

**CHAPTER 11
CHARTER SCHOOLS**

Authority

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

Source and Effective Date

R.1997 d.322, effective August 4, 1997.
See: 29 N.J.R. 1585(a), 29 N.J.R.3492(a).

Executive Order No. 66(1978) Expiration Date

Chapter 11, Charter Schools, expires on August 4, 2002.

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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; applying streamline tenure for teaching staff members, janitors and secretaries; and conducting the financial operations of the charter schools.

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

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 which requires a certificate that authorizes the holder to serve as school administrator, principal or school business administrator;
2. Holds a position which requires a certificate that authorizes the holder to serve as supervisor and 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 which does not require that the person 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 of a charter” means an endorsement by the Commissioner following the review of an eligible application by the Department of Education and contingent upon the receipt of necessary documentation in accordance with N.J.A.C. 6A:11-2.1(h).

“Average daily enrollment” for the purpose of determining the adjusted State, local and Federal aid means the sum of the days present and absent of all students enrolled in the register or registers of the program for which the aid is being determined divided by the number of days school was actually in session.

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

“Categorical aid attributable to the student” means special education aid, bilingual aid, early childhood program aid, demonstrably effective program aid, instructional supplement aid and distance learning network aid.

“Certification” means the endorsement of a person who is employed by a district board of education or a charter school to perform duties that are regulated by N.J.A.C. 6:11 and N.J.S.A. 18A:26-2.

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

“Charter school rate” means a presumptive amount equal to 90 percent of the local levy budget per pupil for the specific grade level unless the Commissioner approves a percentage other than the presumptive 90 percent and which cannot exceed 100 percent of the local levy budget per pupil for the specific grade level.

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

“Eligible applicant” means teaching staff members, parents of children attending the schools of the district board(s) of education, 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 board(s) of education.

“Final granting of a charter” means the 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 of Education in accordance with N.J.A.C. 6A:11-2.1(h), (i) and (j).

“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. 6:20-2A.

“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 these organizational tasks, the person designated as responsible for completion of the tasks required by these rules is the lead person.

“Local levy budget per pupil for the specific grade level” means the lower of either the program budget per pupil or the T & E amount plus the T & E flexible amount (maximum T & E amount) weighted for kindergarten, elementary (grades one through five), middle school (grades six through eight) and high school (grades nine through 12) respectively as set forth in N.J.S.A. 18A:7F-12 for the applicable budget year. Local levy budget per pupil for the specific grade level is based on the prebudget year of the district of residence and non-resident district(s).

“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 district board of education outside the district of residence of the charter school.

“Non-resident student” means a student attending a charter school from a district board of education outside the district of residence of the charter school.

“Panel of six permanent arbitrators” means the group which shall hear all streamline tenure cases. Three arbitrators shall be chosen by the New Jersey Education Association (NJEA) and three by the New Jersey School Boards Association (NJSBA). All arbitrators shall be from either the permanent panel of arbitrators of the American Arbitrators Association or the permanent panel of arbitrators of the Public Employees Relation Commission (PERC).

“Prebudget year” means the school fiscal year preceding the year in which the school budget is implemented.