

**CHAPTER 11  
CHARTER SCHOOLS**

**Authority**

N.J.S.A. 18A:36A-1 et seq., specifically 18A:36A-18.

**Source and Effective Date**

R.2007 d.183, effective May 10, 2007.  
See: 39 N.J.R. 289(a), 39 N.J.R. 2242(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 11, Charter Schools, expires on May 10, 2014. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 11, Charter Schools, was adopted as R.1997 d.358, effective August 4, 1997. See: 29 N.J.R. 1585(a), 29 N.J.R. 3492(a).

Subchapter 8, Program Implementation, was adopted as R.1998 d.292, effective June 1, 1998. See: 30 N.J.R. 588(a), 30 N.J.R. 2084(a).

Subchapter 4, Transportation, was recodified as N.J.A.C. 6:21-20 and former Subchapter 8, Program Implementation, was recodified as Subchapter 4, Program Implementation, by R.2000 d.403, effective October 2, 2000. See: 32 N.J.R. 2523(a), 32 N.J.R. 3560(a).

Chapter 11, Charter Schools, was readopted as R.2002 d.358, effective October 11, 2002. See: 34 N.J.R. 2920(a), 34 N.J.R. 3806(a).

Chapter 11, Charter Schools, was readopted as R.2007 d.183, effective May 10, 2007. See: Source and Effective Date. See, also, section annotations.

Subchapter 2, Application and Approval, Reporting, Renewal, Probation and Revocation, Appeal and Amendment Processes, was renamed Application and Approval; Reporting; Renewal; Probation and Revocation; Appeal; and Amendment Processes by R.2013 d.005, effective January 7, 2013. See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**6A:11-1.1 Purpose**

(a) The purpose of this chapter is to provide the rules to govern the implementation of the Charter School Program Act, N.J.S.A. 18A:36A-1 et seq. The rules define the processes for: establishing and operating charter schools; complying with the School Ethics Act (N.J.S.A. 18A:12-21 et seq.); implementing programs; certifying classroom teachers, principals, and professional support staff; and applying streamline tenure for teaching staff members, janitors, and secretaries. The rules for conducting the financial operations of the charter schools are set forth in the fiscal accountability rules at N.J.A.C. 6A:23A-22.

(b) The rules set out the requirements for applying for a charter and operating a school when a charter is awarded by the Commissioner. In addition, the rules affect students who attend charter schools, the parents and legal guardians of the students, the district boards of education where the students reside, the district boards of education in which charter schools are physically located, and the people who serve on the boards of trustees and on the staffs of charter schools.

Amended by R.2000 d.403, effective October 2, 2000.  
See: 32 N.J.R. 2523(a), 32 N.J.R. 3560(a).

In (a), deleted "transporting students;"; and added "implementing programs;".

Amended by R.2002 d.358, effective November 4, 2002.  
See: 34 N.J.R. 2920(a), 34 N.J.R. 3806(a).

In (b), deleted "new" before "rules".

Amended by R.2004 d.322, effective August 16, 2004.  
See: 36 N.J.R. 1313(a), 36 N.J.R. 3895(a).

In (a), rewrote the last sentence.

Amended by R.2013 d.005, effective January 7, 2013.  
See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).

Rewrote the section.

**6A:11-1.2 Definitions**

The following words and terms, as used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise.

“Administrator” means an employee of a charter school who:

1. Holds a position that requires a certificate authorizing the holder to serve as school administrator, principal, or school business administrator;
2. Holds a position that requires a certificate authorizing the holder to serve as supervisor who is responsible for making recommendations regarding hiring or the purchase or acquisition of any property or services of a charter school; or
3. Holds a position that does not require the person to hold any type of certificate but is responsible for making recommendations regarding hiring or the purchase or acquisition of any property or services by a charter school.

“Annual review” means the yearly assessment by the Commissioner as to whether the charter school is meeting the goals of its charter.

“Application” means the New Jersey Charter School Application, which includes, but is not limited to, a description of the areas listed in N.J.S.A. 18A:36A-5 and N.J.A.C. 6A:11-2.1(b).

“Approval” means an endorsement by the Commissioner following the review of an eligible application by the Department and contingent upon the receipt of necessary documentation in accordance with N.J.A.C. 6A:11-2.1(f).

“Board of trustees” means the public agents authorized by the State Board of Education to supervise and control a charter school.

“Certification” means the endorsement of a person who is employed by a district board of education or a charter school board of trustees to perform duties that are regulated by N.J.A.C. 6A:9 and 6A:23A-22, and N.J.S.A. 18A:26-2.

“Charter agreement” means a written agreement between a charter school and the Commissioner that sets forth criteria the charter school shall be expected to satisfy, including, but not limited to, measureable performance goals and indicators in the charter school’s Performance Framework.

“Charter school” means a public school operated under a charter granted by the Commissioner that is independent of the district board of education and managed by a board of trustees.

“Contiguous district boards of education” means school districts that comprise a region of residence that all share a common border.

“Demonstrable experience” means a record of success in engendering student growth and improving the academic performance of at-risk, English language learner, and special education students; and evidence of financial stability.

“District of residence” means the school district in which a charter school facility is physically located; if a charter school is approved with a region of residence comprised of contiguous school districts, that region is the charter school’s district of residence.

“Educator evaluation system” means a system by which a charter school measures the effectiveness of an educator through a measurement of student learning growth and educator practice.

“Eligible applicant” means teaching staff members from anywhere in the State, parents of children attending the schools of the district of residence, a combination of teaching staff members and parents, or an institution of higher education or a private entity located within the State in conjunction with teaching staff members and parents of children attending the schools of the district of residence.

“Expedited action” means to allow an applicant to apply early and receive an early decision regarding the status of the application for a charter. It also permits an approved applicant to open a charter school on an expedited timeline. The application must be submitted by October 15 to receive a decision in advance of the standard schedule and no later than February 15.

