

New Jersey  
Department of Education  
2011 Charter School Application

**Christopher Cerf**  
**Acting Commissioner**

Application Due Date: March 31, 2011

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## **Introduction**

This application calls for proposals to start charter schools that are likely to achieve strong educational outcomes. Through charter schools, we expect to provide families with educational options of many different shapes and sizes but with one thing in common: quality education.

This application packet will guide you through the steps of developing a charter school application. Each section requests information about a specific aspect of your plan and presents the evaluation criteria that reviewers will use to determine whether the section meets the standard for approval.

Experience has shown that successful charter schools tend to have a number of common characteristics:

- A clear, focused, results-oriented mission statement that aligns all parts of the application;
- Demonstrated understanding of the population that the school is likely to serve;
- An educational program that is likely to be effective for the student population;
- Strong and diverse leadership; and
- Strong financial planning and management.

We are eager to receive well-developed applications from capable school founders who are committed to educating their students well and improving the lives of children and families in New Jersey.

If you have any questions regarding this application or the evaluation process, please contact:

Office of Charter Schools  
New Jersey Department of Education  
P.O. Box 500  
Trenton, NJ 08625-0500

Phone: (609) 292-5850  
Fax: (609) 633-9825

## **Application Instructions**

The application of the proposed charter school becomes a public document upon completion and submission to the New Jersey State Department of Education (NJDOE). Contained in this booklet is the **New Jersey Charter School Application**, along with a copy of *The Charter School Program Act of 1995* and the *New Jersey Administrative Code, Charter Schools* and other useful resources. Additional applicable statutes and regulations are referenced but are not included due to their magnitude.

Resources to assist the proposed charter school in the completion of the application include, but are not limited to:

- A technical assistance session provided by the New Jersey Department of Education;
- Networking with approved New Jersey charter schools, institutions of higher education, professional and community organizations, and business and industry; and
- Review of *N.J.S.A. 18A* and *N.J.A.C. 6* and *6A* in their entirety.

### **Response to Questions**

- Use the complete, proper name of the proposed charter school;
- Respond to every statement with a discrete response;
- Provide complete, concise responses to the statements immediately following the question; and
- Respond to each statement in the text of the application and not in the appendices.
- **Suggested page length for Part 1 is 100 Pages.** A thorough and quality response can be developed within those guidelines. There is no page limit for Part 2.

**Note: Failure to comply with formatting instructions may impact score.**

### **Format for the Application**

- Type the application on 8 ½ x 11 white paper;
- Use a twelve-point or larger font;
- Single-space the body of the application;
- Use only **one side** of each sheet of paper. **Do not** copy front to back;
- Separate each section by inserting tabbed dividers in the application document;
- In the header, include the complete, proper name of the charter school and section number and name of the section. (For example: Favorite Charter School, Section 1, Mission Statement);
- In the footer, include page numbers that reference the application section and page number. (For example: Page 1-1 represents Part 1, page 1); and
- Edit document for spelling, grammar, formatting and completeness prior to submission.

**Due Date March 31, 2011 by 4:15 PM**

**Application Copies to the NJDOE**

- **Submit and designate an original copy and four additional copies (Total of five copies to be submitted to the NJDOE);**
- Submit **ONE** electronic copy on CD to the NJDOE
- Submit the original application and **four** copies to the Department of Education in loose-leaf binders—**DO NOT STAPLE**;
- Insert a copy of the title page in the clear slip sheet of the cover or attach a label to the cover with the required title page information;
- Submit a complete copy of each application; and
- **Do not permanently bind the application.**

**Required Additional Copies, Pursuant to *N.J.A.C. 6A:11-2.1(b)***

- If planning to operate a district of residence, submit **one** copy to the district board(s) of education and/or superintendent of the state-operated school district(s) of the district of residence of the proposed charter school by the due date;
- If planning to operate with a region of residence, submit **one** copy of the application to each of the district boards of education and/or state district superintendent(s) that comprise the region by the due date;
- If planning to serve a district that has a sending/receiving relationship with another school district, the charter school application must be submitted to each receiving school district by the due date;
- Submit **one** copy to the respective executive county superintendent of schools. If operating within a region of residence that covers more than one county, submit **one** copy of the application to each executive county superintendent of schools by the due date;
- Applications not submitted **to all** districts/regions of residence by the due date are subject to immediate disqualification and **will not** be reviewed by the NJDOE; and
- Fax application receipt(s) to the NJDOE within one week of the due date.

**Submit the documents that comprise the New Jersey Charter School Application in the following order and format:**

1. **Title Page**
  - Use the complete, proper name of the proposed charter school;
  - The words “Charter School” must be used in the title of the proposed school; and
  - Title Page must include the words “New Jersey Charter School Application.”
  
2. **Application Summary and Grade Level Summary**
  - Consistently use the complete, proper name of the proposed charter school;
  - Applicants must identify enrollment by individual grade levels; and
  - Complete the entire form on each page;
  
3. **Executive Summary**
  - Provide an overview of no more than two pages which highlights the primary characteristics of the proposed charter school, including the complete, proper name of the school; the district of residence or region of residence; the school’s mission; grade levels to be served during the four years of the charter; and other pertinent information contained in the application. Be sure the innovative features and the value added to the community are included.
  
4. **Table of Contents**
  - Part 1: Implementation Plan with all 17 sections;
  - Part 2: Financial Plan with the four sections;
  - Appendix if applicable; and
  - List each section with the appropriate page number.
  
5. **Part 1: Program and Operations Plan with Sections 1 to 17**
  - Follow the sequence and directions presented in this application booklet;
  - Number and label each section in the header (i.e., Section 1. Mission Statement);
  - Applicants must type each question before writing the response or download the template at [www.nj.gov/education/chartsch/app/](http://www.nj.gov/education/chartsch/app/)
  - Begin each section on a new page; and
  - Number all pages in the footer in Part 1 sequentially beginning with Page 1-1, (i.e. Part 1, page 1).
  
6. **Part 2: Financial Plan with Sections 1 to 3**
  - Follow the sequence and directions presented in this application booklet;
  - Number and label each section as in the Implementation Plan;

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- Applicants must type each question before writing the response or download the template at [www.nj.gov/education/chartsch/app/](http://www.nj.gov/education/chartsch/app/);
- Begin each subsection on a new page as in the Implementation Plan;
- Number all pages in Part 2 sequentially beginning with Page 2-1 (Part 2, page 1);
- Use the format specified for the Budget Summary by the New Jersey Department of Education. A financial statement template is available on the Charter School Web site, <http://www.nj.gov/nided/chartsch>; and
- Provide the Budget Summary with a line-item narrative and a month-by-month cash flow for a period from July through June.

### 7. **Appendices**

- Appendices are not required;
- Responses to questions in the Implementation Plan and/or Financial Plan must be part of the body of the application not in the appendices; and
- If appendices are being submitted, label the first page of each appendix with a letter (i.e. Appendix A).

## **Deadline**

1. The charter school application and 4 hard copies and 1 CD copy must be submitted, by the applicant, to the New Jersey Department of Education (NJDOE) **by 4:15 PM on March 31, 2011.** The NJDOE will provide the applicant with a signed and dated receipt.

A copy must be submitted, by the applicant, to the respective county superintendent of schools and the district board(s) of education and/or the state district superintendents of the charter school's proposed district of residence or region of residence no later than **4:15 on March 31, 2011.**

**An application received after 4:15 P.M. on March 31, 2011 will be disqualified.** Disqualified applications will not be reviewed or evaluated by the Department of Education.

Applications due to the department should be mailed to the address below or hand-delivered to the department's application control center:

**Office of Charter Schools**  
New Jersey Department of Education  
100 River View Plaza, Route 29  
P.O. Box 500  
Trenton, New Jersey 08625-0500

2. The applicant must have the district and county representatives sign a receipt indicating the date and time that the application is received. Copies of each receipt are to be submitted to the Office of Charter Schools within one week of the deadline. Receipts should be faxed to 609-633-9825.

**Note:** *Pursuant to N.J.A.C. 6A:11-2.1(b)3, failure to submit the application to all required parties by 4:15 p.m. will result in the disqualification of the application.*

## Application Review and Approval Process

The charter school application review process is a rigorous process that incorporates the following:

1. Applications received by the due date and time will be screened to determine whether they are, in fact, complete and eligible for review.
2. Application will be reviewed by districts and county offices of education.
3. The New Jersey Department of Education may request subsequent information as addenda to the applications. The addenda must also be submitted to the respective county superintendents of schools and school districts in the district or region of residence.
4. The districts identified in the application will have the opportunity to review applications and addenda, if applicable, and submit comments to the Commissioner. The comments of these district boards of education and/or state district superintendents must be forwarded by the district(s) to the Commissioner within 60 days of receipt of the applications and within 30 days of receipt of the addenda.
5. The Commissioner or designee(s) may conduct an in-depth interview with each eligible charter school founder.
6. The Commissioner of Education will announce the approved and denied charter school applications.
7. Approved applicants will be responsible for submitting **all required** documentation no later than June 30 of the year in which the school is scheduled to open. Additionally, applicants must provide evidence of readiness for opening through a preparedness visit conducted by New Jersey Department of Education staff as per *N.J.A.C. 6A:11-2.1*.
8. Applicants who satisfy all requirements by June 30 will be granted a final charter on or before July 15.

## **Final Granting of Charter**

In accordance with *N.J.A.C. 6A:11-2.1(i)*, the approved applicants must submit, by June 30, the documentation not available at the time of the application submission including, but not limited to, copies of:

1. A list of names of the current members of the board of trustees;
2. The bylaws of the board of trustees;
3. The Certificate of Incorporation;
4. The Federal Employer Identification Number;
5. The Credit Authorization Agreement for Automatic Deposits;
6. The lease, mortgage or title to its facility;
7. The certificate of occupancy for "E" (education) use issued by the local municipal enforcing official;
8. The sanitary inspections report (if applicable) with "satisfactory" rating;
9. The fire inspection certificate with "Ae" (education) code life hazard use at *N.J.A.C. 5:70-4*;
10. A list of the lead person, teachers and professional support staff with a copy of certificate(s) for each person;
11. The Authorization for Emergent Hiring Pending Completion of Criminal History Check form or Criminal History Approval letter for each employee of the charter school;
12. Evidence of a uniform system of double-entry bookkeeping in conformance with Generally Accepted Accounting Principles (GAAP);
13. The resolution of the board of trustees naming the Affirmative Action Officer, the Section 504 Coordinator and the Title IX Coordinator;
14. Evidence of enrollment of at least 90% of approved maximum enrollment, as verified by student registrations by parents/guardian(s); and
15. Documentation that ensures compliance with all federal and state regulations and statutes.

Additionally, the Office of Charter Schools and the Office of School Funding will conduct a preparedness visit before the charter school may be granted a final charter. A preparedness visit is the on-site visit by department personnel that gauges readiness for school opening.

The preparedness visit must include:

1. Facility review and approval by the county office of education and local building officials;
2. A verification of full student enrollment and review of appropriate documentation;
3. A review of program and fiscal documentation; and
4. Interviews with board of trustee members and staff members.

The Commissioner will grant a final charter on or before July 15 if all required documentation is submitted and approved by the New Jersey Department of Education by June 30.

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**Charter School Cover Sheet / Application Summary**

Name of proposed charter school: \_\_\_\_\_

New start-up or conversion from existing public school? \_\_\_\_\_

Lead founder: \_\_\_\_\_

Qualified founder: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Primary telephone: \_\_\_\_\_

Cell phone: \_\_\_\_\_

Email address: \_\_\_\_\_

Anticipated physical address of school: \_\_\_\_\_

County of residence: \_\_\_\_\_

District of residence of districts in the region of residence: \_\_\_\_\_

Intended opening date (school year: e.g. fall of 20 - -) \_\_\_\_\_

Operational Year	Grade Levels Served	Projected Enrollment (Total)	Teachers and Instructional Aides	Classroom Teacher-to-Student Ratio
Year 1			# Teachers # Instructional Aides	
Year 2			# Teachers # Instructional Aides	
Year 3			# Teachers # Instructional Aides	
Year 4			# Teachers # Instructional Aides	

\_\_\_\_\_  
**Charter School Lead Founder Signature**

\_\_\_\_\_  
**Date**

Note: Applicants must submit this information using this form. All information is REQUIRED.  
Applicants are responsible for updating all contact information with the Office of Charter Schools.

