- ix. Timetable; and
- x. Educational equity and access.

2. If seeking to operate a charter school with a region of residence, the charter school shall:

i. Include as founders a teaching staff member or a parent with a child attending a school of the district board of education in accordance with N.J.S.A. 18A:36A-4(a) from each of the contiguous district boards of education that comprise the region; and

ii. Describe its plan to ensure the enrollment of a cross section of the school-age population of the region of residence including racial and academic factors. This plan shall include apportionment of available space from each of the district boards of education that comprise the region of residence.

3. Submit the completed application to the Commissioner, the respective county superintendent of schools and the district board(s) of education or State district superintendent(s) of the district of residence of the proposed charter school no later than 4:00 P.M. on July 15. If July 15 falls on a weekend, the application is due on the first subsequent work day.

(c) Following the review of the applications, the Department of Education may request subsequent information as addenda to the applications.

(d) The Department of Education shall evaluate the addenda.

(e) The district boards of education or State district superintendents of the districts of residence of the proposed charter schools shall review the applications and addenda.

1. The recommendations of these district boards of education or State district superintendents shall be forwarded to the Commissioner within 60 days of receipt of the applications.

2. The recommendations of these district boards of education or State district superintendents shall be forwarded to the Commissioner within 30 days of receipt of the addenda.

(f) The Commissioner or designee(s) shall conduct an in-depth interview with each eligible applicant for a charter school.

(g) The Commissioner shall notify eligible applicants regarding approval or denial of applications by January 15. The notification to eligible applicants who are not approved as charter schools shall include reasons for the denials.

(h) The Commissioner may approve an application for a charter which shall be effective when all necessary documents and information are received by the Commissioner. The charter school shall submit on or before the dates specified in the letter of approval the documentation not available at the time of the application submission including, but not limited to, copies of:

1. A directory of the current members of the board of trustees;

2. The bylaws of the board of trustees;
3. The Certificate of Incorporation;
4. The Federal Employer Identification Number;
5. The Credit Authorization Agreement for Automatic Deposits;
6. The lease, mortgage or title to its facility;
7. The certificate of occupancy for "E" (education) use issued by the local municipal enforcing official at N.J.A.C. 5:23-2;
8. The sanitary inspection report with satisfactory rating;
9. The fire inspection certificate with "Ae" (education) code life hazard use at N.J.A.C. 5:70-4;
10. A list of the lead person, teachers and professional support staff;
11. The Authorization for Emergent Hiring Pending Completion of Criminal History Check form or Criminal History Approval letter for each employee of the charter school;
12. Evidence of a uniform system of double-entry bookkeeping that is consistent with generally accepted accounting principles (GAAP); and
13. The resolution of the board of trustees naming the Affirmative Action Officer, the Section 504 Officer and the Title IX Coordinator.

(i) Prior to the granting of the charter, the Commissioner shall assess the student composition of a charter school and the segregative effect that the loss of the students may have on its district of residence. The assessment shall be based on the enrollment from the initial recruitment period pursuant to N.J.A.C. 6A:11-4.4(a) and (b). The charter school shall submit data for the assessment:

1. In a format prescribed by the Commissioner; and
2. No later than 4:00 P.M. on April 15 of the school year in which a charter school is approved or no later than 4:00 P.M. on January 15 of the school year following the school year in which a charter school that elects to take a planning year was approved.

(j) All statutorily required documentation shall be submitted to the Department of Education by May 15. The final granting of the charter by the Commissioner shall be effective when all required documentation as listed in (h) above is submitted and approved by the Department of Education.

(k) A charter school shall locate its facility in its district of residence or in one of the districts of its region of residence.

Amended by R.1998 d.292, effective June 1, 1998.

See: 30 N.J.R. 588(a), 30 N.J.R. 2084(a).  
 Rewrote (b)2.  
 Amended by R.2000 d.403, effective October 2, 2000.  
 See: 32 N.J.R. 2523(a), 32 N.J.R. 3560(a).  
 Rewrote section.  
 Amended by R.2002 d.358, effective November 4, 2002.  
 See: 34 N.J.R. 2920(a), 34 N.J.R. 3806(a).  
 Rewrote section.

**Case Notes**

The procedure set forth in the regulation was efficient and practical both for the applicant and for the Department and did not prejudice any legitimate objection to the charter school application. In re Grant of Charter School Application of Englewood on Palisades Charter School, 164 N.J. 316, 753 A.2d 687 (N.J. 2000).

Statute governing charter school applications required an application to include a description of and address for the physical facility in which the school would be located, and the State Board of Education could not relax that requirement, via its regulations, in the interest of administrative convenience. In re Grant of Charter School Application of Englewood on Palisades Charter School, 320 N.J.Super. 174, 727 A.2d 15 (N.J.Super.A.D. 1999).