“Final granting of a charter” means the written notification in which the Commissioner makes the charter effective as a result of all required documentation being submitted by the charter school and approved by the Department in accordance with N.J.A.C. 6A:11-2.1(f), (h), and (i).

“GAAP” means the generally accepted accounting principles established by the Governmental Accounting Standards Board as prescribed by the State Board of Education pursuant to N.J.S.A. 18A:4-14 and N.J.A.C. 6A:23A-16.1.

“In-depth interview” means the performance assessment of the founders of a charter school during the application and approval process for a charter.

“Initial recruitment period” means the period during which there are the first outreach efforts by a charter school to a cross section of the community for the application, random selection process (if applicable) and enrollment of students for the next school year.

“Lead person” means the person who performs the organizational tasks necessary for the operation of a charter school. Where a group of individuals shares the organizational tasks, the person designated as responsible for completion of the tasks required by the rules is the lead person.

“Monitoring” means an on-site review at a charter school to corroborate and augment the annual reports and to verify compliance with statutes, regulations and the terms of the charter.

“Non-resident district” means a school district outside the district of residence of the charter school.

“Non-resident student” means a student from a non-resident district attending a charter school.

“Performance Framework” means the standards that shall be used by the Department to evaluate the performance of each charter school that has signed a charter agreement. The Performance Framework shall be included in every charter agreement and posted on the Department’s website. The academic performance section of the Performance Framework is aligned with the New Jersey Department of Education accountability measures as defined in the February, 2012 No Child Left Behind waiver of Adequate Yearly Progress measures granted by the United States Department of Education. Academic performance assessments include, but are not limited to, measurement of student achievement data in absolute terms based on Proficiency and Advanced Proficiency scoring in both Language Arts Literacy (LAL) and Math, in comparative terms against the LAL and Math scores of the district of residence and demographically similar (peer) schools, in terms of student achievement progress over time (individual student achievement over time as compared to similar scoring students), in terms of school-wide growth percentiles and subgroup growth percentiles based on standardized test scores over time, post-secondary readiness, including performance on and participation in national standardized tests and post-secondary enrollment, and all State and Federal accountability requirements. Additionally, each charter school will be responsible for unique mission-specific goals included in their charter agreement. Criteria for the operations component consist of, but are not limited to, compliance with statutory requirements set forth in N.J.S.A. 18A:36C-1 et seq. and all applicable statutes in Title 18A, and regulatory requirements that ensure equitable access, pursuant to N.J.A.C. 6A:7, Managing for Equality and Equity in Education, and 6A:11-4.12, Equity in education; safe and secure learning environments pursuant to N.J.A.C. 6A:16, Programs to Support Student Services. The standards for the fiscal management section of the Performance Framework include the generally accepted accounting principles set forth in N.J.A.C. 6A:23A, Fiscal Accountability, Efficiency and Budgeting, and contain near-term indicators that include debt to asset ratio, total margin and cash flow measures, and sustainability indicators that include current ratio, unrestricted days cash on hand, enrollment variance and default on loans measures.

“Preparedness visit” means the on-site inspection by Department personnel that gauges readiness for school opening. The preparedness visit shall include a review of program, facility, and fiscal documentation and interviews with board

of trustee members and staff members of the proposed charter school to assess organizational leadership and capacity.

“Qualified applicant” means an applicant determined by the Department to have submitted an application in the first phase of the application process that met the charter school application quality standards as set forth at N.J.A.C. 6A:11-2.1(b)3ii.

“Qualified founder” means an individual who can establish a charter school pursuant to N.J.S.A. 18A:36A-4. A charter school may be established by teaching staff members, parents with children attending the schools of the district, or a combination of teaching staff members and parents.

“Region of residence” means contiguous school districts in which a charter school operates and is 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 by the Commissioner from a charter school’s board of trustees.

“Satellite campus” means a school facility, located within a district with a priority school or a former Abbott District as of July 1, 2012, operated by a charter school under the school’s charter that is in addition to the facility identified in the charter school application or charter, if subsequently amended.

“School closure protocols” means procedures set forth at N.J.A.C. 6A:11-2.4(c) for the revocation, non-renewal, or surrender of a charter.

“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 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 employed in a charter school while on leave from a district board of education.

“Structured interview” means the performance assessment of the accomplishments of a charter school for renewal of the charter.

“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.

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.

Amended by R.2004 d.322, effective August 16, 2004.

See: 36 N.J.R. 1313(a), 36 N.J.R. 3895(a).

Rewrote the section.

Amended by R.2007 d.183, effective June 4, 2007.

See: 39 N.J.R. 289(a), 39 N.J.R. 2242(a).

In definition “Certification”, substituted “6A:9” for “6:11”; and added definitions “Contiguous district boards of education” and “Preparedness visit”.

Amended by R.2010 d.050, effective March 1, 2010.

See: 41 N.J.R. 4002(a), 42 N.J.R. 627(a).

Added definition “Early action”.

Amended by R.2013 d.005, effective January 7, 2013.

See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).

Rewrote definitions “Administrator”, “Application”, “Certification”, “Charter school”, “Eligible applicant”, “Final granting of a charter”, “GAAP”, “Lead person”, “Preparedness visit”, “Revocation”, “School Ethics Act”, “Streamline tenure” and “Structured interview”; substituted definition “Approval” for definition “Approval of a charter”; in definition “Approval”, deleted “of Education” following “Department” and updated the N.J.A.C. reference; added definitions “Charter agreement”, “Demonstrable experience”, “Educator evaluation system”, “Expedited action”, “Performance Framework”, “Qualified applicant”, “Qualified founder”, “Satellite campus” and “School closure protocols”; and deleted definitions “Early action”, “Panel of six permanent arbitrators” and “Streamline tenure”.

