

(b) 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.

(c) The district board(s) of education or superintendent(s) of the State-operated school district(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.

6A:11-2.3 Renewal of charter

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

1. Based upon the comprehensive review of the school by the Commissioner including, but not limited to, the reviews of a charter school's annual reports, comments on the annual reports from the district board(s) of education or superintendent(s) of the State-operated school district(s) of the district of residence of the charter school and monitoring of the charter school by the county superintendent.
2. For a period of five years.

6A:11-2.4 Probation and revocation of charter

(a) The Commissioner may place a charter school on probationary status for a period of 90 days to allow the implementation of a remedial plan upon a finding that the charter school is not operating in compliance with its charter, statutes or regulations.

1. The Commissioner shall determine the date on which the probationary status will begin and notify the charter school of such date.
2. The charter school must submit a remedial plan to the Commissioner within 15 days from the receipt of the notice of probationary status.
3. The charter school must provide the specific steps that it shall undertake to resolve the condition(s) not fulfilled and/or the violation(s) of its charter.
4. The Commissioner may remove the probationary status of a charter school if the remedial plan is implemented and the causes for the probationary status are corrected.
5. The Commissioner may grant an extension to the probationary status where warranted and extend the probationary period for an additional 90 days if the charter school has implemented its remedial plan but needs additional time to complete the implementation of its corrections.

(b) The Commissioner may revoke a school's charter following review by the Department of Education for one or more of the following reasons:

1. Any condition imposed by the Commissioner in connection with the granting of the charter which has not been fulfilled by the school; or
2. Violation of any provision of its charter by the school.

3. Failure of the remedial plan to correct the conditions which caused the probationary status.

(c) The Commissioner will notify a charter school in writing of the revocation and may allow a charter school up to a maximum of 60 days from the receipt of the revocation notice from the Commissioner to cease its operations.

6A:11-2.5 Charter appeal process

(a) In accordance with N.J.S.A. 18A:6-9, an appeal may be filed by an eligible applicant for a charter school, a charter school or a district board of education or superintendent of a State-operated school district of the district of residence of a charter school with the State Board of Education according to N.J.A.C. 6:2-1.3 within 30 days from the receipt of a letter from the Commissioner regarding either the approval or final granting or denial of a charter. Notice of appeal must be filed with the Office of the State Board Appeals and the Commissioner.

(b) Within five days of receipt of the notice of appeal, the Commissioner shall transmit the record which consists of all documents, correspondence and evaluations and which constitutes the record of appeal to the State Board of Education.

(c) In accordance with N.J.S.A. 18A:36A-4(d), the State Board of Education shall render a decision within 30 days of the receipt of an appeal regarding the approval, final granting or denial of a charter school application. If the State Board does not render a decision within 30 days, the decision of the Commissioner shall be deemed final.

(d) The Commissioner shall be entitled to participate in any appeal filed with the State Board of Education.

6A:11-2.6 Amendment to charter

(a) A charter school may apply to the Commissioner for an amendment to the charter.

1. The board of trustees of a charter school shall submit in the form of a board resolution the amendment request to the Commissioner and the district board(s) of education or superintendent(s) of the State-operated school district(s) of the district of residence of a charter school.
2. The amendment shall not change the mission, goals and objectives of a charter school.

(b) The Department of Education shall determine whether the amendments are eligible for approval and shall evaluate the amendments based on N.J.S.A. 18A:36A-1 et seq. and this chapter.

(c) The district board(s) of education or superintendent(s) of the State-operated school district(s) of the district of residence of a charter school may submit comments regarding the amendment request to the Commissioner within 21 days of receipt of the resolution of the board of trustees.

(d) The Commissioner may approve or deny amendment requests of charter schools and shall notify charter schools of decisions. If approved, the amendment becomes effective immediately unless a different effective date is established by the Commissioner.

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

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

Rewrote (a) and (c); and in (d), removed a August 25th deadline for notification of decisions by the Commissioner.

SUBCHAPTER 3. SCHOOL ETHICS ACT

6A:11-3.1 Board of trustees and administrators

(a) For the purposes of implementation of the Charter School Program Act, the members of the board of trustees of a charter school shall be "school officials" as defined in the School Ethics Act (N.J.S.A. 18A:12-23). The trustees shall comply with the provisions of the School Ethics Act and the rules promulgated pursuant thereto at N.J.A.C. 6:3-9.

(b) Any employee who is responsible for making recommendations regarding hiring or the purchase or acquisition of any property or services by a charter school shall be an administrator as defined in the School Ethics Act (N.J.S.A. 18A:12-23) and the rules promulgated thereto at N.J.A.C. 6:3-9.

(c) The members of the board of trustees shall not be considered "board members" for the purposes of N.J.S.A. 18A:12-33.

SUBCHAPTER 4. TRANSPORTATION

6A:11-4.1 General requirements

(a) A district board of education shall have the following responsibilities for transportation:

1. Transportation or aid in lieu of transportation shall be provided pursuant to N.J.S.A. 18A:39-1 et seq. to students in kindergarten through grade eight who live more than two miles and to students in grades nine through 12 who live more than two and one-half miles from the charter school that they attend. Transportation shall not be required for students attending a school other than a public school when the only transportation provided by districts in which the students reside is for school children transported pursuant to N.J.S.A. 18A:46-1 et seq. or for students transported to a vocational, technical or other public school offering a specialized program. A charter school shall be considered a public school offering a specialized program.

2. The transportation of students to and from a charter school shall be the responsibility of the district board of education of the school district in which each student resides.

3. The district board of education shall provide transportation in accordance with the charter school calendar.

4. By August 1, the district board of education of the school district in which each student resides shall notify the parents or legal guardians and the lead person of the charter school regarding the determination of the request for transportation services.

(b) A charter school shall have the following responsibilities for transportation:

1. The lead person of the charter school shall notify each student's district board of education, in writing, of the need for transportation at the time of each student's registration in the charter school or by May 15 preceding the school year in which transportation services are to be provided, whichever is later. This notification shall include the student's name, address, grade, one-way mileage from the student's home to the charter school and the name of the last school of attendance if any.

2. The lead person of the charter school shall submit the school calendar to the district board(s) of education responsible for providing transportation services by May 15 preceding the school year in which transportation is being requested.

3. Between January 1 and January 10 and between May 1 and May 10 of each year, the lead person of the charter school shall certify, on forms prescribed by the Commissioner, the students that were enrolled for the first half and second half of the academic year respectively. The certification forms shall be returned to each student's district board of education by January 15 certifying the student's attendance for the first half of the academic year and by May 15 certifying the student's attendance for the second half of the academic year.

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

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

Rewrote (a)1.

6A:11-4.2 Transportation of resident students

The transportation of students to and from a charter school who reside in the district of residence in which the charter school is located shall be provided on the same terms and conditions as transportation is provided to students attending the schools of the district board(s) of education.

6A:11-4.3 Transportation of non-resident students

(a) The district board of education of the school district in which each student resides shall provide transportation of students to and from a charter school who reside outside the district of residence in which the charter school is located within an annual maximum statutorily established amount per student expenditure in accordance with N.J.S.A. 18A:39-1 to be made in two installments.