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**Grade Level Summary**

**Charter School** \_\_\_\_\_

**County(s)** \_\_\_\_\_

**District(s)** \_\_\_\_\_

<b>Grade Level</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>
<b>Pre-K</b>				
<b>K</b>				
<b>1</b>				
<b>2</b>				
<b>3</b>				
<b>4</b>				
<b>5</b>				
<b>6</b>				
<b>7</b>				
<b>8</b>				
<b>9</b>				
<b>10</b>				
<b>11</b>				
<b>12</b>				
<b>Total</b>				

## **Part 1: Program and Operations Plan**

### **1. Mission, Vision, and Educational Philosophy**

- a. Describe the mission of the charter school and how the mission presents a clearly articulated vision for a public school that will promote student achievement.
- b. Describe the unique and innovative approach to deliver curriculum.
- c. Describe why the district of residence or region of residence was selected. Provide supporting evidence of the need for the charter school in the identified district or region, including how the founders assessed parental and community demand. Include information on any non operating, regional or sending/receiving relationships. Address how this charter school will be a viable choice option for the identified district or region of residence.
- d. If applicable, please identify and describe any specific area(s) of concentration or theme(s) upon which the charter school may be focused (for example: math and science, technology, the arts, etc. Include the statement, "The specific theme of the charter school is \_\_\_\_\_." If the school does not have a specific theme state, "Does not apply".

***Note: Once the charter is granted, the mission cannot be amended and must be relevant and sustainable for the duration of the charter school.***

**For Your Review:**

**Appendix A:**

***N.J.S.A. 18A:36A-5(n)***

**Appendix B:**

***N.J.A.C. 6A:11-1.2 and 11-2.1(b)***

**Evaluation Criteria:**

A response that meets the criteria will:

- Present a compelling 1-2 sentence mission statement that defines the purposed of the school.
- Present a coherent vision of what the school will look like if it is achieving its mission.
- Provide a rationale for the location of the charter school.

**2. Goals and Objectives**

- a. Describe the broad academic goals of the charter school. These goals should promote high academic achievement for the entire school. They should not be goals of each subject or grade level but instead reflect the unique and innovative aspects of the school. Under each goal, include measurable objectives which will provide anticipated outcomes and evidence that the goals are being achieved.
  
- b. Describe the broad nonacademic goals of the charter school. These goals should support high academic achievement and should be student-centered and focused on student outcomes. Under each goal, include measurable objectives which provide anticipated outcomes and evidence that the goals are being achieved. These goals should include, but are not limited to: governance, staffing, administration, professional development, etc.

***Note: Once the charter is granted, the goals and objectives cannot be amended and must be relevant and sustainable for the duration of the charter school.***

**For Your Review:**

<b>Appendix A:</b>	<b><i>N.J.S.A. 18A:36A-5(n)</i></b>
<b>Appendix B:</b>	<b><i>N.J.A.C. 6A:11-2.1(b)</i></b>

**Evaluation Criteria:**

A response that meets the criteria will:

- Define goals and objectives that are specific, measurable, ambitious and attainable, relevant and time-bound.
- Set high standards for student learning.

### **3. Educational Program**

- a. Provide a narrative which details the educational philosophy as well as the unique and innovative features of the charter school. This narrative must incorporate the school's mission statement and describe how the school will address all of the current New Jersey Core Curriculum Content Standards (NJCCCS).
- b. Describe how the school will provide meaningful and sustained professional development opportunities for staff in the areas of curriculum, assessment, instruction and classroom management. Provide details regarding how these professional development opportunities will promote higher levels of student achievement.
- c. Please provide assurances that the school's curriculum will integrate the following elements throughout the education program:
  - Promote the elimination of discrimination;
  - Promote mutual acceptance and respect among students and enable students to interact effectively with others regardless of race, national origin, sexual orientation, gender, religion, English proficiency, socio-economic status or disability;
  - Provide instruction in multicultural education content and practices;
  - Provide instruction in African-American History as part of U.S. History; and
  - Provide instruction on the Holocaust and genocide.
- d. Describe the process for curriculum development, supervision, continual assessment and revision of the educational program. Provide the process the school will use to develop a curriculum (addressing all nine NJCCCS) that will be ready prior to the school's opening. Additional information can be found at <http://www.nj.gov/education/aps/>.
- e. Provide the school calendar for year one. Include the first and last day of school, vacations, professional development/in-service days, holidays, etc. List the number of school days per month and the total number of school days per year for students and for teachers.
- f. Provide a school-day schedule which lists each class period and provides the official hours of operation for the school day. If applicable, list the times for before- and after-school programs.
- g. If serving high school students and planning to offer a Career and Technical Education Program, refer to the National Center for Education Statistics Web site (<http://nces.ed.gov/pubs2002/cip2000/>) for Career and Technical Instruction

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(CTE) areas with Classification of Instructional Program (CIP) code numbers and provide the following:

- List what program area(s) the charter school will offer; identify the appropriate CIP code(s) for those CTE program areas; and list the three or more sequential courses that come under each program area; and
- Describe the process that once the application is approved, the applicant will submit an application for Career and Technical Education Program Approval in accordance with *N.J.A.C. 6A:19-3.1* and *3.2*.

### **Evaluation Criteria:**

A response that meets the criteria will:

- Identify the school's philosophical approach to educating students – ensure that priorities are meaningful, manageable and measurable, and focus on improving student learning and outcomes.
- Be consistent with the school's mission.
- Present a clear and coherent framework for teaching and learning and will demonstrate alignment with the current New Jersey Core Curriculum Content Standards.
- Present a coherent framework for professional development that is likely to support effective implementation of the curriculum and student achievement.
- Identify a sound research or experience based guide or framework for curriculum development.
- Address all compliance issues and provide required documents.

### **For Your Review:**

**Appendix A:**

***N.J.S.A. 18A:36A-5 (d, f, and g)***

**Other Citations to Review:**

***N.J.S.A. 18A:36-20***

***N.J.S.A. 18A:35***

***N.J.S.A. 18A:35-28***

***N.J.A.C. 6A:23***

#### **4. Student Populations**

- a. Describe in detail how the charter school will meet the needs of all students.
- b. Describe how the charter school will address the needs of those students who may be:
  - at risk;
  - eligible for special education and related services;
  - English language learners; or
  - eligible for services under Section 504 of *The Rehabilitation Act of 1973*.
- c. Please provide assurances that the school will adhere to the requirements of *N.J.A.C. 6A:14-1*

##### **Evaluation Criteria:**

A response that meets the criteria will:

- Demonstrate understanding of and the capacity to meet state and federal requirements regarding identification and education of the likely ELL population.
- Demonstrate understanding of and the capacity to meet state and federal requirements regarding identification and education of the likely special education population.
- Indicate a commitment to serving the full range of students with special education students, and at-risk students.
- Provide evidence that plans to serve these students will be focused on promoting high levels of student achievement.

##### **For Your Review:**

**Appendix A:**

***N.J.S.A. 18A:36A-11(b and c)***

**Appendix B:**

***N.J.A.C. 6A:11-2.1(b), 11-4.7-4.13***

**Other Citations to Review:**

***N.J.S.A. 18A:36***

***N.J.S.A. 10:5***

***N.J.S.A. 18A:46***

***N.J.A.C. 6A:7***

***N.J.A.C. 6A:14***

***N.J.A.C. 6A:15***

***N.J.A.C. 6A:16***

***Civil Rights Act of 1964***

***Title IX of the Education Amendments of 1972***

***Section 504 of the Rehabilitation Act of 1973***

***The Americans with Disabilities Act of 1990***

***IDEA 2004***

## **5. Student Assessment**

- a. Provide assurances that the charter school will participate in all required statewide assessments.
- b. Describe the school’s assessment policy and the plan to use non-mandated tests. Describe how the school will collect baseline assessment data for all entering students. Provide detail regarding how the school will use student assessment data to improve curriculum and instruction.
- c. Outline the school’s plan to address the needs of students who do not attain proficiency on statewide assessments. Include the steps that will be taken to address the lack of student progress.
- d. Describe the process that the school will use to ensure that it adheres to the *No Child Left Behind Act* (NCLB) requirement to measure the academic progress of individual students, cohorts and subgroups of students and the school as a whole.
- e. Describe the promotion/retention policies of the school.
- f. Explain the process to inform parents/guardians of their child’s performance and progress. Include timelines for parental notification of student retentions.

### **Evaluation Criteria:**

A response that meets the criteria will:

- Align with the school’s stated mission and educational priorities.
- Demonstrate understanding of the school’s obligation to participate in the statewide system of assessment and accountability.
- Present a clear, credible, and sound plan for measuring and reporting the educational performance and progress of individual students, cohorts, and the charter school as a whole.
- Explain how the school will use assessment data to drive key decisions aimed at improving academic outcomes.

### **For Your Review:**

**Appendix A:**

***N.J.S.A. 18A:36A-5(d)***

**Appendix B:**

***N.J.A.C. 6A:11-2.2(a)***

**Other Citations to Review:**

***N.J.A.C. 6A:14-4.11***

## **6. School Climate, Culture and Discipline**

- a. Describe the strategies the school will employ to develop and sustain a safe and orderly school climate that supports fulfillment of the educational goals.
- b. Explain the school’s student behavior philosophy and discipline policy or code of conduct for both the general student population and for students with special needs
- c. Describe how the charter school will address student discipline issues. How will the school ensure that the school’s discipline code reflects the mission, goals and objectives of the school? Include provisions for disciplinary actions that are grade-appropriate for the levels the school will serve.
- d. Describe in detail the charter school’s criteria for short-term and long-term suspensions in accordance with *N.J.S.A. 18A:37* and *N.J.A.C. 6A:16*.
- e. Describe in detail the charter school’s criteria for expulsions in accordance with *N.J.S.A. 18A:37* and *N.J.A.C. 6A:16*. Include information on the provision of alternative education programs pursuant to *N.J.A.C. 6A:16-9.1*.
- f. Describe in detail the charter school’s criteria to suspend or expel students with disabilities pursuant to *N.J.A.C. 6A:14*.

### **Evaluation Criteria:**

A response that meets the criteria will:

- Describe an approach to student discipline that is reasonably likely to promote a safe and orderly learning environment.
- Present legally sound policies for student discipline, suspension, and expulsion or plan for the development of such policies.
- Include evidence that the school will ensure a safe environment conducive to learning.

### **For Your Review:**

**Appendix A:**

***N.J.S.A. 18A:36A-9***

**Appendix B:**

***N.J.A.C. 6A:11-2.1(b)***

**Other Citations to Review:**

***N.J.S.A. 18A:37***

***N.J.A.C. 6A:16***

***N.J.A.C. 6A:14***

## **7. Family, Community, and Consultant Involvement**

- a. Provide detail regarding the role of parents and families in the application process. Include how families will be involved in the planning process and in the operation of the charter school.
- b. Describe existing or planned partnerships with educational institutions and/or community organizations, if any. Provide detail regarding how these entities were involved in the application process and describe how they will be involved in the planning process and in the operation of the charter school.
- c. Provide detail regarding the role, if any, of paid consultants in the application process, and how they will be involved in the planning and operation of the charter school. Please identify if you plan to seek the support of a Charter Management Organization (CMO) or Educational Management Organization (EMO) once the school is open. Include detail on how the CMO or EMO fees are calculated. Ensure compliance to Public School Contract Guidelines and include it in line 56 of the Budget Summary.