## 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 no later than August 31 of each year.

2. The application process shall be conducted in two phases: phase one and phase two. The phase one application shall include in an executive summary the following information:

- i. The name of the proposed charter school;
- ii. Mission;
- iii. Educational program overview;
- iv. Applicant and founder information;
- v. Enrollment and admission information;
- vi. Demonstration of need; and
- vii. Community and parent involvement.

3. The Commissioner shall notify an applicant whether they have been approved or denied for “qualified applicant” status upon completion of the phase one review.

i. To participate in phase two, qualified applicants shall be required to submit the phase two application within 30 days of the date of notification of eligibility by the Department.

ii. A qualified applicant is one that has submitted an application that has a clear, focused, and results-oriented mission statement that aligns with all parts of the application; demonstrates understanding of the population that the school is likely to serve; has an educational program that is likely to be effective for the student population; has strong and diverse leadership; and has strong financial planning and management.

iii. The phase two application shall include the following information:

- (1) Educational program;
- (2) Goals and objectives;
- (3) At-risk populations;
- (4) Staffing information;
- (5) Financial plan;
- (6) Governance and organizational plan;
- (7) Facilities;
- (8) Daily and annual schedule;
- (9) Requested waivers; and

(10) All required documentation as set forth in the phase two application. Such documentation shall include, but not be limited to: course and curriculum outlines, graduation requirements, school scheduling

information, professional backgrounds of administrators and staff, professional development and evaluation plans, an organizational chart, and documentation of fiscal and legal compliance.

iv. The Commissioner shall notify a qualified applicant about whether it has been invited to participate in an in-depth interview with the Commissioner or his or her designee. Such interviews will take place within eight to 10 weeks of receipt of phase two applications.

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

- i. Include as qualified founders at least one eligible applicant; 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.

5. For the March 31 application round, submit a hand-delivered or mailed copy of the completed phase one application to the Commissioner, the respective executive 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 4:15 P.M. on March 31. If March 31 falls on a weekend, the phase one application is due no later than 4:15 P.M. on the first subsequent work day. For the expedited action round, applications must be submitted no later than 4:15 P.M. on October 15. If October 15 falls on a weekend, the phase one application for expedited action is due no later than 4:15 P.M. on the first subsequent work day. Phase two applications must be submitted no later than 4:15 P.M. on the designated due date.

(c) The Department shall review the phase one application. Qualified applicants will be asked to complete the phase two application.

(d) The district boards of education or State district superintendents of the districts of residence of the proposed charter schools shall review both the phase one and phase two applications, if submitted.

1. The recommendations of the district boards of education or State district superintendents shall be forwarded to the Commissioner within 30 days of receipt of the phase one applications; however, if a district board of education or State district superintendent is unable to respond to the phase one application in this timeframe, upon good cause shown to the Commissioner, comments may be submitted on the phase one application along with comments provided on the phase two application.

2. The recommendations of the district boards of education or State district superintendents shall be for-

warded to the Commissioner within 60 days of receipt of the phase two applications.

(e) Following review of phase two applications, the Commissioner or designee(s) shall conduct an in-depth interview with qualified applicants.

(f) The Commissioner shall notify applicants regarding approval or denial of applications no later than February 15 for applicants seeking fast track approval through expedited action and no later than September 30 for all other applications. The notification to eligible applicants not approved as charter schools shall include reasons for the denials.

(g) For phase one of the October 15 expedited application, the Department will review applications received from founders with demonstrable experience operating an education institution. The application review process for phase two will proceed as set forth in (d) and (e) above.

(h) Prior to final granting of the charter, a preparedness visit to prospective charter schools will be conducted by the Department.

(i) The Commissioner may approve an application for a charter, which shall be effective when all necessary documents and information are received by the Commissioner and following satisfactory completion of the preparedness visit as determined 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. An organizational chart and a list of the lead person, school business administrator, teachers, and professional support staff including required certifications and criminal background check status;

11. A budget summary, budget narrative, and cash flow statement for the following fiscal year, based on the most recent enrollment projections;

12. Evidence of a uniform system of double-entry bookkeeping that is consistent with GAAP;

13. The resolution of the board of trustees naming the affirmative action officer, the Section 504 officer, and the Title IX coordinator;

14. Evidence of enrollment of at least 90 percent of approved maximum enrollment, as verified by student registrations signed by parent/guardian(s); and

15. Documentation that ensures compliance with all applicable Federal and State regulations and statutes.

(j) 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 4:15 P.M. on February 15, or March 15 for charter schools applicants seeking approval through expedited action.

(k) All statutorily required documentation shall be submitted to the Department by June 30. The final granting of the charter by the Commissioner shall be effective when all required documentation as listed in (i) above is submitted and approved by the Department no later than July 15 and following satisfactory completion of the preparedness visit as determined by the Commissioner.

(l) 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.

Public Notice: Notice of Receipt of New Charter School Applications.

See: 35 N.J.R. 3965(b).

Amended by R.2007 d.183, effective June 4, 2007.

See: 39 N.J.R. 289(a), 39 N.J.R. 2242(a).

Added new (b)1iii; recodified former (b)1iii through (b)1x as (b)1iv through (b)1xi; rewrote (b)3; added new (d); recodified former (d) through (h) as (e) through (i); in (h), substituted "September 30" for "January 15"; in (i)12, deleted "and" from the end; in (i)13, substituted a semicolon for the period at the end; added (i)14 and (i)15; added new (j); recodified former (i) through (k) as (k) through (m); rewrote (k)2; and in (l), substituted "June 30" for "May 15" and "(i)" for "(h)", and inserted "no later than July 15".

Amended by R.2010 d.050, effective March 1, 2010.

See: 41 N.J.R. 4002(a), 42 N.J.R. 627(a).

In the introductory paragraph of (b)1, inserted "no later than August 31 of each year"; in (b)3, inserted "executive" and the last two sentences; in (c), inserted "initial" and substituted "application" for "applications" twice; in (e), substituted "review" for "evaluate" and inserted "and may seek clarifying information from the applicant"; in (h), substituted "no later than January 15 for applicants seeking fast track approval through early action and no later than" for "by" and inserted "for all other applications"; and in (k)2, substituted "February" for "January".

