

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 *New Jersey Core Curriculum Content Standards* for high school graduation in accordance with N.J.S.A. 18A:7A-4 and 18A:7A-5 and N.J.A.C. 6A:15.

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".

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.

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).

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:14-4.8 and 4.9.

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

6A:11-4.10 Pupil transportation

In accordance with N.J.S.A. 18A:36A-13 and N.J.A.C. 6:21-20, 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).

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 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).

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. 6:4, 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 (IDEA—B) of 1997 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.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.

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

A charter school shall be subject to the provisions of the finance and business services rules, N.J.A.C. 6A:23.

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.

6A:11-4.14 (Reserved)

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".

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. 6:11-3.1.

(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. 6:11-9.1 through 9.6 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 accordance with N.J.A.C. 6:11-9.7 and 6A:23-9.3 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.

SUBCHAPTER 6. STREAMLINE TENURE

6A:11-6.1 Tenure acquisition

All teaching staff members, janitors and secretaries shall acquire streamline tenure in a charter school after three consecutive academic years, together with employment at the beginning of the next succeeding academic year, in accordance with the tenure acquisition criteria as set forth in N.J.S.A. 18A:28-5(b), 18A:28-6 and 18A:17-2(b)2.

6A:11-6.2 Filing of and response to tenure charges

(a) Once streamline tenure is acquired, an employee of a charter school shall not be dismissed or receive reduced compensation except for inefficiency, incapacity, conduct unbecoming or other just cause.

(b) In all instances of the filing and certification of streamline-tenure charges, except inefficiency, the following procedures and timelines shall be observed:

1. The lead person of the charter school shall file written charge(s), executed under oath, accompanied by a supporting statement of evidence with the board of trustees.

2. The board of trustees shall transmit the charge(s) to the affected streamline-tenured employee within three work days of the date that they were filed with the board of trustees. Proof of mailing or hand delivery shall constitute proof of transmittal.

3. The affected tenured employee shall have the opportunity to respond to the charge(s) in a written statement of position and a written statement of evidence, both of which shall be executed under oath and submitted to the board of trustees within 15 days of receipt of the streamline-tenure charge(s).

4. Upon receipt of the affected employee's response, the board of trustees shall determine within 30 days whether there is probable cause to credit the evidence in support of the charge(s) and whether such charge(s), if credited, are sufficient to warrant a dismissal or reduction of compensation.

5. The board of trustees must notify, in writing, the affected employee of its determination within 15 days. Proof of mailing or hand delivery shall constitute proof of notice.

6. If the board of trustees determines that there is probable cause to credit the charge(s), the board of trustees shall certify the charge(s) to the Commissioner.

7. If the affected employee wishes to contest the certified charge(s) filed against him or her, he or she shall do so in writing to the Commissioner within 15 days of receipt of the board of trustees' determination.

(c) In instances of the filing and certification of streamline-tenure charges for inefficiency, the following procedures and timelines shall be observed:

1. The lead person of the charter school shall file written charge(s), executed under oath, accompanied by a supporting statement of evidence with the board of trustees.

2. The board of trustees shall transmit the charge(s) to the affected streamline-tenured employee within three work days of the date that they were filed with the board of trustees. Proof of mailing or hand delivery shall constitute proof of transmittal.

3. Upon completion of the 90-day corrective action period, the lead person of the charter school shall notify the board of trustees in writing whether the inefficiencies were corrected.

4. The board of trustees shall transmit the notification to the affected streamline-tenured employee within three work days of the date that it was noticed. Proof of mailing or hand delivery shall constitute proof of transmittal.

5. The affected tenured employee shall have the opportunity to respond to the charge(s) in a written statement of position and a written statement of evidence, both of which shall be executed under oath and submitted to the board of trustees within 15 days of receipt of the inefficiency charge(s).

6. Upon receipt of the affected employee's response, the board of trustees shall determine within 30 days whether there is probable cause to credit the evidence in support of the charge(s) and whether such charge(s), if credited, are sufficient to warrant a dismissal or reduction of compensation.

7. The board of trustees must notify, in writing, the affected employee of its determination within 15 days. Proof of mailing or hand delivery shall constitute proof of notice.

8. If the board of trustees determines that there is probable cause to credit the charge(s), the board of trustees shall certify the charge(s) to the Commissioner.

9. If the affected employee wishes to contest the certified charge(s) filed against him or her, he or she shall

do so in writing to the Commissioner within 15 days of receipt of the board of trustees' determination.

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.

6A:11-6.3 Arbitration

(a) If the streamline-tenured employee contests the charge(s), an arbitrator from a panel of six permanent arbitrators shall be assigned by the Commissioner to determine the case. All employees who acquire streamline tenure in a charter school shall be subject to dismissal or a reduction in compensation only upon the determination of an arbitrator.

1. Arbitrators on the panel shall be listed in alphabetical order and assigned to hear streamline tenure cases on a rotating basis in the order that cases are filed with the Commissioner's office.

2. The hearing shall be held before the arbitrator within 30 days of the Commissioner's assignment of the arbitrator to the case.

3. All necessary discovery procedures shall be completed 15 days prior to the hearing. At least 10 days prior to the hearing, information and witness lists shall be exchanged between the parties.

4. The arbitrator shall render a decision within 20 days of the closing of the hearing.

(b) The decision of the arbitrator is final and binding and cannot be appealed to either the Commissioner or the State Board of Education. Said decision shall be subject to judicial review and enforcement as provided pursuant to N.J.S.A. 2A:24-7 through 24-10.

(c) The board of trustees of the charter school shall forward arbitration decisions to the State Board of Examiners.

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".

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)