### **Evaluation Criteria:**

A response that meets the criteria will:

- Present a vision and strategy for family and community involvement that will further the school's mission and program.
- Present a viable plan to ensure significant family involvement in the operation of the school.
- Provide evidence or explanation that the anticipated partnerships are realistic and achievable.

### **For Your Review:**

**Appendix A:**

***N.J.S.A. 18A:36A-5(i through k)***

***N.J.S.A. 18A:18A***

**8. Facility**

- a. Provide the complete address and a full description of the facility where the charter school will be located. Include the square footage, the number of classrooms, multi-purpose room(s), offices, gymnasium, cafeteria, restrooms, etc.
  
- b. Provide the financing plans and a specific timetable for the acquisition and renovations of the facility. Identify who will be responsible for any anticipated renovations to the facility. Include detail of how rent, mortgage and any related renovation costs are calculated (i.e. amount for square footage, etc.). Ensure that these amounts agree with the amounts included in the budget. Demonstrate that no state and local funds are utilized for the construction of a new facility, if applicable.
  
- c. Provide detail regarding the current use of the identified facility and the facility's use group. Include a copy of the current Certificate of Occupancy, if available.

**Evaluation Criteria:**

A response that meets the criteria will:

- Demonstrate that the building is a viable educational facility that can meet the needs of the students.
- Demonstrate that the anticipated rent and renovation costs agree with the budget presented in the financial plan.

**For Your Review:**

**Appendix A:**

***N.J.S.A. 18A:36A-5(j) and 36A-10***

**Appendix B:**

***N.J.A.C. 6A:11-2.1(h and k)***

## 9. Founders

- a. Provide the following information for each founder:
  - full name;
  - complete address;
  - the name of the school district in which the founder resides;
  - e-mail address, telephone and fax number(s);
  - business/industry/education/community affiliation(s); and
  - a signed Statement of Interest (This form is in addition to the Statement of Assurances in Section 10. A template can be found in Appendix D.)
  
- b. Identify the qualifying founder for the identified district or for each district in the region of residence.
  - a qualifying founder is either a New Jersey certified teacher employed in the district of residence identified in the charter (provide name of district); or
  - the parent of a school-age child living in the district (provide name of district and school where child attends); or
  - if the identified region of residence is part of a sending-receiving relationship, a qualified founder must be identified from each receiving district.

### **Evaluation Criteria:**

A response that meets the criteria will:

- Include a complete list of founders and detailed contact information for each founder.
- Include a qualifying founder for each district identified.

***Note: The founders list may not include paid consultants.***

***The application is a public document and all information can be requested by the public through the Open Public Records Act (OPRA).***

### **For Your Review:**

**Appendix A:**

***N.J.S.A. 18A:36A-4(a)***

**Appendix B:**

***N.J.A.C. 6A:11-2.1(b)***

## 10. Founder Statement of Assurances

**Directions:**

A copy of this form must be signed by each charter school founder and each copy must be submitted with the final application. An application will be considered incomplete if it is not accompanied by a Statement of Assurances from each founder.

**Founder Statement of Assurances**

**Charter School**

As a founder, I hereby certify under the penalties of perjury that the information submitted in this application for a charter for **(name of proposed charter school)** to be located at **(provide address (es) for proposed charter school)** is true to the best of my knowledge and belief; and further, I certify that, if awarded a charter, the school:

1. Will not charge tuition, fees or other mandatory payments for attendance at the charter school or for participation in programs that are required for students.
2. Will enroll any eligible student who submits a timely and complete application, unless the school receives a greater number of applications than there are spaces for students, in which case a lottery will take place in accordance with New Jersey charter laws and regulations.
3. Will be open to all students, on a space-available basis, and shall not discriminate on the basis of race, color, national origin, creed, sex, ethnicity, sexual orientation, mental or physical disability, age, ancestry, athletic performance, special need, proficiency in the English language or a foreign language, or academic achievement.
4. Will adhere to all applicable provisions of federal law relating to students with disabilities, including *IDEA 2004; Section 504 of the Rehabilitation Act of 1974;* and the *Americans with Disabilities Act* and appropriately employ/contract a child study team and special education service provider(s).
5. Will adhere to all applicable provisions of federal law relating to students who are English language learners, including *Title IV of the Civil Rights Act of 1964; the Equal Educational Opportunities Act of 1974;* MGL c. 76 § 5; and MGL c. 89, 71 § (f) and (l).
6. Will comply with all applicable federal and state laws and regulations.
7. Will employ highly qualified administrators and teachers who hold appropriate New Jersey certificates.
8. Will obtain all necessary permits, licenses and certifications related to occupancy, fire, health and safety within the building(s) and on school property.
9. Will provide enrollment and demographic data to the NJDOE as required by *N.J.A.C. 6A:11-2.1(i)*.
10. Will ensure an annual audit of the charter school pursuant to *N.J.S.A. 18A:23-1 et seq.*
11. Will ensure the utilization of a certified school business administrator (SBA).
12. Will establish the full implementation of a uniform system of double-entry bookkeeping in accordance with Generally Accepted Accounting Principles (GAAP) that is organized on a fund basis pursuant to *N.J.S.A. 18A:4-14.*
13. Will ensure adoption of Standard Operating Procedures (SOP) pursuant to *N.J.A.C. 6A:23A-22.14*, including a plan for internal controls for the accounts payable/voucher system including Public School Contract Guidelines pursuant to *N.J.S.A. 18A:18A.*
14. Will ensure the recording of student attendance in the school register pursuant to *N.J.A.C. 6A:32-8* and recording of student enrollment in the Charter School Enrollment System for the two required enrollment counts.
15. Will provide provisions for insurance coverage pursuant to *N.J.S.A. 18A:36A-14(a)*. Including health benefits; general liability; property, officer and employee liability, including any performance surety; and vehicle liability for pupil transportation.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**11. Governance Structure**

- a. Describe the role of the board of trustees and outline its responsibilities. Describe how the board will ensure that it is compliant with the *Open Public Meetings Act* and the *School Ethics Act*. Include detail as to how the board will support the mission, goals and objectives of the charter school.
  
- b. Describe the board of trustees and include the process for selecting/appointing both the initial and the subsequent boards:
  - total number of members, total number who will be voting members and the total number who will be ex-officio (non-voting) members;
  - process for appointment or election to the board of trustees;
  - length of term as a member;
  - titles of officer positions;
  - process for appointment or election of board officers; and
  - length of term as officers.
  
- c. Describe the role of parents, if any, on the board of trustees.
  
- d. Provide the following information:  
If members of the initial board of trustees have not been identified, include:
  - qualifications sought for board members; and
  - date by which the board of trustees will be formed.  
If members of the initial board of trustees have been identified, include:
  - full name and complete address;
  - all business/industry/education/community affiliation(s);
  - resume with qualifications;
  - voting or ex-officio (non-voting) status; and
  - qualifications sought for board members.
  
- e. Describe the orientation and training for the board of trustees (not including mandated sessions provided by the New Jersey School Boards Association), as well as the process for continual self-evaluation and professional development of the board of trustees.
  
- f. Describe the selection process to establish the membership of an advisory grievance committee, consisting of only parents and teachers. Outline the complaint review procedures, as well as a plan to inform the school community of the advisory grievance committee and its procedures.
  
- g. Specify the extent to which any nonprofit and/or for-profit private entity may be involved in the operation of the charter school.

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***Note: No more than 50 percent of the board of trustees may be associated with any one non-profit or for-profit entity. No vendor may be a voting member of the board of trustees.***

**Evaluation Criteria:**

A response that meets the criteria will:

- Demonstrate that the applicant has a strong understanding of the roles and responsibilities of a governing board of trustees that is aligned to the school's mission.

**For Your Review:**

**Appendix A:**

***N.J.S.A. 18A:36A-4(a), 36A-5(c), 36A-14 and 15***

**Appendix B:**

***N.J.A.C. 6A:11-2.1(h), 11-3 and 11-4.11***

**Other citations to review:**

***N.J.S.A. 10:4-6***

***N.J.S.A. 10:5***

***N.J.S.A. 18:12-23***

***N.J.S.A. 18:A:36.20***

***N.J.A.C. 6A:23***

***N.J.A.C. 6A:28***

## **12. Admissions Policy and Criteria**

- a. Describe the recruitment and admissions policies of the charter school, including how the school will, to the maximum extent possible, seek the enrollment of a cross-section of the community's school-age population.
- b. Provide the tentative dates of the recruitment and application periods and a timeline for the open and close of each enrollment period.
- c. Describe student admission policies, including the random selection process (lottery).
- d. Describe the wait list process. Include the length of time a wait list will be maintained.
- e. Describe the procedures for enrollment priority for siblings of students, if applicable, enrolled in the charter school for:
  - year one; and
  - subsequent years.
- f. Describe the terms and conditions of non-resident student enrollment. Provide detail as to when the school will begin to recruit non-resident students, how the random selection process (lottery) will be conducted for non-resident students, and how the non-resident wait list will be established and maintained.
- g. If serving kindergarten, provide assurances that, pursuant to *N.J.S.A. 18A:38-5*, all kindergarten students must be five years old by October 1 of each year. If not serving kindergarten, respond to the statement with the words "Does Not Apply."

### **Evaluation Criteria:**

A response that meets the criteria will:

- Include an outreach, recruitment and admissions plan that demonstrates understanding of the community likely to be served and will be effective for including families traditionally less informed about educational options.
- Include enrollment and admissions policies and plans that comply with the requirements of New Jersey law.

**For Your Review:**

**Appendix A: *N.J.S.A.* 18A:36A-5(e), 36A-7, 36A-8, and 36A:11(b-c)**

**Appendix B: *N.J.A.C.* 6A:11-1.2, 11-4.4-4.6**

**Other Citations to Review: *N.J.S.A.* 18A:44-2**

***N.J.S.A.* 10:5**

***N.J.S.A.* 18A:36-20**

***N.J.S.A.* 18A:38-5**

**13. Human Resources**

- a. Provide an organization chart which includes the board of trustees and all employees.
- b. Identify the job title of the lead person. Describe the qualifications, certification and responsibilities of the lead person.
- c. If the lead person is not certified, identify the job title of the person who will direct and guide the work of instructional personnel, including, but not limited to, the supervision and evaluation of staff and the development and implementation of curriculum. Describe the qualifications, certification and responsibilities this person will hold. If the lead person holds chief school administrator, principal or supervisor certification answer, "Does not apply" to this question.
- d. Describe qualifications, certifications and responsibilities of each job title of the professional staff (teachers, administrators, school business administrator, nurse, child study team members, case manager(s), related service providers, counselors, etc.) and support staff (aides, secretaries, security officers, etc.). Describe the process to ensure that all teachers will be compliant with *NCLB* requirements.
- e. Specify the anticipated number of positions in each job title for year one through year four of the charter.
- f. Provide guidelines for each job title regarding the following:
  - salary scale for each position (ensure agreement to Budget Summary);
  - employee contracts;
  - hiring and dismissal policies; and
  - employee benefits.
- g. Identify any positions that will be filled by consultants, the estimated cost for each and the functions to be performed.

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- h. Describe the process to ensure that the charter school will comply with the Streamlined Tenure Guidelines established by the Commissioner.

**Note: ALL job titles used in the organizational chart (except board of trustees) must be described in responses b, c, d and e. Be consistent with title(s) in the organizational chart and throughout the application.  
All contracts are subject to Public School Contract Law N.J.S.A. 18A:18A.**

**Evaluation Criteria:**

A response that meets the criteria will:

- Demonstrate a sound understanding of staffing needs that are aligned with the budget and with the school’s anticipated enrollment.
- Demonstrate a sound understanding of staffing needs with respect to successful implementation of the educational program.