Amended by R.2013 d.005, effective January 7, 2013.

See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).

Rewrote the 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) To facilitate the annual review, each charter school shall submit an annual report to the local board of education, the executive county superintendent, and the Commissioner in the form prescribed by the Commissioner. The board of trustees of a charter school shall submit an annual report no later than 4:15 P.M. on August 1 following each full school year in which the charter school is in operation to the Commissioner, the respective executive county superintendent, 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, evidence of the following:

i. The school is achieving the mission, goals, and objectives of its charter as measured against the Performance Frameworks;

ii. The board of trustees operates in accordance with the School Ethics Act, N.J.S.A. 18A:12-23, and the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.;

iii. Curriculum that is compliant with the Core Curriculum Content Standards;

iv. Statewide assessment program results and local assessment results of students;

v. Parental and community involvement in the school; and

vi. A calendar for the upcoming school year.

2. The report must include a copy of the following:

- i. A directory of the current members of the board of trustees; and
- ii. Amendments to the bylaws of the board of trustees adopted during the previous year.

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 if the charter school has changed facilities;
- 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 if the charter school has changed facilities;
- 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 if any charter school staff has changed;
- 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 if any charter school staff has changed; and
- 7. Evidence of a uniform system of double-entry book-keeping that is consistent with 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 4:15 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.

Amended by R.2007 d.183, effective June 4, 2007.

See: 39 N.J.R. 289(a), 39 N.J.R. 2242(a).

In the introductory paragraph of (a) and in (c)2, substituted "4:15" for "4:00"; deleted former (a)2i; and recodified (a)2ii through (a)2vi as (a)2i through (a)2v.

Amended by R.2013 d.005, effective January 7, 2013.

See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).

Rewrote (a), (b)1, (b)2, (b)5, (b)6 and (b)7.

**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 4:15 P.M. on October 15 of the last school year of the current charter, or on a date prescribed by the Commissioner with no less than 30 days notice;

2. If the charter school failed to meet any standards set forth in its charter agreement or the Performance Framework in a school's charter;

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

4. 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;

5. Student performance on the Statewide assessment program pursuant to N.J.A.C. 6A:8-4.1;

6. Monitoring of the charter school by the executive county superintendent;

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

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

9. 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;

10. 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; and

11. The review of the charter school's educator evaluation system.

(c) The Commissioner shall notify a charter school regarding the granting or denial of the renewal on or before February 28 of the last school year of the current charter, or on a date prescribed by the Commissioner. The notification to a charter school that is not granted a renewal shall include reasons for the denial.

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, 2000.

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

Rewrote section.

Amended by R.2007 d.183, effective June 4, 2007.

See: 39 N.J.R. 289(a), 39 N.J.R. 2242(a).

In (b)1, substituted "4:15 P.M. on October 15" for "4:00 P.M. on September 15"; in (b)4, updated the N.J.A.C. reference; and in (c), substituted "on or before February 28" for "during December".

Amended by R.2013 d.005, effective January 7, 2013.

See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).

Rewrote (b); and in (c), inserted ", or on a date prescribed by the Commissioner".

#### 6A:11-2.4 Probation and revocation of charter

(a) The Commissioner may place a charter school on probationary status for a period of time as determined by the Commissioner 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, within the remedial plan, 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 school provides sufficient evidence, as determined by the Commissioner, that the terms of the probation have been met and the causes for the probationary status are corrected.

5. The Commissioner may grant extensions to the probationary status where warranted and extend the probationary period if the charter school has implemented its remedial plan but needs additional time to complete the implementation of its corrections.

6. The Commissioner may revoke the charter if the remedial plan is deemed to be insufficient or if probation terms have not been met.

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

1. Any condition imposed by the Commissioner in connection with the granting of the charter that has not been fulfilled by the school;

2. Violation of any provision of its charter by the school;

3. Failure of the remedial plan to correct the conditions that caused the probationary status. The Commissioner may place a school on probation before charter revocation, but probationary status is not necessary for revocation; or

4. Failure of the charter school to meet any standards set forth in its charter agreement or the Performance Framework.

(c) Upon the decision of the Commissioner to revoke or not renew a school's charter, or upon the decision of the board of trustees to surrender a charter, the board of trustees must implement school closure protocols including, at a minimum:

1. The board of trustees, within 48 hours of receipt of notification, shall:

i. Provide in writing to the Commissioner a complete list of names and addresses of all students and staff currently enrolled and working in the school, so the Commissioner may send the appropriate notice to the parents or guardians and staff; and

ii. Notify in writing all administrators, staff, parents, guardians, students, and special education providers; and

2. The board of trustees shall implement a comprehensive closure plan:

i. Within 10 business days of receipt of notification, the board of trustees shall appoint an independent trustee whose appointment is subject to the approval of the Commissioner. Duties of the independent trustee include, but are not limited to, the following:

(1) Review the budget to ensure that funds are sufficient to operate the school through the end of the school year, if applicable, and terminate any spending deemed non-essential to the operation of the school;

(2) Maintain all financial records;

(3) Notify all entities doing business with the school;

(4) Notify retirement and benefits systems in which the school's employees participate;

(5) Inventory and evaluate assets;

(6) Ensure appropriate payment of outstanding debt; and

(7) Ensure appropriate distribution of remaining assets;

ii. Provide for appropriate enrollment:

(1) The district(s) of residence of a charter school undergoing closure proceedings shall, in cooperation with the Department and the charter school, establish dates and times for parents and guardians to enroll students; and

(2) The charter school shall make all reasonable efforts to ensure that students enrolled at the time of the receipt of the closure notification have taken action to enroll in another school; and

iii. Ensure transfer of student records:

(1) The charter school shall update all student records and have them available upon request for review by the Department;

(2) The charter school shall document the transfer of all records, including the number of general and special education records to be transferred, and the printed name and signature of the charter school representative releasing the records; and

(3) School districts receiving transferred students shall provide to the appropriate county office of education printed name(s) and signature(s) of representative(s) of the district(s) certifying receipt of the student records.

