

SB #5-02

IN THE MATTER OF THE NONRENEWAL :
OF THE CHARTER OF THE GREATER : STATE BOARD OF EDUCATION
TRENTON AREA ACADEMIC AND : DECISION
TECHNOLOGY CHARTER SCHOOL, :
MERCER COUNTY. :

Decided by the Commissioner of Education, December 17, 2001

Decision on motion by the State Board of Education, March 6, 2002

For the Appellant, Harvey C. Johnson, Esq.

For the Participant Commissioner of Education, Allison Colsey Eck,
Deputy Attorney General (David Samson, Attorney General of New
Jersey)

In a letter decision dated December 17, 2001, the Commissioner of Education determined that the charter for the Greater Trenton Area Academic and Technology Charter School (hereinafter “appellant”), which was due to expire on June 30, 2002, would not be renewed for an additional five-year period. See N.J.S.A. 18A:36A-17; N.J.A.C. 6A:11-2.3(b). Observing that the School had indicated in its charter application “its commitment to providing an education of excellence and a challenging curriculum that meets or exceeds State and National standards,” the Commissioner found that “throughout its four-year tenure, the school has not made reasonable progress in meeting this basic provision of its charter. In addition, the school’s academic records

indicate high failure rates and a lack of alignment among the Core Curriculum Content Standards, curriculum and assessment.” Commissioner’s Decision, slip op. at 1.

Specifically, the Commissioner found that the School’s student achievement results continued to be weak on both statewide and locally-administered assessments and that there was no evidence that the School had undertaken an examination of results to drive improvements; that the School’s academic records demonstrated a lack of alignment among the Core Curriculum Content Standards, curriculum and assessment measures; that grade-level academic reports indicated that there were significant failure rates across the content areas; that the School’s enrollment had declined; that the School had not ensured the provision of major deliverables; and that the Board of Trustees had failed to implement an accountability plan that provided adequate means to monitor academic progress. Consequently, the Commissioner directed the School to cease operations on June 30, 2002.

On January 16, 2002, the Charter School filed the instant appeal to the State Board, and on March 6, 2002, we granted the Commissioner’s motion to participate in this matter.

After a thorough review of the entire record, we affirm the Commissioner’s decision. Initially, we reject the appellant’s contention that the Commissioner should have provided it with a probationary period to correct its deficiencies. Neither the Charter School Program Act of 1995, N.J.S.A. 18A:36A-1 et seq., nor the implementing regulations require the Commissioner to provide a charter school with a probationary period before he denies its renewal request. In the Matter of the Nonrenewal of the Charter of the Samuel DeWitt Proctor Academy Charter School, decided by the State

Board of Education, August 1, 2001. See N.J.S.A. 18A:36A-17; N.J.A.C. 6A:11-2.3 and 6A:11-2.4. Rather, N.J.A.C. 6A:11-2.3(b) requires that the Commissioner base his determination on whether to grant or deny a renewal application on a “comprehensive review of the school.” The record reveals that the Commissioner did perform such a review in this instance.

Our own review of that record confirms the deficiencies cited by the Commissioner and substantiates the seriousness of those deficiencies. Further, the record shows not only that these deficiencies existed, but that they had been brought to the School’s attention repeatedly. For example, the Charter School was notified by the Director of the Office of School Choice in October 2000 following an on-site program review that corrective action was required in order to bring its program into compliance with the Charter School Program Act. The items identified included the need for the School’s curriculum to be revised in order to reflect alignment with the Core Curriculum Content Standards. By letter dated August 7, 2001, the School was informed that its corrective action plan had not fully addressed that deficiency.

In addition, following a site visit in November 2000, the Coordinator of the Office of School Choice found that staff morale was low, the School was understaffed, additional office staff were required, in-service training in management/discipline techniques, special education and the curriculum needed to be provided, additional resources and supplies were required, the School had virtually no waiting list and was undersubscribed, the School had experienced substantial staff turnover, several employment contracts were “questionable,” and efforts needed to be made to “return a sense of stability, order and purpose to the school.” The record shows that many of

these deficiencies persisted when the School subsequently sought renewal of its charter.

Accordingly, we conclude that the Commissioner's decision to deny the appellant's renewal application was appropriate, and we affirm that determination. In so doing, we reject the appellant's contention that its students' scores on the Grade Eight Proficiency Assessment ("GEPA") demonstrate the School's academic success. Scrutiny of those test results reveals that only 36 students from the Charter School were tested in 2001 and that only 11 were tested in 2000. The appellant cannot claim academic success on the basis of such a limited sample, particularly in the face of the academic failure of its students across content areas as reflected by their high classroom failure rate.

Donald C. Addison, Jr. abstained.

May 1, 2002

Date of mailing _____