**For Your Review:**

**Appendix A:**

**N.J.S.A. 18A:36A-5(h), 18A:36A-11(c)**

**N.J.S.A. 18A:36A-14**

**N.J.S.A. 18A:18A**

**Appendix B:**

**N.J.A.C. 6A:11-5 through 6**

**Other Citations to Review:**

**N.J.S.A. 18A:17-2**

**N.J.S.A. 10:5**

**N.J.S.A. 18A:26-2**

**N.J.S.A. 18A:28-5 through 6**

**N.J.A.C. 6A:9**

**N.J.A.C. 6A:14**

**N.J.A.C. 6A:1 and 6.1 through 6.3**

**14. Self-Evaluation and Accountability Plan**

- a. Describe the self-evaluation process that will be utilized to track the school’s progress. Describe the role of each of the following in the self-evaluation process and how this process will assist the charter school in meeting its goals and objectives:
  - board of trustees;
  - administrative staff;
  - teaching staff;
  - parents;
  - students; and
  - consultants.
  
- b. Describe how the charter school will evaluate:
  - lead person/administrators;
  - teachers;
  - support staff; and
  - programs.

**Evaluation Criteria:**

A response that meets the criteria will:

- Demonstrate understanding of the school’s mission and overall educational priorities.
- Present a clear, credible, and sound plan for measuring and reporting on the academic and non-academic goals and objectives of the school and measuring progress toward these goals.

**For Your Review:**

**Appendix A:**

***N.J.S.A. 18A:36A-5(h)***

***N.J.S.A. 36A-16(a) and (b)***

**Appendix B:**

***N.J.A.C. 6A:11-2.1(b), 11-2.2 and 11-5***

**15. Timetable**

- a. Provide a detailed timetable of projected activities with completion dates which include the planning period through the first year of operation. Such activities should include, but not be limited to, enrollment, purchasing, hiring, transportation, and required documentation due dates.
  
- b. Describe the procedure and provide a timeline for notifying the district board(s) of education in which the students reside about the charter school's transportation needs. Include the process for certifying enrollment of the students in the charter school who receive transportation services or aid in lieu of transportation to the district board(s) of education in which the students reside.

**For Your Review:**

**Appendix A:**

***N.J.S.A. 18A:36A-5(n)***

**Appendix B:**

***N.J.A.C. 6A:11-2.1(b) and 11-4.10***

**Other Citations to Review**

***N.J.S.A. 18A:36A-13***

***N.J.A.C. 6A:27-3***

## 16. Conversion Documentation

If planning to convert an existing public school to charter school status:

- a. Submit the originals of the petitions in support of the district school's becoming a charter school from at least 51 percent of the teaching staff in the district school and at least 51 percent of the parents/guardians of students attending the district school.
- b. Provide a list of all teachers employed by the public schools of the district seeking to convert to charter school status.
- c. Provide a list of all parents with children attending the public school seeking to convert to charter school status.

***Note: If not planning to convert an existing public school to a charter school, respond to this section with the words, "Does Not Apply."***

## **17. Waivers or Equivalencies of Regulation**

If requesting a waiver or equivalencies of regulations:

- a. Describe any waivers or equivalencies of regulations (not statutes) which the charter school may request through the New Jersey Department of Education's "Regulatory Equivalency and Waiver Process." Note that, the Commissioner may not exempt laws and may only exempt regulations that pertain to assessment, civil rights, special education or student health and safety.
- b. Provide a justification for each waiver or equivalency which is requested, explaining how the exemption will advance the educational goals and objectives of the school.

***Note: If not applying for waivers or equivalencies, respond to this section with the words "Does Not Apply."***

**For Your Review:**

**Appendix A:**

***N.J.S.A. 18A:36A-4(b)***

***N.J.S.A. 18A:36A-5(m) and 36A-11(a)***

**Other Citations to Review: *N.J.A.C. 6A:5***

## **Part 2: Financial Plan**

The Financial Plan should provide an understanding of how the applicants intends to develop and manage the school's infrastructure and finances. It should present a clear picture of the school's revenue projections and expenditure requirements.

### **Section 1: Budget Summary**

Prepare a one-year budget covering projected sources of revenue and planned expenditures for the first year of operation. Also include all anticipated start-up costs and revenues from the approval date of the charter through the beginning of the 12-month fiscal operating year. The estimated cost and anticipated source of funding for facilities must also be included in this Budget Summary. For reference, use the **Charter School Budget Summary Key** below.

To prepare the budget use the template for the Budget Summary, which is found at <http://www.nj.gov/education/chartsch/app/docs/finstmts.xls>.

There is a *Financial Data Request (FDR)* included in this *New Jersey Charter School Application* in **Appendix C**. Please fax this form to the NJ Department of Education at 609-292-6794 by the applicable due date. Based on the FDR, the Department of Education will calculate and provide the applicant with projected financial data for use in preparation of the budget. The financial data are estimated revenues for planning purposes only in the application. Once a charter school is approved, projected revenues will be based on projected enrollment and will be adjusted based on charter school average daily enrollment on October 15 and the last day of school.

The Budget Term Definitions and Charter School Budget Summary Key provide explanations on estimated revenues and the account structure for expected expenditures. Examples are provided on how projected "per-pupil amount" and categorical aid will be calculated based on regulations. The examples are for the applicant's reference and cover a variety of situations.

### **Evaluation Criteria**

A response that meets the standard will:

- Present budget priorities that are consistent with and support key parts of the plan, including the school's mission, educational program, staffing and facility.
- Present realistic, evidence-based revenue and expenditure assumptions, including for any plan to incur and repay allowable debt.
- Demonstrate a commitment to maintaining the financial viability of the school.
- Demonstrate that total instructional expenditures are at least 60% of the total budget.
- Demonstrate that the budget supports the academic program described.

To prepare the budget use the template for the Budget Summary, which is found at <http://www.nj.gov/education/chartsch/app/docs/finstmts.xls>.

## **Section 2: Detailed Budget Narrative**

- a. Provide a detailed budget narrative describing each line-item of revenue and expenditure using the **Charter School Budget Summary Key** on page 35.
- b. Include a list of all the components that make up each line in the Budget Summary Key. For example, the narrative description corresponding to Line 43- Salaries of Teachers should provide a detailed itemization of number of teachers and average salary budgeted (i.e. 20 teachers @ \$39,000 each = \$780,000).

### **Evaluation Criteria**

A response that meets the standard will:

- Demonstrates that the level of detail and specificity for all budget line items allow for the assessment of fiscal viability.
- Ensure sufficient level of detail as to how revenue and expenditure were projected.

### **For Your Review:**

**Appendix A: N.J.S.A. 18A:36A-5(l)**

## Charter School Budget Summary Key

### **Enrollments: District of Residence or Region of Residence (Line 2) and Non-Resident District (Line 3)**

Line 2 - Enter the total projected enrollment for the district of residence.

Line 3 - Leave blank.

For a charter school's initial application, only enrollment for the district of residence can be projected. These will be based on the projected student enrollment data submitted in the Application Summary for the first year. The basis for funding will be estimated using the financial data of the district board(s) of education in the district or region of residence. For a charter school planning to operate with a region of residence the Department of Education will estimate enrollment breakdowns for the district board(s) of education that comprise the region of residence based on apportionment of the relative population in each district.

### **Beginning Fund Balance (Line 6)**

This line should be left blank. There is no beginning fund balance since this would be the start-up year of the proposed charter school. A beginning fund balance in any given year, with the exception of the initial start-up year, is due to the general fund revenues exceeding the general fund expenditures in the preceding year.

### **Revenues: General Fund**

#### **Budgeted Fund Balance (Line 10)**

This line should be left blank. There is no budgeted fund balance for the first year of operation. Budgeted fund balance is the use of beginning fund balance supplementing other revenue sources to meet the proposed expenditures in any planning year.

#### **Charter School Aid (Lines 11 – 19)**

Charter school aid consists of Equalization/Local Levy Aid, Special Education Categorical Aid, and Security Aid. Applicants wishing to receive estimates for these revenue lines must submit the Financial Data Request form included in this application to the Department of Education via fax.

#### **Equalization/Local Levy Aid - Local Share (Line 11)**

Line 11 - Enter the total projected Local Share of Equalization/Local Levy Aid from the Financial Data provided by the Department of Education.

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**Equalization/Local Levy Aid-State Share (Line 12)**

Line 12 - Enter the total projected State Share of Equalization/Local Levy Aid from the Financial Data provided by the Department of Education.

**Total Equalization/Local Levy Aid (Line 13)**

Line 13 - This is the sum of line 11 and line 12. It must agree with the total Equalization/Local Levy Aid from the Financial Data provided by the Department of Education. The Department of Education must calculate this prior to determination of the local share (line 11) and state share (line 12).

**Special Education Categorical Aid (Line 15)**

Line 15 - Enter the total projected Special Categorical Education Aid from the Financial Data provided by the Department of Education.

**Security Aid (Line 16)**

Line 16 - Enter the total projected Security Aid from the Financial Data provided by the Department of Education.

**First Year Nonpublic Student Aid (Line 19)**

Line 19 - Leave blank for application purposes. Pursuant to N.J.S.A. 18A:36A-12 (d), first year charter school students who attended non-public schools prior to enrolling in the charter school are funded by the state with direct payments to the charter school. For application purposes, it is assumed that no students qualify for this aid.

**Other state revenue and other revenue (Lines 21 and 23)**

Line 21 and 23 - Leave blank for application purposes. For application purposes, it is not anticipated that this category of aid will be received.

**Restricted-Special Revenue Fund**

Do not complete this section.

**State Projects (Lines 27 and 28)**

Leave blank for application purposes. These revenue sources are restricted state grants under the condition that the charter school must use these funds for a specific purpose. For application purposes, it is not anticipated that applicants will receive restricted state revenue.

**Federal Projects (Lines 31 and 32)**

Leave blank for application purposes. These revenue sources are under the condition that the charter school must use these funds for a specific purpose. For application purposes, it is not anticipated that applicants will receive any other federal sources of income.

**Revenues from Other Sources (Lines 35 through 37)**

Leave blank for application purposes. These revenue sources are under the condition that the charter school must use these funds for a specific purpose. For application purposes, it is not anticipated that applicants will receive other restricted sources of revenue.

**Expenditures-Instruction**

Expenditures classified as instructional include expenditures for those activities relating directly to the interaction between teachers and students. Teaching may be provided for students in a school classroom or in other locations such as a home or a hospital. Included here are the activities of aides or classroom assistance of any type. Pursuant to N.J.A.C. 6A:11-7.3(e), a charter school must be monitored by the Commissioner to ensure that the percentage of school funds spent in the classroom is at least comparable to the average percentage of school funds spent in the classroom in all other public schools in the State. Instructional expenditures must comprise at least 60 percent of total general fund expenditures.

**Salaries of Teachers (Line 43)**

The salaries for all teaching services delivered to students, including the services of part-time, summer and substitute teachers. If teachers are sharing responsibilities between teaching assignments and administrative or support assignments as defined on the subsequent pages, their salaries should be prorated based on the time spent on each major assignment whether teaching, administrative or support.

**Other Salaries for Instruction (Line 44)**

The salaries for any assistants or aides to instructional staff other than secretarial or clerical personnel.

**Purchased Professional and Technical Services (Line 45)**

Services which, by their nature, can be performed only by persons or firms with specialized skills and knowledge. While a product may or may not result from the transaction, the primary reason for the purchase is the service provided. Included are the services of assembly speakers and standardized specific subject exams.

**Other Purchased Services (Line 46)**

Amounts paid for property services or other services rendered by organizations or personnel not on the payroll of the charter school (separate from professional and technical services). While product may or may not result from the transaction, the primary reason for the purchase is the services provided. Included is the rental of equipment for instructional use.

**General Supplies (Line 47)**

Expenditures for all classroom supplies other than textbooks, including freight and cartage. Includes test protocols, chalk, paper, pencils, periodicals, etc.