Amended by R.2000 d.403, effective October 2, 2000.  
See: 32 N.J.R. 2523(a), 32 N.J.R. 3560(a).  
Amended by R.2013 d.005, effective January 7, 2013.  
See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).  
Rewrote the section.

**6A:11-2.5 Charter appeal process**

An eligible applicant for a charter school, a charter school, or a district board of education or State district superintendent of the district of residence of a charter school may file an appeal according to N.J.S.A. 18A:6-9.1.

Repealed by R.2000 d.229, effective June 5, 2000.  
See: 32 N.J.R. 749(a), 32 N.J.R. 2049(b).  
Section was "Charter appeal process".  
New Rule, R.2000 d.403, effective October 2, 2000.  
See: 32 N.J.R. 2523(a), 32 N.J.R. 3560(a).  
Amended by R.2002 d.358, effective November 4, 2002.  
See: 34 N.J.R. 2920(a), 34 N.J.R. 3806(a).  
Amended by R.2013 d.005, effective January 7, 2013.  
See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).  
Inserted a comma following the first occurrence of "school", and substituted "N.J.S.A. 18A:6-9.1" for "N.J.A.C. 6A:4-2.5".

**6A:11-2.6 Amendment to charter**

(a) A charter school may apply to the Commissioner for an amendment to the charter following the final granting of the charter.

1. Examples of what a charter school may seek an amendment for include, but are not limited to, the following:

- i. Expanding enrollment;
- ii. Expanding grade levels;
- iii. Changing or adding a district or region of residence; or
- iv. Opening a new satellite campus.

2. 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 State district superintendent(s) of the district of residence of a charter school. The amendment request shall:

- i. Include the applicable revised pages to the approved *New Jersey Charter School Application*; and
- ii. Be made by February 1 of the previous school year to increase enrollment in the subsequent school year.

(b) The Department 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. The Commissioner shall review a charter school's performance data in assessing the need for a possible charter amendment.

(c) 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 amendment request to the Commissioner within 60 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.  
Amended by R.2000 d.403, effective October 2, 2000.  
See: 32 N.J.R. 2523(a), 32 N.J.R. 3560(a).  
In (a) introductory paragraph, inserted "following the final granting of the charter".  
Amended by R.2002 d.358, effective November 4, 2002.  
See: 34 N.J.R. 2920(a), 34 N.J.R. 3806(a).  
In (a)1, added "The amendment request shall:" to the end of the paragraph; added (a)1i and (a)1ii.  
Amended by R.2013 d.005, effective January 7, 2013.  
See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).  
Added new (a)1; recodified former (a)1 as (a)2; in (a)2ii, substituted "February 1" for "October 15"; deleted former (a)2; in (b), deleted "of Education" following "Department"; and inserted the last sentence; and in (c), substituted "60" for "21".

## 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. 6A:28.

(b) Each administrator shall hold the certificate or perform the tasks as defined in N.J.A.C. 6A:11-1.2 and in the School Ethics Act (N.J.S.A. 18A:12-23) and the rules promulgated thereto at N.J.A.C. 6A:28.

(c) Each school official shall file financial and personal/relative disclosure statements annually on or before April 30 or within 30 days of his or her election or appointment in accordance with N.J.A.C. 6A:28-1.5.

(d) Each member of the board of trustees of a charter school shall, during the first year of his or her first term on the board, complete a training program prepared and offered by the New Jersey School Boards Association that shall include in its content instruction relative to the board member's responsibilities under the School Ethics Act in accordance with N.J.A.C. 6A:28-1.6.

Amended by R.2000 d.139, effective April 3, 2000.  
See: 31 N.J.R. 4166(a), 32 N.J.R. 1189(a).

In (a) and (b), changed N.J.A.C. references; and deleted a former (c).  
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.2013 d.005, effective January 7, 2013.  
See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).

In (c), substituted "financial and personal/relative disclosure statements" for "the Financial and Personal/Relative Disclosure Statements"; and in (d), substituted "that" for "which".

## SUBCHAPTER 4. PROGRAM IMPLEMENTATION

**6A:11-4.1 Local education agency**

A charter school shall be a local education agency only for the purpose of applying for Federal entitlement and discretionary funds.

**6A:11-4.2 Student records**

(a) A district board of education or a State district superintendent shall forward to the lead person of a charter school records of a student transferring to the charter school in accordance with N.J.A.C. 6A:32-7.

(b) The lead person of a charter school shall forward to the district board of education or the State district superintendent records of a student transferring from the charter school in accordance with N.J.A.C. 6A:32-7.

(c) A charter school shall create, maintain, and dispose of student records in accordance with N.J.A.C. 6A:32, School District Operations.

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).

Replaced "N.J.A.C. 6:3-6.1" with "N.J.A.C. 6:3-6, Pupil Records".  
Amended by R.2007 d.183, effective June 4, 2007.  
See: 39 N.J.R. 289(a), 39 N.J.R. 2242(a).

In (a) and (b), updated the N.J.A.C. references; and in (c), substituted "6A:32, Student Records" for "6:3-6, Pupil Records".  
Amended by R.2013 d.005, effective January 7, 2013.  
See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).

In (c), inserted a comma following "maintain", and substituted "School District Operations" for "Student Records".

**6A:11-4.3 Student attendance**

A charter school shall record in the school register student attendance during school hours on each day that the school is in session in accordance with N.J.A.C. 6A:32-8.1(c).

New Rule, R.2000 d.403, effective October 2, 2000.  
See: 32 N.J.R. 2523(a), 32 N.J.R. 3560(a).  
Amended by R.2002 d.358, effective November 4, 2002.  
See: 34 N.J.R. 2920(a), 34 N.J.R. 3806(a).

