The Garden State Coalition of Schools currently represents approximately 300,000 students from 100 school districts across the state, from Bergen to Camden counties. Pro-active volunteers in GSCS are parents, board of education members, and school administrators. Primarily suburban, GSCS’ current member districts range from district factor groups rankings CD to IJ.

GSCS recognizes that these regulations emphasize greater transparency and accountability, including performance measures, outreach and recruitment to all students within a given drawing area, as well as upgrading budgeting and certification processes, among others.

A main concern of GSCS regarding charter school policies is the clear lack of synchronization between the unrevised and not updated Charter School Law of 1995 to regulations being revised that must be framed by such an old law.

There are two particular ‘rubs’ for local districts that have evolved over time which are compounded by the growing expansion of charter schools in New Jersey: how charters are funded, and the lack of local input in charter approval process. More than 400 local districts funded the majority of their budgets via local taxes and near 200 districts fund almost their whole budgets via local property taxes without the benefit of state foundation aid. Thus local tax money is a needed base to fund charter schools in GSCS district. To aggravate the situation, local input regarding opening of charters in a local district is treated as just that – input. Yet no effective sense of local control is established in the process and no significant weight is given to local input. Virtual schools, certainly require thoughtful discussion on how to fund, especially since they are known to be far less expensive to run than regular charter schools and the regulations call for open borders for these online schools.

GSCS recommends strongly that time is taken to address these two issues now, and not put them on the side instead, as that will only exacerbate an already volatile situation.

A number of GSCS’ standout concerns about the proposed regulations are noted below, with corresponding excerpt for the proposed regulations.

Thank you for the opportunity to present to you today, and for your time.

CHARTER SCHOOL PROPOSED REGULATIONS: GSCS Concerns

Note: GSCS Concerns follow regulation excerpt in question/underlining & italics are GSCS’

Under CHAPTER 1, General Provisions; Subchapter 6
Economic Impact Statement The proposed amendments will have an impact on school districts that are affected by opening new charter schools, expansion of existing charter schools and closure of under-performing charter schools. Efficiency will be further enhanced by the detailing of clear timelines for school district comment in relation to budgeting exigencies. Closure protocols detail the fiscal responsibility of charter schools going through the dissolution process and delineate the lines of communication between the charter school, the school district and the Department.

Concern - This statement acknowledges that local districts will be impacted, but goes no further and does not address negative – or even positive – sides of the questions that beg to be asked but are not. “Significant weight” should be given to the fiscal and educational impact – negative as well as positive – on local district budgets and programs.

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Under CHAPTER 2, Charter Schools

"Charter agreement” means a written agreement between a charter school and the Commissioner that sets forth criteria the charter school shall be expected to satisfy, including, but not limited to, measureable performance goals and indicators in the charter school’s performance framework.

["Contiguous district boards of education" means school districts that comprise a region of residence that all share a common border.] This language is deleted (old language).

"Region of residence" means contiguous school districts in which a charter school operates and is the charter school’s district of residence. A region of residence for a charter school focusing on online instruction need not include contiguous districts and may use any configuration of school districts. (p 19) This language is added (new language).

Concern - This new language allows for online students to be drawn from all around the state. The effect can ripple out to thousands of students not matter where they live, no matter where the virtual charter school is physically located. Costs to local district budget and local taxes can be fiscally negative. No mention is made of cost and how students will be supported. Bear in mind that per pupil costs are lower in virtual online schools, yet this has not been debated or discussed.

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SUBCHAPTER 2. APPLICATION AND APPROVAL[,] REPORTING[,] RENEWAL[,] PROBATION AND REVOCATION[,] APPEAL; AND AMENDMENT PROCESSES

6A:11-2.6 Amendment to charter

(a) A charter school may apply to the Commissioner for an amendment to the charter following the final granting of the charter.
1. Examples of what a charter school may seek an amendment for include, but are not limited to, the following:
   i. Expanding enrollment;
   ii. Expanding grade levels;
   iii. Changing or adding a district or region of residence; or
   iv. Opening a new satellite campus (per definition of satellite campus, must be a known quality charter school – p 20 -only priority or former Abbott school district)

[1.]2. The board of trustees of a charter school shall submit in the form of a board resolution the amendment request to the Commissioner and the district board(s) of education or State district superintendent(s) of the district of residence of a charter school. The amendment request shall:
   i. Include the applicable revised pages to the approved New Jersey Charter School Application; and
   ii. Be made by [October] February 15 of the previous school year to increase enrollment in the subsequent school year.

[2. The amendment shall not change the mission, goals and objectives of a charter school.]
(b) The Department [of Education] shall determine whether the amendments are eligible for approval and shall evaluate the amendments based on N.J.S.A. 18A:36A-1 et seq. and 38 this chapter. The Commissioner shall review a charter school’s performance data in assessing the need for a possible charter amendment.

(c) The district board(s) of education or State district superintendent(s) of the district of residence of a charter school may submit comments regarding the amendment request to the Commissioner within 21 days of receipt of the resolution of the board of trustees.

(d) The Commissioner may approve or deny amendment requests of charter schools and shall notify charter schools of decisions. If approved, the amendment becomes effective immediately unless a different effective date is established by the Commissioner.

Concern - This section of the code addresses the “final” stage of a charter school about to be approved. It allows the Commissioner the wide power, e.g., of changing or adding a district or regional of residence, or opening a new satellite campus. While there is a small window for a local board to ‘comment’ on the amendment it does not appear to set forth a model or process to analyze for impact fiscally or educationally on the local districts that could be impacted adversely, and at the last moment. Again, “significant weight ” should be given to local concerns.

6A:11-4.4 Initial recruitment period

(a) No later than [January] February 15 of subsequent school years, a charter school shall submit to the Commissioner the number of students by grade level, gender and race/ethnicity from each district selected for enrollment from its initial recruitment period for the following school year.

(b) The number of students by grade level from each district selected for enrollment from the initial recruitment period of a charter school is used to establish a per-pupil amount for the specific grade level at the charter school rate in accordance with N.J.A.C. 6A:[23-9.4] 23A.

(c) A charter school may conduct subsequent recruitment and enrollment periods if vacancies remain in its enrollment after the initial recruitment period.

Concern - How finite is this list/are student names included/local district budgets impacted and yet must be finalized locally by March of same year. This is makes for an unreasonable timeline in school budgeting processes. In fact, this amendment moves from January deadline date, to February last month prior to local district budget deadline.
6A:11-4.10 Pupil transportation
In accordance with N.J.S.A. 18A:36A-13 and N.J.A.C. 6A:27-3.1, a district board of education shall provide transportation or aid in lieu of transportation to a student in kindergarten through grade 12 who attends a charter school.

**Concern – Pupil transportation costs can have large, negative fiscal impact on local school budget and local taxes**

In closing, GSCS asks that you consider the old phrase “hurry up and wait”. Let’s get this one right.
6A:11-6.1 Tenure acquisition
All teaching staff members, janitors and secretaries shall acquire streamline tenure in a charter school after three consecutive academic years, together with employment at the beginning of the next succeeding academic year, in accordance with the tenure acquisition criteria as set forth in N.J.S.A. 18A:28-5(b), 18A:28-6 and 18A:17-2(b)(2). All teaching staff members shall acquire streamline tenure through a demonstration of effectiveness as determined by a charter school’s educator evaluation system.

**Concern:** Will Charter school tenure system be out of synch with traditional school tenure, and differs from proposed legislation as well. Does this imply that the policy for charter school tenure will be separate from traditional schools tenure no matter what?