**Textbooks (Line 48)**

Expenditures for textbooks furnished free to students, binding and other textbook repairs and freight cartage of textbooks. Expenditures for books used in the classroom not meeting this definition are included in general supplies.

**Miscellaneous Expense (Line 49)**

Amounts paid for instructional goods and services not classified elsewhere. For example, admission costs for field trips (not including transportation).

**Expenditures- Administrative**

The expenditures in this area of the budget include the following: general/school administration, business/central services and improvement of instruction services. Total general/school administration includes the costs associated with the activities concerned with establishing and administering policy for operating the charter school.

Business services include costs for such services as budgeting services, receiving and disbursing services, financial/property accounting, payroll, inventory control, managing funds, purchasing services, printing, publishing and duplicating services.

Central services include activities such as research and development, planning, evaluation, information services, data processing services and staff services. Services related to improvement of instruction include the costs associated with the assistance of instructional staff in planning, developing and evaluating the process of providing learning experiences for students.

The combined total of administrative and support expenditures cannot exceed 40 percent of total general fund expenditures.

**Salaries of Administration (Line 52)**

The salaries for all positions, with the exception of secretarial and clerical assistants, as described under Administration Expenses in the Budget Summary Key. If the personnel in these positions are sharing responsibilities between administrative assignments and teaching or support assignments as defined on the subsequent pages, their salaries should be prorated based on the time spent on each major assignment whether teaching, administrative or support.

**Salaries of Secretarial/Clerical Assistants (Line 53)**

The salaries for all secretarial and clerical assistants, as described under Administration Expenses in this Budget Summary Key.

**Total Benefit Costs (Line 54)**

Expenses paid by the charter school on behalf of all employees; these amounts are not included in the gross salary but are in addition to that amount. Included in this category are group insurance, Social Security contributions, retirement contributions, tuition reimbursement, unemployment compensation, workmen's compensation and unused sick leave. TPAF (Teachers Pension and Annuity Fund) Social Security and pension costs will be paid by the state on behalf of the charter school; therefore, these expenditures should not be included in the Budget Summary of the application. TPAF Social Security will be paid on a reimbursement basis by the State; therefore, this should be considered in the cash disbursements in the Cash Flow Schedule.

**Purchased Professional/Technical Services (Consultants) (Line 55)**

Services that are not performed by an employee of the charter school but rather purchased as it relates specifically to administration. Some examples are purchased services for areas such as business support services for budgeting and payroll, financial accounting, outside auditors, curriculum developers, legal services and consultants.

**Other Purchased Services (Line 56)**

Amounts paid for property services or other services rendered by organizations or personnel not on the payroll of the charter school (separate from professional and technical services). Included is the rental of equipment (exclusive of communications/equipment), staff travel for administration, GAAP accounting system and EMO/CMO fees.

**Communications/Telephone (Line 57)**

Expenditures for telephone and communication services including the rental of equipment. Also included here are the expenses for postage equipment rental and postage.

**Supplies and Materials (Line 58)**

Amounts paid for material items relating to administration of an expendable nature that are consumed, worn out or deteriorated by use.

**Judgments against the Charter School (Line 59)**

Expenditures for all judgments against the charter school that are not covered by liability insurance but are of a type that might have been covered by insurance. Legal expenses for defending against judgments are not recorded here but under Administration--Purchased Professional/Technical Services.

**Interest on Current Loans (Line 60)**

Expenditures for interest on notes (not including interest on mortgage payments).

**Interest for Lease Purchase Agreements (Line 61)**

Amounts paid for interest under lease purchase agreements.

**Mortgage Payments Interest (Line 62)**

Mortgage interest cost for facilities owned by the charter school. Do not include principal payments on this line.

**Miscellaneous Expense (Line 63)**

Amounts paid for administrative goods and services not classified elsewhere.

**Expenditures- Support Services**

Costs related to assisting the instructional staff with providing learning experiences as well as other costs associated with daily operations of the charter school. The major components will include attendance/social work services, health/personnel services, guidance services, child study teams, educational media/school library, operations and maintenance of plant services, transportation services for field or athletic trips provided directly by the charter school, food services programs and board-sponsored athletics and co-curricular activities. The combined total of administrative and support expenditures cannot exceed 40 percent of total general fund expenditures.

**Salaries of Support Services (Line 66)**

Salaries for services rendered as outlined in the Support Services section of this Budget Summary Key. If the personnel in these positions are sharing responsibilities between support assignments and teaching or administrative assignments as defined on the subsequent pages, their salaries should be prorated based on the time spent on each major assignment whether teaching, administrative or support.

**Purchased Professional/Technical Staff (Consultants) (Line 67)**

Services that are not performed by an employee of the charter school but purchased as it relates specifically to support services. Examples include guidance services and child study team services.

**Other Purchased Services (Line 68)**

Amounts paid for property services or other services rendered by organizations or personnel not on the payroll of the charter school (separate from professional and technical services). Included is the rental of equipment for support services use and cleaning, repair and maintenance services by non-charter school employees.

**Rent of Land and Buildings (Line 69)**

The cost to rent buildings or facilities used by the charter school. Provide detail as to how rent was calculated (i.e. per square foot). Ensure this agrees with Section 8: Facility

**Insurance for Property, Liability and Fidelity (Line 70)**

Expenditures for all types of insurance coverage other than fringe benefits for employees and administrative-related insurance. Include general liability, property, officer and employee liability including any performance surety and vehicle liability for pupil transportation.

**Supplies and Materials (Line 71)**

Amounts paid for material items relating to support services of an expendable nature that are consumed, worn out or deteriorated by use.

**Transportation- Other than to/ from School (Line 72)**

The cost of transportation services for field and athletic trips provided to students attending the charter school. No other transportation costs are to be included in charter school's general fund budget.

**Reserved For Future Use (Line 73)**

Leave blank. This line item is reserved for future use.

**Energy Costs (Line 74)**

The cost of utilities; for example, heat, electricity and air conditioning.

**Miscellaneous Expenditures (Line 75)**

Amounts paid for goods or services related to support services not properly classified elsewhere.

**Capital Outlay**

Activities concerned with equipment purchases, acquiring land and buildings, remodeling buildings, initially installing or extending service systems and other built-in equipment and improving sites.

**Instructional Equipment (Line 78)**

Expenditures for the initial purchase, future purchase, and future replacement of instructional furniture and equipment. Instructional furniture and equipment is that which is purchased for use by pupils and instructional staff in instruction programs.

**Non-Instructional Equipment (Line 79)**

Expenditures for the initial purchase, future purchase, and future replacement of non-instructional furniture and equipment. Non instructional furniture and equipment is that which is purchased for use by either administrative or support services and which serves no direct instructional benefit to the students (for example, computer hardware for the business office).

**Purchase of Land/Improvements (Line 80)**

Expenditures for the purchase of land and improvements.

**Lease Purchase Agreements – Principal (Line 81)**

Amounts paid for the principal under lease purchase agreements for land and buildings.

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### **Mortgage Payments Principal (Line 82)**

The principal portion of mortgage costs for buildings or facilities owned by the charter school. Do not include interest payments on this line.

### **Building Purchase other than Lease Purchase (Line 83)**

Amounts paid for the purchase of a building other than lease purchase agreement.

### **Miscellaneous Expense (Line 84)**

Amounts paid for capital goods and services not classified elsewhere.

### **Restricted/Special Revenue Fund**

#### **State Projects (Lines 91 and 92)**

Leave blank for application purposes. These expenditures must match the revenues realized in any given year. For application purposes, it is not anticipated that applicants will incur restricted state expenditures.

#### **Federal Projects (Lines 96 and 97)**

Line 97: Leave blank for application purposes. These expenditures must match the revenues realized in any given year. For application purposes, it is not anticipated that applicants will incur restricted state expenditures.

Line 98: Leave blank. For application purposes, it is not anticipated that applicants will incur other federal restricted expenditures.

#### **Revenues from Other Sources Restricted**

Lines 100-102: Leave blank. For application purposes, it is not anticipated that applicants will incur other restricted expenditures.

#### **Ending Fund Balance (Line 108)**

Ending fund balance is calculated by adding beginning fund balance plus total revenues less budgeted fund balance and total expenditures.

**The charter school budget cannot end in a deficit.**

### **Section 3: Cash Flow Schedule**

Prepare a cash flow analysis incorporating projected cash receipts and cash disbursements of funds for the start-up period and the first year of operation. Include all cash receipts and cash disbursements expected to be received or disbursed between the approval date of the charter and the end of the fiscal year. The Cash Flow Schedule should cover the period from the approval date of the charter through the end of the first operating fiscal year and should agree with the Budget Summary.

A copy of the template for the Cash Flow Schedule is found at <http://www.nj.gov/education/chartsch/app/docs/finstmts.xls>

A monthly Cash Flow Schedule is required for the start-up period and the first-year of operation to ensure that the charter school has a plan to meet its financial obligations. Cash forecasting is necessary for the proper planning of future operations and to assure that cash is available when needed.

For cash flow purposes, the local share of the Equalization/Local Levy Aid estimated on Line 11 of the Budget Summary will be paid in 12 installments beginning July 15. The state share of the Equalization/Local Levy Aid estimated on Line 12 along with the estimated categorical aid on Lines 15-20 of the Budget Summary will be paid in 20 installments on the eighth and twenty second of each month from September through June, one day after receipt of state aid payments.

Any anticipated loans should be taken into account. Cash receipts for short-term loans are not a revenue source in the Detailed Budget Summary, but should only be presented in the Cash Flow Schedule. Anticipated interest expense on this loan should be shown in the expenditures of the Detailed Budget Summary.

The Cash Flow Schedule must provide month-by-month detail of the applicant's first 12-month fiscal operating year and a summary of the start-up period between the approval of the charter school application and the end of the first fiscal year. The activity of the start-up period need only be summarized in one column. No separate month-by-month detail is necessary for the start-up period.

#### **Evaluation Criteria**

A response that meets the standard will:

- Ensure that there is sufficient cash to carry on the operations of the school. Monthly and year-end balances can never be in a deficit position.
- Present all the expected inflows and outflows of cash on a monthly basis.
- Provide month-by-month detail of the applicant's first 12-month fiscal operating year and a summary of the start-up period between the approval of the charter school application and the end of the first fiscal year.

**APPENDIX A**

**CHARTER SCHOOL PROGRAM ACT OF 1995**

**N.J.S.A. 18A:36A**

**Effective January 1996**

**Amended November 2000**

**18A:36A-1. Short title**

This act shall be known and may be cited as the "Charter School Program Act of 1995."

**Adopted.** L.1995,c.426,s.1, effective January 11, 1996.

**18A:36A-2. Findings and declarations.**

The Legislature finds and declares that the establishment of charter schools as part of this State's program of public education can assist in promoting comprehensive educational reform by providing a mechanism for the implementation of a variety of educational approaches which may not be available in the traditional public school classroom. Specifically, charter schools offer the potential to improve pupil learning; increase for students and parents the educational choices available when selecting the learning environment which they feel may be the most appropriate; encourage the use of different and innovative learning methods; establish a new form of accountability for schools; require the measurement of learning outcomes; make the school the unit for educational improvement; and establish new professional opportunities for teachers.

The Legislature further finds that the establishment of a charter school program is in the best interests of the students of this State and it is therefore the public policy of the State to encourage and facilitate the development of charter schools.

**Adopted.** L.1995,c.426,s.2, effective January 11, 1996.

**18A:36A-3. Establishing a charter school program; definition; number of schools authorized.**

a. The Commissioner of Education shall establish a charter school program which shall provide for the approval and granting of charters to charter schools pursuant to the provisions of this act. A charter school shall be a public school operated under a charter granted by the commissioner, which is operated independently of a local board of education and is managed by a board of trustees. The board of trustees, upon receiving a charter from the commissioner, shall be deemed to be public agents authorized by the State Board of Education to supervise and control the charter school.

b. The program shall authorize the establishment of not more than 135 charter schools during the 48 months following the effective date of this act. A minimum of three charter schools shall be allocated to each county. The commissioner shall actively encourage the establishment of charter schools in urban school districts with the participation of institutions of higher education.