Amended N.J.A.C. reference.  
Amended by R.2007 d.183, effective June 4, 2007.  
See: 39 N.J.R. 289(a), 39 N.J.R. 2242(a).

Updated the N.J.A.C. reference.  
Amended by R.2013 d.005, effective January 7, 2013.  
See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).

Inserted "in the school register" preceding and deleted "in the school register" following "student attendance".

**6A:11-4.4 Initial recruitment period**

(a) No later than January 15 of subsequent school years, a charter school shall submit to the Commissioner the number of students by grade level, gender and race/ethnicity from each district selected for enrollment from its initial recruitment period for the following school year.

(b) The number of students by grade level from each district selected for enrollment from the initial recruitment period of a charter school is used to establish a per-pupil amount for the specific grade level at the charter school rate in accordance with N.J.A.C. 6A:23A.

(c) A charter school may conduct subsequent recruitment and enrollment periods if vacancies remain in its enrollment after the initial recruitment period.

New Rule, R.2000 d.403, effective October 2, 2000.  
See: 32 N.J.R. 2523(a), 32 N.J.R. 3560(a).  
Amended by R.2002 d.358, effective November 4, 2002.  
See: 34 N.J.R. 2920(a), 34 N.J.R. 3806(a).

In (a) and (b), inserted ", gender and race/ethnicity" after "grade level".

Amended by R.2004 d.322, effective August 16, 2004.  
See: 36 N.J.R. 1313(a), 36 N.J.R. 3895(a).

Rewrote (c).

Amended by R.2007 d.183, effective June 4, 2007.  
See: 39 N.J.R. 289(a), 39 N.J.R. 2242(a).

Deleted former (a); and recodified former (b) through (d) as (a) through (c).

Amended by R.2013 d.005, effective January 7, 2013.  
See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).

In (b), updated the N.J.A.C. reference.

**6A:11-4.5 Waiting list**

(a) A charter school shall maintain a waiting list for admission of grade-eligible students that:

1. Begins with the close of the annual initial recruitment period and first random selection process and ends with the close of the subsequent school year; and
2. Is divided into two groups: students from the district of residence or region of residence and students from non-resident districts.

(b) During the recruitment period, a charter school shall notify parents that their children's names remain on the waiting list for enrollment for the subsequent school year only.

New Rule, R.2000 d.403, effective October 2, 2000.  
See: 32 N.J.R. 2523(a), 32 N.J.R. 3560(a).  
Amended by R.2002 d.358, effective November 4, 2002.  
See: 34 N.J.R. 2920(a), 34 N.J.R. 3806(a).  
In (b), replaced "periods" with "period".

**6A:11-4.6 Age eligibility for kindergarten**

(a) A charter school shall enroll a student selected for admission to kindergarten based on the student reaching the age of five in that school year by:

1. October 1 in accordance with N.J.S.A. 18A:38-5; or
2. A date later than October 1 that is established by the district board of education in which the student resides.

New Rule, R.2000 d.403, effective October 2, 2000.  
See: 32 N.J.R. 2523(a), 32 N.J.R. 3560(a).  
Amended by R.2002 d.358, effective November 4, 2002.  
See: 34 N.J.R. 2920(a), 34 N.J.R. 3806(a).  
In (a)2, substituted "later" for "earlier".

**6A:11-4.7 Limited English proficient students**

A charter school shall provide an enrolled limited English proficient student with all required courses and support services to meet the Core Curriculum Content Standards in accordance with N.J.S.A. 18A:7A-4 and 18A:7A-5 and N.J.A.C. 6A:15, Bilingual Education.

New Rule, R.2000 d.403, effective October 2, 2000.  
See: 32 N.J.R. 2523(a), 32 N.J.R. 3560(a).  
Amended by R.2002 d.358, effective November 4, 2002.  
See: 34 N.J.R. 2920(a), 34 N.J.R. 3806(a).  
Inserted "New Jersey" preceding "Core Curriculum Contents Standards".  
Amended by R.2013 d.005, effective January 7, 2013.  
See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).  
Substituted "Core Curriculum Content Standards" for "New Jersey Core Curriculum Content Standards" for high school graduation, and inserted ", Bilingual Education".

**6A:11-4.8 Students with educational disabilities**

A charter school shall provide an enrolled student with educational disabilities with a free, appropriate public education in accordance with the Individuals with Disabilities Education Act, Part B (IDEA—B) at 20 U.S.C. §§ 1400 et seq., 34 C.F.R. 300 et seq., N.J.S.A. 18A:36A-11(b), and N.J.A.C. 6A:14, Special Education.

New Rule, R.2000 d.403, effective October 2, 2000.  
See: 32 N.J.R. 2523(a), 32 N.J.R. 3560(a).  
Amended by R.2002 d.358, effective November 4, 2002.  
See: 34 N.J.R. 2920(a), 34 N.J.R. 3806(a).  
Amended by R.2013 d.005, effective January 7, 2013.  
See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).  
Inserted ", Special Education".

**Case Notes**

Where the Greater Newark Charter School had placed a charter school special education student at a private school and the student subsequently moved from Newark to East Orange, the East Orange school district was not authorized to change the student's private placement; although the student was required to register in the East Orange district, the student was still an enrollee of the charter school under N.J.S.A. 18A:36A-8(b). A school district's challenge to a charter school's placement of a special education student or to the district's responsibility for costs is through an appeal to the Commissioner of Education under the Charter School Program Act, N.J.S.A. 18A:36A-11(b), and not through the IDEA. E.M. ex rel. J.B. v. East Orange Bd. of Educ., OAL Dkt. No. EDS 12493-07, 2008 N.J. AGEN LEXIS 378, Final Decision (June 26, 2008).

