

SB # 3-03

IN THE MATTER OF THE GRANT OF :  
THE CHARTER SCHOOL APPLICATION : STATE BOARD OF EDUCATION  
OF THE JERSEY SHORE CHARTER : DECISION ON MOTION  
SCHOOL, MONMOUTH COUNTY. :

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Decided by the Commissioner of Education, January 15, 2003

Decision on motion by the State Board of Education, May 7, 2003

Decision on motion by the State Board of Education, June 4, 2003

For the Appellants, Wilentz, Goldman & Spitzer (Viola S. Lordi, Esq., of  
Counsel)

For the Respondent, Karen Bradley, pro se

For the Participant Commissioner of Education, Kathleen Asher, Deputy  
Attorney General (Peter C. Harvey, Attorney General of New  
Jersey)

By letter dated January 15, 2003, the Commissioner of Education granted contingent approval to the application submitted by the Jersey Shore Charter School to operate a charter school pursuant to the Charter School Program Act of 1995, N.J.S.A. 18A:36A-1 et seq. On February 14, 2003, the Boards of Education of West Long Branch, Eatontown and Oceanport filed the instant appeal to the State Board of Education challenging the Commissioner's decision.

On May 21, 2003, the Board of Education of the City of Long Branch filed a motion to intervene in this matter. In an affidavit submitted with the motion, the Whole

School Reform Facilitator for the Long Branch Board avers that the proposed charter school intends to enroll 30 students from Long Branch for the 2003-04 school year and that at least 22 of those students currently attend public school in Long Branch. Affidavit of Carmina Rodriguez-Villa, Ed.D., at 6. She further attests that Long Branch is an Abbott district with a high percentage of minority students and that the proposed school will have a negative impact on the racial balance in the district. Id. at 7.

The Commissioner, who has been granted participant status in these proceedings, filed a brief in opposition to the Long Branch Board's motion, contending that the district should not be permitted to intervene since it is not in the proposed school's region of residence.

After a review of the papers filed, we conclude, given the number of students involved, that the Long Branch Board will be substantially, specifically and directly affected by the outcome of this case. N.J.A.C. 1:1-16.1. Therefore, we grant its motion to intervene.

July 2, 2003

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