**Adopted.** L.1995,c.426,s.3, effective January 11, 1996.

**18A:36A-4. Who may establish a charter school; non-profit; eligibility criteria for existing public school; applications; appeals; limitations upon student enrollment.**

a. A charter school may be established by teaching staff members, parents with children attending the schools of the district, or a combination of teaching staff members and parents. A charter school may also be established by 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. If the charter school is established by a private entity, representatives of the private entity shall not constitute a majority of the trustees of the school, and the charter shall specify the extent to which the private entity shall be involved in the operation of the school. The name of the charter school shall not include the name or identification of the private entity, and the private entity shall not realize a net profit from its operation of a charter school. A private or parochial school shall not be eligible for charter school status.

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

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

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

c. An application to establish a charter school shall be submitted to the commissioner and the local board of education or State superintendent, in the case of a State-operated school district, in the school year preceding the school year in which the charter school will be established. Notice of the filing of the application shall be sent immediately by the commissioner to the members of the State Legislature, school superintendents, and mayors and governing bodies of all legislative districts, school districts, or municipalities in which there are students who will be eligible for enrollment in the charter school. The board of education or State superintendent shall review the application and forward a recommendation to the commissioner within 60 days of receipt of the application. The commissioner shall have final authority to grant or reject a charter application.

d. The local board of education or a charter school applicant may appeal the decision of the commissioner to the State Board of Education. The State board shall render a decision

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within 30 days of the date of the receipt of the appeal. If the State board does not render a decision within 30 days, the decision of the commissioner shall be deemed final.

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

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

**Adopted.** L.1995,c.426,s.4; effective January 11, 1996. **Amended.** L. 2000,c.142,s.1, effective November 2, 2000; L. 2002 c. 123, s.1, effective December 12, 2002.

### **18A:36A-5. Application to establish a charter school.**

The application for a charter school shall include the following information:

- a. The identification of the charter applicant;
- b. The name of the proposed charter school;
- c. The proposed governance structure of the charter school including a list of the proposed members of the board of trustees of the charter school or a description of the qualifications and method for the appointment or election of members of the board of trustees;
- d. The educational goals of the charter school, the curriculum to be offered, and the methods of assessing whether students are meeting educational goals. Charter school students shall be required to meet the same testing and academic performance standards as established by law and regulation for public school students. Charter school students shall also meet any additional assessment indicators which are included within the charter approved by the commissioner;
- e. The admission policy and criteria for evaluating the admission of students which shall comply with the requirements of section 8 of this act;
- f. The age or grade range of students to be enrolled;

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- g. The school calendar and school day schedule;
- h. A description of the charter school staff responsibilities and the proposed qualifications of teaching staff;
- i. A description of the procedures to be implemented to ensure significant parental involvement in the operation of the school;
- j. A description of, and address for, the physical facility in which the charter school will be located;
- k. Information on the manner in which community groups will be involved in the charter school planning process;
- l. The financial plan for the charter school and the provisions which will be made for auditing the school pursuant to the provisions of N.J.S.18A:23-1;
- m. A description of and justification for any waivers of regulations which the charter school will request; and
- n. Such other information as the commissioner may require.

**Adopted.**L.1995,c.426,s.5, effective January 11, 1996.

### ***18A:36A-6. Authority of charter; compliance with Open Public Meetings Act.***

A charter school established pursuant to the provisions of this act shall be a body corporate and politic with all powers necessary or desirable for carrying out its charter program, including, but not limited to, the power to:

- a. Adopt a name and corporate seal; however, any name selected shall include the words "charter school;"
- b. Sue and be sued, but only to the same extent and upon the same conditions that a public entity can be sued;
- c. Acquire real property from public or private sources, by purchase, lease, lease with an option to purchase, or by gift, for use as a school facility;
- d. Receive and disburse funds for school purposes;
- e. Make contracts and leases for the procurement of services, equipment and supplies;

- f. Incur temporary debts in anticipation of the receipt of funds;
- g. Solicit and accept any gifts or grants for school purposes; and
- h. Have such other powers as are necessary to fulfill its charter and which are not inconsistent with this act or the requirements of the commissioner.

The board of trustees of a charter school shall comply with the provisions of the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.).

**Adopted.** L.1995,c.426,s.6, effective January 11, 1996.

**18A:36A-7. Student eligibility for enrollment; nondiscrimination.**

A charter school shall be open to all students on a space available basis and shall not discriminate in its admission policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a handicapped person, proficiency in the English language, or any other basis that would be illegal if used by a school district; however, a charter school may limit admission to a particular grade level or to areas of concentration of the school, such as mathematics, science, or the arts. A charter school may establish reasonable criteria to evaluate prospective students which shall be outlined in the school's charter.

**Adopted.** L.1995,c.426,s.7, effective January 11, 1996.

**18A:36A-8. Enrollment preference to students residing within charter school district; tuition; continued enrollment; preference for siblings of enrollees; diversity.**

a. Preference for enrollment in a charter school shall be given to students who reside in the school district in which the charter school is located. If there are more applications to enroll in the charter school than there are spaces available, the charter school shall select students to attend using a random selection process. A charter school shall not charge tuition to students who reside in the district

b. A charter school shall allow any student who was enrolled in the school in the immediately preceding school year to enroll in the charter school in the appropriate grade unless the appropriate grade is not offered at the charter school.

c. A charter school may give enrollment priority to a sibling of a student enrolled in the charter school.

d. If available space permits, a charter school may enroll non-resident students. The terms and condition of the enrollment shall be outlined in the school's charter and approved by the commissioner.

e. The admission policy of the charter school shall, to the maximum extent practicable, seek the enrollment of a cross section of the community's school age population including racial and academic factors.

**Adopted.** L.1995,c.426,s.8, effective January 11, 1996.

**18A:36A-9. Student withdrawal from charter school.**

A student may withdraw from a charter school at any time. A student may be expelled from a charter school based on criteria determined by the board of trustees, which are consistent with the provisions of N.J.S.18A:37-2, and approved by the commissioner as part of the school's charter. Any expulsion shall be made upon the recommendation of the charter school principal, in consultation with the student's teachers.

**Adopted.** L.1995,c.426,s.9, effective January 11, 1996.

**18A:36A-10. Location and facilities of charter school**

A charter school may be located in part of an existing public school building, in space provided on a public work site, in a public building, or any other suitable location. The facility shall be exempt from public school facility regulations except those pertaining to the health or safety of the pupils. A charter school shall not construct a facility with public funds other than federal funds.

**Adopted.** L.1995,c.426,s.10, effective January 11, 1996. **Amended.** L. 2002, c.10, s.1, effective March 19, 2002.

**18A:36A-11. Operation in accordance with charter; exemptions from State regulations; handicapped students and compliance with N.J.S.A. 18A:46; discrimination.**

a. A charter school shall operate in accordance with its charter and the provisions of law and regulation which govern other public schools; except that, upon the request of the board of trustees of a charter school, the commissioner may exempt the school from State regulations concerning public schools, except those pertaining to assessment, testing, civil rights and student health and safety, if the board of trustees satisfactorily demonstrates to the commissioner that the exemption will advance the educational goals and objectives of the school.

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b. A charter school shall comply with the provisions of chapter 46 of Title 18A of the New Jersey Statutes concerning the provision of services to handicapped students; except that the fiscal responsibility for any student currently enrolled in or determined to require a private day or residential school shall remain with the district of residence.

Within 15 days of the signing of the Individualized Education Plan, a charter school shall provide notice to the resident district of any individualized education plan which results in a private day or residential placement. The resident district may challenge the placement within 30 days within accordance with the procedures established by law.

c. A charter school shall comply with applicable State and federal anti-discrimination statutes.

**Adopted.** L.1995,c.426,s.6, effective January 11, 1996. **Amended.** L. 2007, c. 260, s 57, effective January 13, 2008 and shall first apply to the 2008-2009 school year.

### **18A:36A-12. Payments by school district of residence; limitations; aid payments.**

a. (Deleted by amendment, P.L.2007, c.260)

b. The school district of residence shall pay directly to the charter school for each student enrolled in the charter school who resides in the district an amount equal to 90% of the sum of the budget year equalization aid per pupil and the prebudget year general fund tax levy per pupil inflated by the CPI rate most recent to the calculation. In addition, the school district of residence shall pay directly to the charter school the security categorical aid attributable to the student and a percentage of the district's special education categorical aid equal to the percentage of the district's special education students enrolled in the charter school and, if applicable, 100% of preschool education aid. The district of residence shall also pay directly to the charter school any federal funds attributable to the student.

c. (Deleted by amendment, P.L. 2007, c. 260)

d. Notwithstanding the provisions of subsection b. of this section, in the case of a student who was not included in the district's projected resident enrollment for the school year, the State shall pay 100% of the amount required pursuant to subsection b. of this section for the first year of the student's enrollment in the charter school.

e. The State shall make payments required pursuant to subsections d. of this section directly to the charter school.

**Adopted.** L.1995,c.426,s.12; effective January 11, 1996. **Amended.** L. 2000,c.142,s 2, effective November 2, 2000, and shall first apply to the 2000-2001 school year; L. 2007, c. 260,s 58, effective January 13, 2008, and shall first apply to the 2008-2009 school year.

**18A:36A-13. Transportation for students residing in school districts.**

The students who reside in the school district in which the charter school is located shall be provided transportation to the charter school on the same terms and conditions as transportation is provided to students attending the schools of the district. Non-resident students shall receive transportation services pursuant to regulations established by the State board.

**Adopted.** L.1995,c.426,s.13, effective January 11, 1996.

**18A:36A-14. Budgeting; curriculum; operating procedures; liability insurance; membership in bargaining unit; staff certification; leaves of absence; tenure; termination.**

a. The board of trustees of a charter school shall have the authority to decide matters related to the operations of the school including budgeting, curriculum, and operating procedures, subject to the school's charter. The board shall provide for appropriate insurance against any loss or damage to its property or any liability resulting from the use of its property or from the acts or omissions of its officers and employees.

b. In the case of a currently existing public school which becomes a charter school pursuant to the provisions of subsection b. of section 4 of this act, all school employees of the charter school shall be deemed to be members of the bargaining unit defined in the applicable agreement and shall be represented by the same majority representative organization as the employees covered by that agreement. In the case of other charter schools, the board of trustees of a charter school shall have the authority to employ, discharge and contract with necessary teachers and nonlicensed employees subject to the school's charter. The board of trustees may choose whether or not to offer the terms of any collective bargaining agreement already established by the school district for its employees, but the board shall adopt any health and safety provisions of the agreement. The charter school and its employees shall be subject to the provisions of the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.). A charter school shall not set a teacher salary lower than the minimum teacher salary specified pursuant to section 7 of P.L.1985, c.321 (C.18A:29-5.6) nor higher than the highest step in the salary guide in the collective bargaining agreement which is in effect in the district in which the charter school is located.

c. All classroom teachers and professional support staff shall hold appropriate New Jersey certification. The commissioner shall make appropriate adjustments in the alternate route program in order to expedite the certification of persons who are qualified by education and experience.

d. A public school employee, tenured or non-tenured, may request a leave of absence of up to three years from the local board of education or State district superintendent in order to work in a charter school. Approval for a leave of absence shall not be unreasonably withheld.