Under N.J.S.A. 18A:36A-11(b), the school district of residence is not responsible for the costs of home instruction for disabled charter school students, as opposed to private day or residential school placement; clear statutory and regulatory distinctions exist between "home instruction," which may be provided for through contracts with "private clinics and agencies," N.J.A.C. 6A:14-5.1(c)iv, and "private schools for the disabled." Golden Door Charter School v. State-Operated School Dist. of Jersey City, OAL Dkt. No. EDU 1169-06, 2007 N.J. AGEN LEXIS 302, Commissioner's Decision (March 15, 2007), aff'd, SB No. 10-07, 2007 N.J. AGEN LEXIS 887 (N.J. State Bd. of Educ. August 1, 2007), aff'd per curiam, 2008 N.J. Super. LEXIS 129 (App.Div. 2008).

**6A:11-4.9 Home instruction for students**

A charter school shall provide home instruction due to temporary illness or injury for an enrolled student in accordance with N.J.A.C. 6A:16-10.1.

New Rule, R.2000 d.403, effective October 2, 2000.  
See: 32 N.J.R. 2523(a), 32 N.J.R. 3560(a).  
Amended by R.2007 d.183, effective June 4, 2007.  
See: 39 N.J.R. 289(a), 39 N.J.R. 2242(a).  
Updated the N.J.A.C. reference.

**6A:11-4.10 Pupil transportation**

In accordance with N.J.S.A. 18A:36A-13 and N.J.A.C. 6A:27-3.1, a district board of education shall provide transportation or aid in lieu of transportation to a student in kindergarten through grade 12 who attends a charter school.

New Rule, R.2000 d.403, effective October 2, 2000.  
See: 32 N.J.R. 2523(a), 32 N.J.R. 3560(a).  
Amended by R.2007 d.183, effective June 4, 2007.  
See: 39 N.J.R. 289(a), 39 N.J.R. 2242(a).  
Updated the N.J.A.C. reference.

### 6A:11-4.11 Board of trustees and Open Public Meetings Act

(a) A charter school shall constitute its board of trustees no later than April 15 of the year in which its application is approved.

(b) The board of trustees of a charter school shall operate in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

(c) The board of trustees shall send a copy of all meeting notices and meeting minutes to the respective executive county superintendent of schools.

(d) The board of trustees shall include a report on changes in student enrollment in the monthly minutes.

New Rule, R.2000 d.403, effective October 2, 2000.  
See: 32 N.J.R. 2523(a), 32 N.J.R. 3560(a).  
Amended by R.2004 d.322, effective August 16, 2004.  
See: 36 N.J.R. 1313(a), 36 N.J.R. 3895(a).  
Added (d).  
Amended by R.2013 d.005, effective January 7, 2013.  
See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).  
In (c), inserted "executive".

### 6A:11-4.12 Equity in education

A charter school shall comply with all applicable laws and regulations governing equity in education including, but not limited to: N.J.S.A. 18A:36-20; N.J.S.A. 10:5-1 et seq.; N.J.A.C. 6A:7, Managing for Equality and Equity in Education; Titles VI and VII of the Civil Rights Act of 1964 at 42 U.S.C. §§2000d et seq. and 2000e et seq., respectively; Title IX of the Education Amendments of 1972 at 20 U.S.C. §§1681 et seq.; Section 504 of the Rehabilitation Act of 1973 at 29 U.S.C. §792; the Americans with Disabilities Act of 1990 at 42 U.S.C. §§12101 et seq.; and the Individuals with Disabilities Education Act of 2004 at 20 U.S.C. §§1400 et seq., and 34 C.F.R. 300 et seq.

New Rule, R.2000 d.403, effective October 2, 2000.  
See: 32 N.J.R. 2523(a), 32 N.J.R. 3560(a).  
Amended by R.2002 d.358, effective November 4, 2002.  
See: 34 N.J.R. 2920(a), 34 N.J.R. 3806(a).  
Deleted (b); changed existing (a) to be an uncodified paragraph.  
Recodified from N.J.A.C. 6A:11-4.13 by R.2004 d.322, effective August 16, 2004.  
See: 36 N.J.R. 1313(a), 36 N.J.R. 3895(a).  
Former N.J.A.C. 6A:11-4.12, Public school contracts law, recodified to N.J.A.C. 6A:23-9.7.  
Amended by R.2007 d.183, effective June 4, 2007.  
See: 39 N.J.R. 289(a), 39 N.J.R. 2242(a).  
Updated the N.J.A.C. reference.  
Amended by R.2013 d.005, effective January 7, 2013.  
See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).  
Substituted a semicolon for a comma following "18A:36-20", "10:5-1 et seq.", "respectively", "§§1681 et seq.", "§792" and "§§12101 et seq.", inserted "Managing for Equality and Equity in Education," and substituted "2004" for "1997".

### 6A:11-4.13 Financial operations of a charter school

A charter school shall be subject to the provisions of N.J.A.C. 6A:23A, Fiscal Accountability, Efficiency and Budgeting Procedures.

New Rule, R.2000 d.403, effective October 2, 2000.  
See: 32 N.J.R. 2523(a), 32 N.J.R. 3560(a).  
Amended by R.2002 d.358, effective November 4, 2002.  
See: 34 N.J.R. 2920(a), 34 N.J.R. 3806(a).  
Deleted (b); changed existing (a) to be an uncodified paragraph.  
Recodified from N.J.A.C. 6A:11-4.14 and amended by R.2004 d.322, effective August 16, 2004.  
See: 36 N.J.R. 1313(a), 36 N.J.R. 3895(a).  
Former N.J.A.C. 6A:11-4.13, Equity in education, recodified to N.J.A.C. 6A:11-4.12.  
Amended by R.2013 d.005, effective January 7, 2013.  
See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).  
Substituted "N.J.A.C. 6A:23A, Fiscal Accountability, Efficiency and Budgeting Procedures" for "the finance and business services rules, N.J.A.C. 6A:23".

