

SB #7-97

IN THE MATTER OF THE DENIAL OF :
THE CHARTER SCHOOL APPLICATION :
OF THE CHARTER SCHOOL FOR THE : STATE BOARD OF EDUCATION
HUMANITIES AND TECHNOLOGY AT : DECISION
JARRETS RUN, ATLANTIC COUNTY. :

Decided by the Commissioner of Education, January 14, 1997

For the Appellant, Sarah Rennick, pro se

The Charter School for Technology and the Humanities at Jarrets Run (hereinafter "appellant" or "Jarrets Run") filed an appeal to the State Board from a letter decision of the Commissioner of Education dated January 14, 1997 denying its application to establish a charter school in the 1997-98 academic year. In a statement of reasons dated February 14, 1997, the Commissioner indicated that appellant was not eligible for a charter since it was an existing private school applying for charter school status.

Appellant filed a brief in support of its appeal, and a Deputy Attorney General representing the Commissioner filed an application to participate and a brief in response to the arguments supporting the appeal.

In view of the extremely stringent time limit under which the Legislature has required us to decide appeals of this type, N.J.S.A. 18A:36A-4(d), we have determined to consider all of the documents that have been filed in this matter. In addition, we have reviewed the record provided to us on behalf of the Commissioner. After careful consideration of this matter under the terms of the pertinent statutes, we agree with the decision of the Commissioner to deny the charter in this case.

In enacting the Charter School Program Act of 1995 (“Act”), N.J.S.A. 18A:36A-1 et seq., the Legislature found that charter schools could assist educational improvement by providing a variety of educational approaches which might not be available in the traditional public school classroom. In order to encourage the establishment of such schools, the Act directs the Commissioner to establish a program for the approval and granting of charters pursuant to the Act. N.J.S.A. 18A:36A-3. It also delineates the procedure for establishing a charter school and establishes criteria for eligibility. N.J.S.A. 18A:36A-4.

In addition, the Act mandates the specific information which must be included in an application for a charter school. That information, which is expressly enumerated in N.J.S.A. 18A:36A-5, includes: 1) identification of the charter applicant, 2) the name of the proposed charter school, 3) the proposed governance structure of the school, including a list of the proposed members of the board of trustees or a description of their qualifications and method of appointment or election, 4) the school’s educational goals, the curriculum to be offered and the methods of assessing whether students are meeting educational goals, 5) the admission policy and criteria for evaluating the admission of students, 6) the age or grade range of students to be enrolled, 7) the

school calendar and school day schedule, 8) a description of the charter school staff responsibilities and proposed qualifications, 9) a description of procedures to ensure parental involvement, 10) a description of and address for the physical facility in which the school will be located, 11) information on how community groups will be involved in the planning process, 12) the financial plan for the school and provisions for auditing, 13) a description of and justification for any waivers of regulations which the school will request, and 14) such other information as the Commissioner may require.

The application, as defined in N.J.S.A. 18A:36A-5, must be submitted to the Commissioner and the local board for review in the school year preceding that in which the charter school will be established. N.J.S.A. 18A:36A-4(c). The Commissioner has the final authority to grant or reject a charter application, id., but a district board or a charter school applicant may appeal his decision to the State Board. N.J.S.A. 18A:36A-4(d). In the absence of regulations, we find it necessary to consider the application under the terms of the pertinent statute.

N.J.S.A. 18A:36A-4(a) provides that “[a] private or parochial school shall not be eligible for charter school status.” In this instance, the Commissioner determined that appellant was an existing private school applying for charter school status. In that we find that appellant has failed to establish that it is an entity which is entirely separate and distinct from the existing private school, we agree with the Commissioner that appellant is not eligible for a charter in 1997-98.

March 26, 1997

Date of mailing _____