

**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).

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).

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).

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, Amendment, and Conversion Processes; and the Chapter Appendix was adopted as new rules by R.2013 d.077, effective May 6, 2013. See: 45 N.J.R. 10(a), 45 N.J.R. 1101(a).

Administrative correction. See: 45 N.J.R. 1103(a).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 6A:11-1.1 Purpose
- 6A:11-1.2 Definitions

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

- 6A:11-2.1 Application and approval process
- 6A:11-2.2 Reporting
- 6A:11-2.3 Renewal of charter
- 6A:11-2.4 Probation and revocation of charter
- 6A:11-2.5 Charter appeal process
- 6A:11-2.6 Amendment to charter
- 6A:11-2.7 Nonpublic conversion charter schools; applicable law

- 6A:11-2.8 Eligibility of a nonpublic school to convert to a charter school
- 6A:11-2.9 Application of a nonpublic school to convert to a charter school
- 6A:11-2.10 Enrollment of students in a nonpublic conversion charter school
- 6A:11-2.11 Employment of staff in a nonpublic conversion charter school

SUBCHAPTER 3. SCHOOL ETHICS ACT

- 6A:11-3.1 Board of trustees and administrators

SUBCHAPTER 4. PROGRAM IMPLEMENTATION

- 6A:11-4.1 Local education agency
- 6A:11-4.2 Student records
- 6A:11-4.3 Student attendance
- 6A:11-4.4 Initial recruitment period
- 6A:11-4.5 Waiting list
- 6A:11-4.6 Age eligibility for kindergarten
- 6A:11-4.7 Limited English proficient students
- 6A:11-4.8 Students with educational disabilities
- 6A:11-4.9 Home instruction for students
- 6A:11-4.10 Pupil transportation
- 6A:11-4.11 Board of trustees and Open Public Meetings Act
- 6A:11-4.12 Equity in education
- 6A:11-4.13 Financial operations of a charter school
- 6A:11-4.14 Charter school operations

SUBCHAPTER 5. CERTIFICATION REQUIREMENTS FOR STAFF

- 6A:11-5.1 Certification

SUBCHAPTER 6. STREAMLINE TENURE

- 6A:11-6.1 Tenure acquisition
- 6A:11-6.2 Acquisition of streamline tenure
- 6A:11-6.3 Process for tenure disputes
- 6A:11-6.4 Appeals of tenure disputes

SUBCHAPTERS 7 THROUGH 8. (RESERVED)

APPENDIX

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, measurable 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.

"Failing school district" means a school district identified by the Department as a "district in need of improvement" in the 2010-2011 school year pursuant to the provisions of the No Child Left Behind Act of 2001, Pub. L. 107-110, as identified in the chapter Appendix, incorporated herein by reference, or that has been identified as a "Priority" or "Focus" school (see N.J.A.C. 6A:33-1.2).

"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).