

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 June 1.

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.

Amended by R.2014 d.179, effective December 1, 2014.
See: 46 N.J.R. 1388(a), 46 N.J.R. 2351(c).

In (c)2, substituted "June 1" for "January 15".

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 December 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".

Amended by R.2014 d.179, effective December 1, 2014.

See: 46 N.J.R. 1388(a), 46 N.J.R. 2351(c).

In (a)2ii, substituted "December 1" for "February".

6A:11-2.7 Nonpublic conversion charter schools; applicable law

Except as otherwise provided in this section through N.J.A.C. 6A:11-2.11, the provisions of P.L. 1995, c. 426 (N.J.S.A. 18A:36A-1 et seq.) and this chapter shall apply in the case of a nonpublic school applying for conversion or having undergone conversion to charter school status.

New Rule, R.2013 d.077, effective May 6, 2013.

See: 45 N.J.R. 10(a), 45 N.J.R. 1101(a).

6A:11-2.8 Eligibility of a nonpublic school to convert to a charter school

(a) To be eligible for conversion to a charter school, a nonpublic school must be a high-performing nonpublic

school and must be located in one of the failing school districts included in the chapter Appendix.

(b) A school district seeking to be removed from the list of failing school districts shall apply to the Commissioner for removal via the waiver process pursuant to N.J.A.C. 6A:5, Regulatory Equivalency and Waiver. If the Commissioner determines that a school district should not be considered a district in need of improvement based on evidence presented in the waiver application, the school district shall be removed from the list of failing school districts, and nonpublic schools located in that school district shall no longer be eligible for conversion to a charter school.

New Rule, R.2013 d.077, effective May 6, 2013.

See: 45 N.J.R. 10(a), 45 N.J.R. 1101(a).

6A:11-2.9 Application of a nonpublic school to convert to a charter school

(a) The governing body of a nonpublic school meeting the criteria established in N.J.A.C. 6A:11-2.8(a) may submit an application to convert to a charter school pursuant to N.J.A.C. 6A:11-2.1(b)5. As of September 3, 2013, nonpublic schools applying to convert to charter school status shall apply only within the expedited action round pursuant to N.J.A.C. 6A:11-2.1(b)3. An application for the expedited action round must be submitted by October 15 to receive a decision in advance of the standard schedule and a decision will be made no later than February 15. In addition to the criteria laid forth in N.J.A.C. 6A:11-2.1(b)5, the application must include:

1. The nonpublic school's norm-referenced achievement test scores;
2. Assurances and a valid plan for an educational program and culture that prohibits religious instruction, events, and activities that promote religious views, and the display of religious symbols; and
3. A name that does not include any religious reference.

(b) An applicant that receives initial approval also shall meet the preparedness visit requirements set forth in N.J.A.C. 6A:11-2.1(h) applicable to all charter schools. The preparedness visit includes: an on-site inspection by Department personnel that gauges readiness for school opening; 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. All nonpublic conversion schools shall be held to the requirements set forth in N.J.A.C. 6A:11-2.1(i), as well as evidence of removal of all religious symbols and materials within the facility.

(c) The final granting of the charter by the Commissioner shall be effective when all required documentation set forth in N.J.A.C. 6A:11-2.1(i) and 2.8(b) is provided and following satisfactory completion of the preparedness visit as determined by the Commissioner.

New Rule, R.2013 d.077, effective May 6, 2013.
See: 45 N.J.R. 10(a), 45 N.J.R. 1101(a).

6A:11-2.10 Enrollment of students in a nonpublic conversion charter school

(a) A nonpublic conversion charter school shall allow any student enrolled in the nonpublic school in the school year preceding its conversion to enroll in the nonpublic conversion charter school.

(b) For any remaining enrollment spaces in the nonpublic conversion charter school for the first year of operation and for all enrollment spaces in each successive year, the nonpublic conversion charter school shall provide enrollment preference pursuant to section 8 of P.L. 1995, c. 426 (N.J.S.A. 18A:36A-8).

New Rule, R.2013 d.077, effective May 6, 2013.
See: 45 N.J.R. 10(a), 45 N.J.R. 1101(a).

6A:11-2.11 Employment of staff in a nonpublic conversion charter school

(a) A nonpublic conversion charter school may continue to employ teaching staff and other employees of the nonpublic school upon its conversion. However, any employee who is not certified in accordance with the provisions of subsection c of section 14 of P.L. 1995, c. 426 (N.J.S.A. 18A:36A-14) shall take immediate action toward receiving appropriate New Jersey certification and shall be in full compliance with all certification requirements as per N.J.A.C. 6A:9B within two years of the school's conversion.

(b) Any employee hired following the conversion of the nonpublic school to charter school status shall meet the requirements of subsection c of section 14 of P.L. 1995, c. 426 (N.J.S.A. 18A:36A-14).

New Rule, R.2013 d.077, effective May 6, 2013.
See: 45 N.J.R. 10(a), 45 N.J.R. 1101(a).
Administrative change.
See: 46 N.J.R. 1743(a).

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 June 1 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.

Amended by R.2014 d.179, effective December 1, 2014.

See: 46 N.J.R. 1388(a), 46 N.J.R. 2351(c).

In (a), substituted "June 1" for "January 15".

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,