**6A:11-2.2 Reporting**

(a) The board of trustees of a charter school shall submit an annual report no later than 4:00 P.M. on August 1 following each full school year in which the charter school is in operation to the Commissioner, the respective county superintendent of schools and the district board(s) of education or State district superintendent(s) of the district of residence of a charter school. If August 1 falls on a weekend, the annual report is due on the first subsequent work day.

1. The report in a format prescribed by the Commissioner must include, but is not limited to, a description of the following:
  - i. The achievement of the school's mission, goals and objectives of its charter;
  - ii. The efficiency in the governance and management of the school;
  - iii. The attainment of the *New Jersey Core Curriculum Content Standards* and the delivery of an educational program leading to high student academic achievement;
  - iv. Statewide Assessment Program results and local assessment results of students;
  - v. The degree of parental and community involvement in the school;
  - vi. The school's public relations and outreach efforts; and
  - vii. The student admissions policies and staff recruitment plan.

2. The report must include a copy of the following:
  - i. A comprehensive annual financial report including a balance sheet and an operational statement of revenues and expenditures;

ii. The resolution of the board of trustees naming the lead person of the charter school;

iii. A directory of the current members of the board of trustees;

iv. Amendments to the bylaws of the board of trustees adopted during the previous year;

v. A calendar for the upcoming school year; and

vi. The resolution of the board of trustees naming the Affirmative Action Officer, the Section 504 Officer and the Title IX Coordinator.

3. The board of trustees of a charter school shall make the annual report available to the parents or guardians of the students enrolled in the charter school.

4. The district board(s) of education or State district superintendent(s) of the district of residence of a charter school may submit comments regarding the annual report of the charter school to the Commissioner by October 1.

(b) The board of trustees of a charter school shall submit documentation annually to the Commissioner for approval prior to the opening of school on dates specified by and in a format prescribed by the Commissioner. The documentation shall include, but is not limited to, copies of:

1. A new lease, mortgage or title to its facility;
2. A valid certificate of occupancy for "E" (education) use issued by the local municipal enforcing official at N.J.A.C. 5:32-2;
3. An annual sanitary inspection report with satisfactory rating;
4. An annual fire inspection certificate with "Ae" (education) code life hazard use at N.J.A.C. 5:70-4;
5. A list of the lead person, teachers and professional support staff;
6. The Authorization for Emergent Hiring Pending Completion of Criminal History Check form or Criminal History Approval letter for each employee of the charter school; and
7. Evidence of a uniform system of double-entry bookkeeping that is consistent with generally accepted accounting principles (GAAP).

(c) On an annual basis, the Commissioner shall assess the student composition of a charter school and the segregative effect that the loss of the students may have on its district of residence. The assessment shall be based on the enrollment from the initial recruitment period pursuant to N.J.A.C. 6A:11-4.4(b). The charter school shall submit data for the assessment:

1. In a format prescribed by the Commissioner; and
2. No later than 4:00 P.M. on January 15.

Amended by R.2000 d.403, effective October 2, 2000.

See: 32 N.J.R. 2523(a), 32 N.J.R. 3560(a).

Rewrote section.

Amended by R.2002 d.358, effective November 4, 2002.

See: 34 N.J.R. 2920(a), 34 N.J.R. 3806(a).

Rewrote section.

### 6A:11-2.3 Renewal of charter

(a) The Commissioner may grant a five-year renewal of a charter following the initial four-year charter.

(b) The Commissioner shall grant or deny the renewal of a charter upon the comprehensive review of the school including, but not limited to:

1. A renewal application submitted by a charter school to the Commissioner, the respective county superintendent of schools and the district board(s) of education or State district superintendent(s) of the district of residence of the charter school no later than 4:00 P.M. on September 15 of the last school year of the current charter;

2. The review of a charter school's annual reports pursuant to N.J.A.C. 6A:11-2.2(a);

3. Comments of the annual reports from the district board(s) of education or State district superintendent(s) of the district of residence of the charter school;

4. Student performance on the Statewide Assessment Program pursuant to N.J.A.C. 6:39-1;

5. Monitoring of the charter school by the county superintendent;

6. Monitoring of the charter school by the Commissioner or designee(s);

7. The annual assessments of student composition of the charter school;

8. The recommendation of the district board(s) of education or State district superintendent(s) of the district of residence forwarded to the Commissioner within 30 days of receipt of the renewal application; and

9. A structured interview with the Commissioner or designee(s) with:

- i. A member of the charter school board of trustees;
- ii. The lead person of the charter school;
- iii. A teacher at the charter school; and
- iv. A parent or other representative of the charter school.

(c) The Commissioner shall notify a charter school regarding the granting or denial of the renewal during December of the last school year of the current charter. The notification to a charter school that is not granted a renewal shall include reasons for the denial.