

NEW JERSEY

(Law passed in 1996; 15th weakest of the nation's 43 charter laws)



New Jersey's charter school dilemma is largely due to the fact that only the state can approve charter school applications. While New Jersey initially approved many charter schools, many of these schools never opened because of district opposition, and the state chose not to step in to advocate for the schools it had authorized. There has also been a battle the last few years over the legality of online and blended charter school models, preventing online charters from opening. Growth has been slow for some time, and there has been a shift away from opening independent, innovative schools to only focusing on replicating existing schools as a "safer" bet for the state.

INDEPENDENT OR MULTIPLE AUTHORIZERS - NO

APPROVAL	Only the State Commissioner of Education can approve charter school applications.
APPEAL	Yes. Applications denied may be appealed to the State Board of Education within 30 days of the date of the receipt of the denial. Charters also have recourse in the court system.

OPERATIONAL AUTONOMY

STATE	No. Waiver requests from rules and regulations are considered on a case-by-case basis and must be in the charter application. The Department and the State Board of Education have imposed additional regulations over time that are not in law, including geographical restrictions, boundaries and residency requirements for applicants. Virtual schools are permitted legally, but not allowed based on the state commissioner of education's continual denial of virtual charter applications. Management contracts with ESPs are not restricted, but there are regulations as to what private management companies can and cannot do.
LOCAL	Limited. Waiver requests from rules and regulations are considered on a case-by-case basis and must be in the charter application. Charter schools are considered LEAs for special education responsibilities. Districts are prohibiting charter schools from opening by imposing or changing zoning laws, etc.
TEACHER FREEDOM	Yes for new starts; teachers may negotiate as a separate unit with the charter school governing body, or work independently. No for conversions; teachers remain covered by district collective bargaining agreement. Charter schools must participate in state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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NEW JERSEY

(Continued)



EQUITY

STUDENT FUNDING

Funds pass through the district. Law requires districts to pay for each student enrolled in the charter who resides in the district an amount equal to the lower of either 90 percent of the program budget per pupil or 90 percent of the “Thorough and Efficient Funding” amount, which is defined in state law. The money charter schools receive is often much less than this because they don’t receive adjustment aid given to districts under the School Funding Reform Act. Districts can charge up to ten percent for administrative fees.

“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 categorical aid attributed to the student, provided the student is receiving appropriate categorical services, and any federal funds attributed to the student...” N.J. Stat. Ann. § 18A:36A-12(b) (West)

FACILITIES FUNDS

No Additional Funds.

IMPLEMENTATION POINTS

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Two points are deducted for the slow growth of charter schools due to the reluctance of the state to approve independent charters or virtual charter schools.

[LINK TO THE NEW JERSEY CHARTER SCHOOL LAW](#)