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Employees on a leave of absence as provided herein shall remain in, and continue to make contributions to, their retirement plan during the time of the leave and shall be enrolled in the health benefits plan of the district in which the charter school is located. The charter school shall make any required employer's contribution to the district's health benefits plan.

e. Public school employees on a leave shall not accrue tenure in the public school system but shall retain tenure, if so applicable, and shall continue to accrue seniority, if so applicable, in the public school system if they return to their non-charter school when the leave ends. An employee of a charter school shall not accrue tenure pursuant to N.J.S.18A:17-2, N.J.S.18A:17-3, or N.J.S.18A:28-5, but shall acquire streamline tenure pursuant to guidelines promulgated by the commissioner, and the charter shall specify the security and protection to be afforded to the employee in accordance with the guidelines.

f. Any public school employee who leaves or is dismissed from employment at a charter school within three years shall have the right to return to the employee's former position in the public school district which granted the leave of absence, provided the employee is otherwise eligible for employment in the public school.

**Adopted.** L.1995,c.426,s.14, effective January 11, 1996.

### **18A:36A-15. Complaints; hearings.**

Any individual or group may bring a complaint to the board of trustees of a charter school alleging a violation of the provisions of this act. If, after presenting the complaint to the board of trustees, the individual or group determines that the board of trustees has not adequately addressed the complaint, they may present that complaint to the commissioner who shall investigate and respond to the complaint. The board shall establish an advisory grievance committee consisting of both parents and teachers who are selected by the parents and teachers of the school to make nonbinding recommendations to the board concerning the disposition of a complaint.

**Adopted.** L.1995,c.426,s.15, effective January 11, 1996.

### **18A:36A-16. Assessment by Commissioner annually; county superintendent access for review; annual reports to local boards; public hearings in 2002.**

a. The commissioner shall annually assess whether each charter school is meeting the goals of its charter, and shall conduct a comprehensive review prior to granting a renewal of the charter. The county superintendent of schools of the county in which the charter school is located shall have on-going access to the records and facilities of the charter school to ensure that the charter school is in compliance with its charter and that State board regulations concerning assessment, testing, civil rights, and student health and safety are being met.

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b. In order to facilitate the commissioner's review, each charter school shall submit an annual report to the local board of education, the county superintendent of schools, and the commissioner in the form prescribed by the commissioner. The report shall be received annually by the local board, the county superintendent, and the commissioner no later than August 1.

The report shall also be made available to the parent or guardian of a student enrolled in the charter school.

c. By April 1, 2001, the commissioner shall hold public hearings in the north, central, and southern regions of the State to receive input from members of the educational community and the public on the charter school program.

d. The commissioner shall commission an independent study of the charter school program. The study shall be conducted by an individual or entity identified with expertise in the field of education and the selection shall be approved by the Joint Committee on the Public Schools. The individual or entity shall design a comprehensive study of the charter school program.

e. The commissioner shall submit to the Governor, the Legislature, and the State Board of Education by October 1, 2001 an evaluation of the charter school program based upon the public input required pursuant to subsection c. of this section and the independent study required pursuant to subsection d. of this section. The evaluation shall include, but not be limited to, consideration of the following elements:

(1) the impact of the charter school program on resident districts' students, staff, parents, educational programs, and finances;

(2) the impact of the charter school program and the increased number of schools on the economics of educational services on a Statewide basis;

(3) the fairness and the impact of the reduction of available resources on the ability of resident districts to promote competitive educational offerings;

(4) the impact of the shift of pupils from nonpublic schools to charter schools;

(5) the comparative demographics of student enrollments in school districts of residence and the charter schools located within those districts. The comparison shall include, but not be limited to, race, gender, socioeconomic status, enrollment of special education students, enrollment of students of limited English proficiency, and student progress toward meeting the core curriculum content standards as measured by student results on Statewide assessment tests;

(6) the degree of involvement of private entities in the operation and financial support of charter schools, and their participation as members of charter school boards of trustees;

(7) verification of the compliance of charter schools with applicable laws and regulations;

(8) student progress toward meeting the goals of the charter schools;

(9) parent, community and student satisfaction with charter schools;

(10) the extent to which waiting lists exist for admission to charter schools and the length of those lists;

(11) the extent of any attrition among student and faculty members in charter schools; and

(12) the results of the independent study required pursuant to subsection d. of this section.

The evaluation shall include a recommendation on the advisability of the continuation, modification, expansion, or termination of the program. If the evaluation does not recommend termination, then it shall include recommendations for changes in the structure of the program which the commissioner deems advisable. The commissioner may not implement any recommended expansion, modification, or termination of the program until the Legislature acts on that recommendation.

**Adopted.** L.1995,c.426,s.6, effective January 11, 1996. **Amended.** 2000,c.142,s.3, effective November 2, 2000.

**18A:36A-17. Duration of charter grants; revocation; probationary status.**

A charter granted by the commissioner pursuant to the provisions of this act shall be granted for a four-year period and may be renewed for a five-year period. The commissioner may revoke a school's charter if the school has not fulfilled any condition imposed by the commissioner in connection with the granting of the charter or if the school has violated any provision of its charter. The commissioner may place the charter school on probationary status to allow the implementation of a remedial plan after which, if the plan is unsuccessful, the charter may be summarily revoked. The commissioner shall develop procedures and guidelines for the revocation and renewal of a school's charter.

**Adopted.** L.1995,c.426,s.17, effective January 11, 1996.

**18A:36A-17.1. Commissioner's actions relative to possible loss, not granting of charter.**

If at any time the commissioner determines that a board of trustees is in jeopardy of losing its charter or an applicant is in jeopardy of not being granted a charter, the commissioner shall so notify the board of trustees or the applicant. The board of trustees or the applicant shall, within 48 hours of receipt of such notification, provide to the commissioner, in writing, a complete list of the names and addresses of all students and staff currently enrolled and working in the school, or in the case of an applicant, a complete list of the names and addresses of all students and staff intending to enroll or work at the school, so the commissioner may send the appropriate notice to the parents or guardians and staff.

**Adopted.** L.2000,c.142,s.4, effective November 2, 2000.

**18A:36A-18. Rules and regulations.**

The State Board of Education shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the provisions of this act.

**Adopted.** L.1995,c.426,s.18, effective January 11, 1996.

**APPENDIX B**

**NEW JERSEY ADMINISTRATIVE CODE, CHARTER SCHOOLS**

**N.J.A.C. 6A:11**

**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. The rules for conducting the financial operations of the charter schools are set forth in the finance and business services rules at N.J.A.C. 6A:23-9.

(b) The 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.

**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).

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"Approval for 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).

"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:23, 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.

"Contiguous district boards of education" means school districts that comprise a region of residence that all share a common border.

"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.

"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 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 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. 6A:23-2.1.

"In-depth interview" means the performance assessment of the founders of a charter school during the application and approval process for a charter.

"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.

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"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 school district outside the district of residence of the charter school.

"Non-resident student" means a student from a non-resident district attending a 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).

"Preparedness visit" means the on-site inspection by Department personnel that gauges readiness for school opening. The preparedness visit shall include a review of program and fiscal documentation and interviews with board of trustee members and staff members of the proposed charter school.

"Region of residence" means contiguous school districts in which a charter school operates and is the charter school's district of residence.

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

"School official" means a member of the board of trustees or an administrator of a charter school.

"School year" means July 1 to June 30 of any given academic year. If operating with an extended school year, this term means an alternate fiscal year beginning no later than September 1 and ending no later than August 31 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.

"Structured interview" means the performance assessment of the accomplishments of a charter school during the first three years of its charter for renewal of the charter.

"Waiting list" means the document identifying the names of grade-eligible students with applications to a charter school pending acceptance for the subsequent school year, based upon the order of random selection from a lottery following a recruitment period.

**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:36-1 et seq. may approve 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 State district superintendent(s) of the district of residence of the proposed charter school.

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

1. Complete the New Jersey Charter School 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. Needs analysis;
- iv. Founders;
- v. Student discipline policy and expulsion criteria;
- vi. Special populations;
- vii. Transportation;
- viii. Self-evaluation process;
- ix. Insurance;
- x. Timetable; and
- xi. Educational equity and access.

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

- i. Include as founders a teaching staff member or a parent with a child attending a school of the district board of education 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

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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 a hand-delivered or mailed copy of the completed application 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 proposed charter school no later than 4:15 P.M. on March 31. If March 31 falls on a weekend, the application is due no later than 4:15 P.M. 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 applicant shall submit addenda to the Department of Education and the district board(s) of education or State district superintendents of the school district(s) of residence of the proposed charter school.

(e) The Department of Education shall evaluate the addenda.

(f) The district boards of education or State district superintendents 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 State district superintendents shall be forwarded to the Commissioner within 60 days of receipt of the applications.

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

(g) The Commissioner or designee(s) shall conduct an in-depth interview with each eligible applicant for a charter school.

(h) The Commissioner shall notify eligible applicants regarding approval or denial of applications by September 30. The notification to eligible applicants who are not approved as charter schools shall include reasons for the denials.

(i) The Commissioner may approve an application for a charter which shall be effective when all necessary documents and information are received by the Commissioner. The charter school shall submit on or before the dates specified in the letter of approval the documentation not available at the time of the application submission including, but not limited to, copies of:

1. A directory of the current members of the board of trustees;
2. The bylaws of the board of trustees;
3. The Certificate of Incorporation;
4. The Federal Employer Identification Number;
5. The Credit Authorization Agreement for Automatic Deposits;

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6. The lease, mortgage or title to its facility;
7. The certificate of occupancy for "E" (education) use issued by the local municipal enforcing official at N.J.A.C. 5:23-2;
8. The sanitary inspection report with satisfactory rating;
9. The fire inspection certificate with "Ae" (education) code life hazard use at N.J.A.C. 5:70-4;
10. A list of the lead person, teachers and professional support staff;
11. The Authorization for Emergent Hiring Pending Completion of Criminal History Check form or Criminal History Approval letter for each employee of the charter school;
12. Evidence of a uniform system of double-entry bookkeeping that is consistent with generally accepted accounting principles (GAAP);
13. The resolution of the board of trustees naming the Affirmative Action Officer, the Section 504 Officer and the Title IX Coordinator;
14. Evidence of enrollment of at least 90% of approved maximum enrollment, as verified by student registrations signed by parent/guardian(s); and
15. Documentation that ensures compliance with all applicable Federal and State regulations and statutes.

(j) Prior to final granting of the charter, a preparedness visit to prospective charter schools will be conducted by the Department.

(k) Prior to the granting of the charter, 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(a) and (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 January 15.

(l) All statutorily required documentation shall be submitted to the Department of Education by June 30. The final granting of the charter by the Commissioner shall be effective when all required documentation as listed in (i) above is submitted and approved by the Department of Education no later than July 15.

(m) A charter school shall locate its facility in its district of residence or in one of the districts of its region of residence.

### **6A:11-2.2 Reporting**

(a) 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 county superintendent of schools and the district board(s)

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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, 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 New Jersey 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. The resolution of the board of trustees naming the lead person of the charter school;
- ii. A directory of the current members of the board of trustees;
- iii. Amendments to the bylaws of the board of trustees adopted during the previous year;
- iv. A calendar for the upcoming school year; and
- v. The resolution of the board of trustees naming the Affirmative Action Officer, the Section 504 Officer and the Title IX Coordinator.

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;
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;
3. An annual sanitary inspection report with satisfactory rating;

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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;

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; and

7. Evidence of a uniform system of double-entry bookkeeping that is consistent with generally accepted accounting principles (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 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;

2. The review of a charter school's annual reports pursuant to N.J.A.C. 6A:11-2.2(a);

3. 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;

4. Student performance on the Statewide Assessment Program pursuant to N.J.A.C. 6A:8-4.1;

5. Monitoring of the charter school by the county superintendent;

6. Monitoring of the charter school by the Commissioner or designee(s);

7. The annual assessments of student composition of the charter school;

8. 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; and

9. 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.

(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. The notification to a charter school that is not granted a renewal shall include reasons for the denial.

