

SB #88-98

IN THE MATTER OF THE FINAL GRANT :
OF A CHARTER FOR THE TEANECK : STATE BOARD OF EDUCATION
COMMUNITY CHARTER SCHOOL, : DECISION
BERGEN COUNTY. :

Decided by the Commissioner of Education, September 11, 1998

Remanded by the State Board of Education, November 4, 1998

Decision on remand by the Commissioner of Education, December 23, 1998

For the Appellant, Schenck, Price, Smith & King (Sidney A. Sayovitz, Esq., of Counsel)

For the Respondent, Carpenter, Bennett & Morrissey (Lois Goodman, Esq., of Counsel)

For the Participant Commissioner of Education, Michelle Lynn Miller, Deputy Attorney General (Peter Verniero, Attorney General of New Jersey)

On October 9, 1998, the Board of Education of the Township of Teaneck (hereinafter "Board") filed an appeal to the State Board of Education from a grant of final approval given on September 11, 1998 by the Commissioner of Education to the Teaneck Community Charter School (hereinafter "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. (hereinafter "Act") for the period from July 1, 1998 through June 30, 2002.

On November 4, 1998, we remanded this matter to the Commissioner, finding that the record "reflect[ed]" significant departures from the procedural requirements of

the State Board's regulations which govern the charter school approval process." State Board's decision, slip op. at 5. In particular, we noted that the Commissioner had granted final approval to the school to operate for four years on the basis of a temporary certificate of use that was valid for five days on a temporary facility that the Charter School intended to use for approximately one month until its permanent facility was ready in October 1998. We therefore directed the Commissioner to verify that the Charter School had had a valid certificate of use during the entire period of its operation at its temporary facility, the St. Mark's Syrian Orthodox Cathedral, as well as to review and determine the suitability of Yeshiva High School for Girls, the Charter School's permanent facility, for educational purposes as required by N.J.S.A. 18A:36A-10. As part of this review, we directed the Commissioner to verify that all building deficiencies had been corrected and that all documentation required by N.J.A.C. 6A:11-2.1 had been submitted and approved.

On December 23, 1998, the Commissioner, upon review of additional documents submitted by the Charter School, concluded that the school "is a suitable facility for a charter school, has provided all necessary documentation, and was properly awarded a final charter." Commissioner's Decision on Remand, slip op. at 3.

After a careful review of the record, including the supplemental materials provided by the Charter School since our last decision, we find that the school has now satisfied the procedural requirements of N.J.A.C. 6A:11-2.1. Given that the school has now submitted all documentation required by N.J.A.C. 6A:11-2.1, see N.J.A.C. 6A:11-2.1(g) and (h), which documents have been approved by the Department, we approve the grant of a charter. We note, however, that the required documents were

neither requested by the Commissioner nor submitted by the Charter School until after our November 4, 1998 decision.¹

March 3, 1999

Date of mailing _____

¹ Indeed, the record indicates that the Charter School did not even receive a fire inspection certificate for its permanent facility, as required by N.J.A.C. 6A:11-2.1(g)6, until November 5, 1998, the day after our prior decision in this matter and more than three weeks after the school had relocated its students to that site.