

SB #12-97

IN THE MATTER OF THE DENIAL OF :  
THE CHARTER SCHOOL APPLICATION :  
OF THE NEW HORIZON ACADEMY : STATE BOARD OF EDUCATION  
CHARTER SCHOOL, MONMOUTH : DECISION  
COUNTY. :

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Decided by the Commissioner of Education, January 14, 1997

For the Appellant, Mel Reid, pro se

The New Horizon Academy Charter School (hereinafter “appellant”) 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 18, 1997, the Commissioner indicated that the application contained inadequate or insufficient information in many program areas and a weak financial plan, specifically, that the budget and cash flow did not match.

After a careful review of the record under the terms of the pertinent statutes, we agree with the ultimate determination of the Commissioner to deny the charter in this case, but we modify his analysis.<sup>1</sup>

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<sup>1</sup> We note that appellant did not file a brief in support of its appeal.

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.

The record reveals that the “Final Application” submitted by appellant in October 1996 was assessed by two reviewers. Those reviewers identified the application as inadequate and/or failing to provide sufficient information in the following areas: description of founders, governance structure, educational program, admission policy, at-risk students, staff, parental involvement, facility, financial plan, self-evaluation and transportation. A separate budget review found that appellant had failed to provide sufficient information.

A tally sheet dated November 7, 1996 summarized the “Final Application” as inadequate in its description of founders, governance structure, educational program, admission policy, at-risk students, staff, parental involvement, facility and transportation. The application was given an overall rating of inadequate, and the tally noted that the application required major revisions. A recommendation was made to reject the application.

Our own review of the record indicates that the application fails to satisfy the minimal statutory standards. Given the inadequacies identified in the application, we find that it includes such programmatic and financial deficiencies as to preclude the grant of a charter to appellant at this time.

Consequently, we conclude that appellant has failed to demonstrate its entitlement to establish a charter school in 1997-98. We stress that our determination herein is limited to the 1997-98 school year and is without prejudice to appellant's ability to apply for a charter in any subsequent years.

March 26, 1997

Date of mailing \_\_\_\_\_