

SENATE, No. 1596

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED FEBRUARY 27, 2014

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Requires voter approval at the annual school election or by the board of school estimate prior to the establishment of a charter school.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/28/2014)

S1596 TURNER, GREENSTEIN

2

1 AN ACT concerning the establishment of charter schools and
2 amending P.L.1995, c.426.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 4 of P.L.1995, c.426 (C.18A:36A-4) is amended to
8 read as follows:

9 4. a. A charter school may be established by teaching staff
10 members, parents with children attending the schools of the district,
11 or a combination of teaching staff members and parents. A charter
12 school may also be established by an institution of higher education
13 or a private entity located within the State in conjunction with
14 teaching staff members and parents of children attending the
15 schools of the district. If the charter school is established by a
16 private entity, representatives of the private entity shall not
17 constitute a majority of the trustees of the school, and the charter
18 shall specify the extent to which the private entity shall be involved
19 in the operation of the school. The name of the charter school shall
20 not include the name or identification of the private entity, and the
21 private entity shall not realize a net profit from its operation of a
22 charter school.

23 b. A currently existing public school is eligible to become a
24 charter school if the following criteria are met:

25 (1) At least 51% of the teaching staff in the school shall have
26 signed a petition in support of the school becoming a charter
27 school; and

28 (2) At least 51% of the parents or guardians of pupils attending
29 that public school shall have signed a petition in support of the
30 school becoming a charter school.

31 c. (1) An application to establish a charter school shall be
32 submitted to the commissioner and the local board of education or
33 State district superintendent, in the case of a school district under
34 full State intervention, in the school year preceding the school year
35 in which the charter school will be established. Notice of the filing
36 of the application shall be sent immediately by the commissioner to
37 the members of the State Legislature, school superintendents, and
38 mayors and governing bodies of all legislative districts, school
39 districts, or municipalities in which there are students who will be
40 eligible for enrollment in the charter school. The board of education
41 or State district superintendent shall review the application and
42 forward a recommendation to the commissioner within 60 days of
43 receipt of the application. **[The]** Except as otherwise provided
44 pursuant to paragraph (2) of this subsection, the commissioner shall
45 have final authority to grant or reject a charter application.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 (2) The commissioner shall not approve an application for the
2 establishment of a charter school unless the establishment of the
3 charter school has been approved by the voters of the district at the
4 annual school election in the case of a charter school to be
5 established in a Type II district, or the board of school estimate in
6 the case of a charter school to be established in a Type I district.

7 d. The local board of education or a charter school applicant
8 may appeal the decision of the commissioner to the Appellate
9 Division of the Superior Court.

10 e. A charter school established during the 48 months following
11 the effective date of this act, other than a currently existing public
12 school which becomes a charter school pursuant to the provisions of
13 subsection b. of section 4 of this act, shall not have an enrollment in
14 excess of 500 students or greater than 25% of the student body of
15 the school district in which the charter school is established,
16 whichever is less.

17 Any two charter schools within the same public school district
18 that are not operating the same grade levels may petition the
19 commissioner to amend their charters and consolidate into one
20 school. The commissioner may approve an amendment to
21 consolidate, provided that the basis for consolidation is to
22 accommodate the transfer of students who would otherwise be
23 subject to the random selection process pursuant to section 8 of
24 P.L.1995, c.426 (C.18A:36A-8).
25 (cf: P.L.2011, c.140, s.2)

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27 2. This act shall take effect immediately.

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STATEMENT

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32 This bill provides that the Commissioner of Education may not
33 approve an application for the establishment of a charter school
34 unless the establishment of the charter school has been approved by
35 the voters of the district at the annual school election in the case of
36 a charter school to be established in a Type II district. In the case
37 of a charter school to be established in a Type I district, the bill
38 provides that the board of school estimate must approve the
39 establishment of the charter school.