

“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 preserve public confidence in the integrity of elected and appointed school board members and administrators.

“School year” means July 1 to June 30 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.

“T&E amount” means the established cost per elementary pupil as defined by N.J.S.A. 18A:7F-3.

“T&E program budget” means the sum of core curriculum standards aid, supplemental core curriculum standards aid, stabilization aid, designated general fund balance, miscellaneous local general fund revenue and that portion of the district’s local levy that supports the district’s T&E budget 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 as defined by N.J.S.A. 18A:7F-3. The range is in terms of T&E budget spending per elementary pupil 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.

“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 pupil 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.

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:36A, may approve, grant 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 superintendent(s) of the State-operated school district(s) of the district of residence of the proposed charter school.

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

1. Complete the *New Jersey Charter Schools 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; and
- ix. Timetable.

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

i. Include as founders representatives 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 of Education and the district board(s) of education or State superintendent(s) of the State-operated school district(s) of the district of residence of the proposed charter school no later than 4:00 P.M. on August 15 in the year prior to starting a charter school. If August 15 falls on a weekend, the applications are 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 superintendents of the State-operated school districts 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 superintendents of the State-operated school districts shall be forwarded to the Commissioner within 60 days of receipt of the applications.

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

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

(g) The Commissioner may approve an application for a charter which shall be effective when all necessary documents and information are received and approved by the Commissioner. The charter school shall submit at a later date documentation not available at the time of the application submission including, but not limited to:

1. Bylaws of the board of trustees;
2. Certificate of incorporation;
3. Identification of its facility and lease, mortgage or title to its facility;
4. Certificate of occupancy issued by the local municipal enforcing official;
5. Sanitary inspection report; and
6. Fire inspection certificate.

(h) 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 (g) above is submitted and approved by the Department of Education.

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.

Case Notes

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 superintendent(s) of the State-operated school district(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 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 *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, an operational statement of revenues and expenditures and a cash flow analysis;
- ii. The annual sanitary inspection report; and
- iii. The annual fire inspection certificate.