**6A:11-2.4 Probation and revocation of charter**

(a) The Commissioner may place a charter school on probationary status for a period of 90 days 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 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 remedial plan is implemented and the causes for the probationary status are corrected.

5. The Commissioner may grant an extension to the probationary status where warranted and extend the probationary period for an additional 90 days if the charter school has implemented its remedial plan but needs additional time to complete the implementation of its corrections.

(b) The Commissioner may revoke a school's charter following review by the Department of Education for one or more of the following reasons:

1. Any condition imposed by the Commissioner in connection with the granting of the charter which has not been fulfilled by the school; or

2. Violation of any provision of its charter by the school.

3. Failure of the remedial plan to correct the conditions which caused the probationary status.

(c) The Commissioner shall notify a charter school in writing of the revocation and may allow a charter school up to a maximum of 60 days from the receipt of the revocation notice from the Commissioner to cease its operations.

**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.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. 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 October 15 of the previous school year to increase enrollment in the subsequent school year.

2. The amendment shall not change the mission, goals and objectives of a charter school.

(b) The Department of Education 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.

(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 21 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.

**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 the 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 which 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.

#### **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, Student Records.

##### **6A:11-4.3 Student attendance**

A charter school shall record student attendance in the school register during school hours on each day that the school is in session in accordance with N.J.A.C. 6A:32-8.1 (c).

##### **6A:11-4.4 Initial recruitment period**

(a) No later than January 15 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:23-9.4.

(c) A charter school may conduct subsequent recruitment and enrollment periods if vacancies remain in its enrollment after the initial recruitment period.

**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.

**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.

**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 New Jersey Core Curriculum Content Standards for high school graduation in accordance with N.J.S.A. 18A:7A-4 and 18A:7A-5 and N.J.A.C. 6A:15.

**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.

**6A:11-4.9 Home instruction for students**

A charter school shall provide home instruction due to temporary illness or injury for an enrolled student in accordance with N.J.A.C. 6A:16-10.1.

**6A:11-4.10 Pupil transportation**

In accordance with N.J.S.A. 18A:36A-13 and N.J.A.C. 6A:27-3.1, a district board of education shall provide transportation or aid in lieu of transportation to a student in kindergarten through grade 12 who attends a charter school.

**6A:11-4.11 Board of trustees and Open Public Meetings Act**

(a) A charter school shall constitute its board of trustees no later than April 15 of the year in which its application is approved.

(b) The board of trustees of a charter school shall operate in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.

(c) The board of trustees shall send a copy of all meeting notices and meeting minutes to the respective county superintendent of schools.

(d) The board of trustees shall include a report on changes in student enrollment in the monthly minutes.

**6A:11-4.12 Equity in education**

A charter school shall comply with all applicable laws and regulations governing equity in education including, but not limited to: N.J.S.A. 18A:36-20, N.J.S.A. 10:5-1 et seq., N.J.A.C. 6A:7, Titles VI and VII of the Civil Rights Act of 1964 at 42 U.S.C. §§ 2000d et seq. and 2000e et seq., respectively, Title IX of the Education Amendments of 1972 at 20 U.S.C. §§ 1681 et seq., Section 504 of the Rehabilitation Act of 1973 at 29 U.S.C. § 792, the Americans with Disabilities Act of 1990 at 42 U.S.C. §§ 12101 et seq. and the Individuals with Disabilities Education Act (IDEA--B) of 1997 at 20 U.S.C. §§ 1400 et seq., and 34 C.F.R. 300 et seq.

**6A:11-4.13 Financial operation of a charter school**

A charter school shall be subject to the provisions of the finance and business services rules, N.J.A.C. 6A:23.

**SUBCHAPTER 5. CERTIFICATION REQUIREMENTS FOR STAFF**

**6A:11-5.1 Certification**

(a) All classroom teachers, principals and professional support staff employed by the board of trustees of a charter school shall hold appropriate New Jersey certification in accordance with N.J.A.C. 6A:9-5.1.

(b) The board of trustees of a charter school shall employ or contract with:

1. A lead person or another person who holds a New Jersey standard school administrator or supervisor certificate or a New Jersey standard or provisional principal certificate in accordance with N.J.A.C. 6A:9-8.6 to direct and guide the work of instructional personnel including, but not limited to, the supervision and evaluation of staff and the development and implementation of curriculum; and

2. A person who holds a New Jersey standard or provisional school business administrator certificate in accordance with N.J.A.C. 6A:9-12.7 and 6A:23-9.3 to oversee fiscal operations of the charter school.

## **SUBCHAPTER 6. STREAMLINE TENURE**

### **6A:11-6.1 Tenure acquisition**

All teaching staff members, janitors and secretaries shall acquire streamline tenure in a charter school after three consecutive academic years, together with employment at the beginning of the next succeeding academic year, in accordance with the tenure acquisition criteria as set forth in N.J.S.A. 18A:28-5(b), 18A:28-6 and 18A:17-2(b)2.

### **6A:11-6.2 Filing of and response to tenure charges**

(a) Once streamline tenure is acquired, an employee of a charter school shall not be dismissed or receive reduced compensation except for inefficiency, incapacity, conduct unbecoming or other just cause.

(b) In all instances of the filing and certification of streamline-tenure charges, except inefficiency, the following procedures and timelines shall be observed:

1. The lead person of the charter school shall file written charge(s), executed under oath, accompanied by a supporting statement of evidence with the board of trustees.

2. The board of trustees shall transmit the charge(s) to the affected streamline-tenured employee within three work days of the date that they were filed with the board of trustees. Proof of mailing or hand delivery shall constitute proof of transmittal.

3. The affected tenured employee shall have the opportunity to respond to the charge(s) in a written statement of position and a written statement of evidence, both of which shall be executed under oath and submitted to the board of trustees within 15 days of receipt of the streamline-tenure charge(s).

4. Upon receipt of the affected employee's response, the board of trustees shall determine within 30 days whether there is probable cause to credit the evidence in support of the charge(s) and whether such charge(s), if credited, are sufficient to warrant a dismissal or reduction of compensation.

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5. The board of trustees must notify, in writing, the affected employee of its determination within 15 days. Proof of mailing or hand delivery shall constitute proof of notice.

6. If the board of trustees determines that there is probable cause to credit the charge(s), the board of trustees shall certify the charge(s) to the Commissioner.

7. If the affected employee wishes to contest the certified charge(s) filed against him or her, he or she shall do so in writing to the Commissioner within 15 days of receipt of the board of trustees' determination.

(c) In instances of the filing and certification of streamline-tenure charges for inefficiency, the following procedures and timelines shall be observed:

1. The lead person of the charter school shall file written charge(s), executed under oath, accompanied by a supporting statement of evidence with the board of trustees.

2. The board of trustees shall transmit the charge(s) to the affected streamline-tenured employee within three work days of the date that they were filed with the board of trustees. Proof of mailing or hand delivery shall constitute proof of transmittal.

3. Upon completion of the 90-day corrective action period, the lead person of the charter school shall notify the board of trustees in writing whether the inefficiencies were corrected.

4. The board of trustees shall transmit the notification to the affected streamline-tenured employee within three work days of the date that it was noticed. Proof of mailing or hand delivery shall constitute proof of transmittal.

5. The affected tenured employee shall have the opportunity to respond to the charge(s) in a written statement of position and a written statement of evidence, both of which shall be executed under oath and submitted to the board of trustees within 15 days of receipt of the inefficiency charge(s).

6. Upon receipt of the affected employee's response, the board of trustees shall determine within 30 days whether there is probable cause to credit the evidence in support of the charge(s) and whether such charge(s), if credited, are sufficient to warrant a dismissal or reduction of compensation.

7. The board of trustees must notify, in writing, the affected employee of its determination within 15 days. Proof of mailing or hand delivery shall constitute proof of notice.

8. If the board of trustees determines that there is probable cause to credit the charge(s), the board of trustees shall certify the charge(s) to the Commissioner.

9. If the affected employee wishes to contest the certified charge(s) filed against him or her, he or she shall do so in writing to the Commissioner within 15 days of receipt of the board of trustees' determination.

**6A:11-6.3 Arbitration**

(a) If the streamline-tenured employee contests the charge(s), an arbitrator from a panel of six permanent arbitrators shall be assigned by the Commissioner to determine the case. All employees who acquire streamline tenure in a charter school shall be subject to dismissal or a reduction in compensation only upon the determination of an arbitrator.

1. Arbitrators on the panel shall be listed in alphabetical order and assigned to hear streamline tenure cases on a rotating basis in the order that cases are filed with the Commissioner's office.

2. The hearing shall be held before the arbitrator within 30 days of the Commissioner's assignment of the arbitrator to the case.

3. All necessary discovery procedures shall be completed 15 days prior to the hearing. At least 10 days prior to the hearing, information and witness lists shall be exchanged between the parties.

4. The arbitrator shall render a decision within 20 days of the closing of the hearing.

(b) The decision of the arbitrator is final and binding and cannot be appealed to either the Commissioner or the State Board of Education. Said decision shall be subject to judicial review and enforcement as provided pursuant to N.J.S.A. 2A:24-7 through 24-10.

(c) The board of trustees of the charter school shall forward arbitration decisions to the State Board of Examiners.

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**APPENDIX C**

**Financial Data Request**

**COMPLETED FORMS SHOULD BE MAILED OR FAXED TO:**  
**Office of School Funding, New Jersey State Department of Education,**  
**P. O. Box 500, Trenton, NJ 08625-0500**  
**FAX (609) 292-6794**

**Name of Charter School** \_\_\_\_\_

**Location of Charter School:** \_\_\_\_\_

**District of Residence** \_\_\_\_\_  
**or**  
**Districts in Region of Residence** \_\_\_\_\_  
**(all must be contiguous)**

**County** \_\_\_\_\_

IMPORTANT NOTE: IF YOU CHOOSE TO HAVE A CHARTER IN WHICH ONE OF THE DISTRICT(S) OF RESIDENCE IS A PUBLIC SCHOOL DISTRICT THAT IS A REGIONAL SCHOOL DISTRICT, YOU MUST INCLUDE ALL OF THE PUBLIC SCHOOL DISTRICTS WHICH MAKE UP THE REGIONAL SCHOOL DISTRICT IN THE REGION OF RESIDENCE.

In accordance with N.J.S.A. 18A:36A *Charter School Program Act of 1995* and the **2010 New Jersey Charter School Application**, I am requesting the "total per-pupil amount" for both state share and local share in addition to the associated categorical aid to be calculated based on the following information:

<u>Grade Category</u>	<u>Projected First Year Charter School Enrollments by Grade</u>
Half Day K	_____
Full Day K - 5	_____
6 - 8	_____
9 - 12	_____
<b>Total</b>	_____

\* No charter school aid funding is provided for Pre-K students.

*I understand the financial data that will be forwarded to the address below is preliminary and for planning purposes only and is subject to change.*

**Charter School Applicant Representative** \_\_\_\_\_ **Email** \_\_\_\_\_

**Signature** \_\_\_\_\_

**Address** \_\_\_\_\_

**City/Town** \_\_\_\_\_ **Zip** \_\_\_\_\_

**Telephone** \_\_\_\_\_ **Cell Phone/Alternate phone** \_\_\_\_\_ **Fax** \_\_\_\_\_

**NEW JERSEY CHARTER SCHOOL APPLICATION**

**APPENDIX D**

**New Jersey Department of Education  
Receipt of 2010 Charter School Application**

Name of Charter School: \_\_\_\_\_

Delivered To: \_\_\_\_\_  
County/District

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Received By: \_\_\_\_\_  
Please Print Name and Title

Signature: \_\_\_\_\_

**New Jersey Department of Education  
Receipt of 2010 Charter School Application**

Name of Charter School: \_\_\_\_\_

Delivered To: \_\_\_\_\_  
County/District

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Received By: \_\_\_\_\_  
Please Print Name and Title

Signature: \_\_\_\_\_