### 6A:11-4.14 Charter school operations

(a) A charter school shall operate in accordance with its charter and the provisions of law and regulation that govern other public schools.

(b) The board of trustees of a charter school may request that the Commissioner exempt the school from State regulations concerning public schools, except those pertaining to assessment, testing, civil rights, and student health and safety, if the board of trustees satisfactorily demonstrates to the Commissioner that the exemption will advance the educational goals and objectives of the school.

New Rule, R.2002 d.358, effective November 4, 2002.  
See: 34 N.J.R. 2920(a), 34 N.J.R. 3806(a).  
Recodified to N.J.A.C. 6A:11-4.13 by R.2004 d.322, effective August 16, 2004.  
See: 36 N.J.R. 1313(a), 36 N.J.R. 3895(a).  
Section was "Finance and business services rules".  
New Rule, R.2013 d.005, effective January 7, 2013.  
See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).

## SUBCHAPTER 5. CERTIFICATION REQUIREMENTS FOR STAFF

### 6A:11-5.1 Certification

(a) All classroom teachers, principals and professional support staff employed by the board of trustees of a charter school shall hold appropriate New Jersey certification in accordance with N.J.A.C. 6A:9-5.1.

(b) The board of trustees of a charter school shall employ or contract with:

1. A lead person or another person who holds a New Jersey standard school administrator or supervisor certificate or a New Jersey standard or provisional principal certificate in accordance with N.J.A.C. 6A:9-8.6 to direct and guide the work of instructional personnel including, but not limited to, the supervision and evaluation of staff and the development and implementation of curriculum; and
2. A person who holds a New Jersey standard or provisional school business administrator certificate in ac-

cordance with N.J.A.C. 6A:9-12.7 and 6A:23A to oversee fiscal operations of the charter school.

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 (b) as (b) and (b)1; added (b)2.

Amended by R.2004 d.322, effective August 16, 2004.

See: 36 N.J.R. 1313(a), 36 N.J.R. 3895(a).

In (b)2, amended the N.J.A.C. reference.

Amended by R.2007 d.183, effective June 4, 2007.

See: 39 N.J.R. 289(a), 39 N.J.R. 2242(a).

In (a) and (b)1, updated the N.J.A.C. references; and in (b)2, updated the first N.J.A.C. reference.

Amended by R.2013 d.005, effective January 7, 2013.

See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).

In (b)2, updated the N.J.A.C. reference.

argument specific to the record, that Kletzkyn required that a teacher acquired tenure simply by being contractually employed for the equivalent of more than three academic years within a period of four consecutive academic years. Rather, the Commissioner preferred to revisit the merits of the case following development of a factual record setting forth the effect of the teacher's series of leaves on the Board's ability to evaluate her performance, and consideration of argument regarding the appropriate application of Kletzkyn to such facts (rejecting 2009 N.J. AGEN LEXIS 84). *Mendez-Azzollini v. Bd. of Educ. of Irvington*, OAL Dkt. No. EDU 5801-08, 2009 N.J. AGEN LEXIS 634, Remand Order (August 26, 2009).

Initial Decision (2008 N.J. AGEN 639) adopted, which determined that N.J.S.A. 18A:26-10 and N.J.S.A. 18A:28-8 are applicable to teaching staff members of charter schools despite the fact that different tenure statute and rules apply to charter school teachers. In re Suspension of Teaching Certificate of Raghunandan, OAL Dkt. No. EDU 11437-07, EDU 11556-07, EDU 11745-07, EDU 11956-07, EDU 11971-07, EDU 11972-07 and EDU 12569-07 (Consolidated), 2008 N.J. AGEN LEXIS 723, Interlocutory Review Decision (July 9, 2008).

SUBCHAPTER 6. STREAMLINE TENURE

6A:11-6.1 Tenure acquisition

An employee of a charter school shall acquire streamline tenure pursuant to guidelines developed by the Commissioner. The charter school shall specify the security and protection to be afforded to the employee in accordance with the Commissioner's guidelines.

Repeal and New Rule, R.2013 d.005, effective January 7, 2013.

See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).

Section was "Tenure acquisition".

Case Notes

Contrary to the conclusion of the ALJ, the provisions of the Family and Medical Leave Act (FMLA) should not have been read as an absolute bar to accrual of leave time granted pursuant to it toward an employee's acquisition of tenure because, while the FMLA plainly created no entitlement to such accrual, neither did it establish a prohibition against it; consequently, because FMLA was not dispositive of a teacher's claim the record had to be developed in order to decide whether the teacher had acquired tenured status (rejecting 2009 N.J. AGEN LEXIS 84). *Mendez-Azzollini v. Bd. of Educ. of Irvington*, OAL Dkt. No. EDU 5801-08, 2009 N.J. AGEN LEXIS 634, Remand Order (August 26, 2009).

Where unqualified application of Kletzkyn holds the potential to thwart the tenure law in whole or part and in the process do a disservice to students, school boards, and employees alike, the Commissioner refused to conclude, in the absence of a full factual record and further

6A:11-6.2 (Reserved)

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

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

Substituted "charge(s)" for "charges" throughout.

Repealed by R.2013 d.005, effective January 7, 2013.

See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).

Section was "Filing of and response to tenure charges".

6A:11-6.3 (Reserved)

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

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

In (a), substituted "charge(s)" for "charges".

Repealed by R.2013 d.005, effective January 7, 2013.

See: 44 N.J.R. 2151(a), 45 N.J.R. 26(a).

Section was "Arbitration".

SUBCHAPTER 7. (RESERVED)

Subchapter Historical Note

Subchapter 7, Financial Operations, was recodified as 6A:23-9.4, 6A:23-9.5 and 6A:23-9.6, by R.2004 d.322, effective August 16, 2004. See: 36 N.J.R. 1313(a), 36 N.J.R. 3895(a).

SUBCHAPTER 8. (RESERVED)