



New Jersey School Boards Association

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**REPORT OF RESOLUTIONS SUBCOMMITTEE
To Review NJSBA's Policies Concerning Funding Of Charter Schools
By
Brandon J. Pugh, Chair**

**Prepared for the Semiannual Delegate Assembly
November 18, 2017**

Committee Background

At the May 20, 2017 Delegate Assembly the Edison Board of Education (Middlesex) proposed new policy language for adoption by the Delegates and inclusion in the NJSBA's *Manual of Positions and Policies on Education*. The resolution requested that the NJSBA adopt a policy stating that the NJSBA believes that charter schools erode the public education program of high quality suburban school districts by draining badly needed financial resources.

The NJSBA Resolution Subcommittee recommended that the delegates oppose the resolution because (a) NJSBA has existing policies that adequately address the district's concerns about the funding and approval of charter schools and (b) the resolution as proposed would apply only to a subset of NJSBA's members affected by charter schools.

After debate, the delegates voted to table the resolution for further review and consideration and to have the resolution brought back to the Delegate Assembly for action.

President Sinclair determined that the NJSBA Resolutions Subcommittee (*Bylaws*, Art. V) is best suited to address the issues raised by the delegates, and to make a recommendation to the Delegate Assembly for its consideration at the November 18, 2017 meeting.

Charge of the Ad Hoc Charter Schools Committee

The Resolutions Subcommittee shall convene as many times as necessary to review NJSBA's policies concerning funding of charter schools and make recommendation, as necessary, to the Delegate Assembly on November 18, 2017.

Committee Review of and Deliberations regarding Charter Schools

The Resolutions Subcommittee (RSC) met on September 16, 2017, to consider the Edison resolution. The RSC reviewed the Edison resolution write up and recommendation presented to the Delegate Assembly in May 2017; the 2012 Ad Hoc Charter School Committee Report and recommendations presented to the May 2012 Delegate Assembly; the May 2017 DA transcript discussing the Edison; and the entire body of NJSBA policies regarding charter schools, F/C 5117. (See attachments.)

After consideration and discussion the RSC affirmed its recommendation to oppose the Edison resolution for the reason stated in the resolution write up provided to the Delegate Assembly in May 2017.

The RSC also considered the NJSBA's current policies on charter schools, F/C 5117, and recommends that NJSBA's policy on the charter school application process be amended to address the expansion of existing charters schools. The membership advises that the expansion of existing charter schools through increased grade offerings, the region and/or districts from which the charter attracts students and program offerings, creates a financial instability for the sending district that had no prior notice that the existing charter would be approved to receive funding from its budget.

The 2012 Ad Hoc Charter School Committee recommended a task force be created to provide an ongoing study of charter schools and their relation to local school districts. The Resolution Subcommittee concurs with this recommendation and recommends that the President create a task force to provide the ongoing study of charter schools and their relation to local school districts.

Recommended Policy Change

1 The Resolutions Subcommittee recommends the following revision to File Code 5117, of
2 NJSBA's *Manual of Positions and Policies*: (Additions are underlined.)

Charter School Application Process

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6 **A. The NJSBA believes** that prior to the formal charter school application being
7 submitted to the state, or an application to expand an existing charter school, the
8 local board of education, following a public hearing, should approve or
9 disapprove of the proposed charter school or expansion. A denial of a charter
10 school or application for expansion of an existing charter school by the board of
11 education may be appealed to the New Jersey Department of Education. In the
12 absence of a process for board of education approval, NJSBA believes local
13 voters or the board of school estimate should have approval rights, prior to the
14 establishment of a charter school or the expansion of an existing charter school,
15 as well as additional steps to incorporate local voter and elected school board
16 opinion into chartering decisions. Expansion of an existing charter school
17 includes increasing the districts or region from which the existing charter enrolls
18 students, adding to the programs offered, and/or increasing the grades open for
19 enrollment. [Authority: DA 5/11-ER(A), DA 5/12-CR (Charter Schools)]

Rationale: Existing charter schools that expand programs are further eroding funding available to the district of residence and have a deleterious effect on district of residence's education program.



RESOLUTIONS SUBCOMMITTEE OF THE LEGISLATIVE COMMITTEE

JANUARY--DECEMBER 2017

CHAIR **Brandon J. Pugh, NJSBA VP for Legislation/Resolutions**

REGION A - MEMBERS

District 2	Peter Castellano,	Egg Harbor Twp. BOE (Atlantic)
District 5	Martha Wilson,	Camden (Camden)
District 6	Joyce Miller,	Gibbsboro BOE (Camden)
District 8	Dennis Quinn,	Berlin Borough BOE (Camden)

REGION B - MEMBERS

District 11	Bob English,	Eatontown BOE (Monmouth)
District 12	William Sullivan,	No. Hanover BOE (Burlington)
District 17	Dr Tom Connors,	Piscataway Township BOE (Middlesex)
District 18	Jacqueline J. Gibson,	Metuchen BOE (Middlesex)

REGION C - MEMBERS

District 22	Deborah Bridges,	Rahway BOE (Union)
District 24	Robert Carlson,	Walkkill Valley Regional BOE (Sussex)
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District 30	Albert Miller,	Howell BOE (Monmouth)

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District 34	Judith A. Bassford,	Clifton BOE (Passaic)
District 35	John Vander Molen,	Passaic Co-Manchester Reg. BOE (Passaic)
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District 37	Clara Williams,	Teaneck BOE (Bergen)

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District 4	William Weylan	Clementon BOE (Camden)
District 6	Kathryn Judge,	Cherry Hill BOE (Camden)
District 8	Thomas Maier,	Pemberton Twp. BOE (Burlington)
District 10	Steve Shohfi,	Lavalette BOE (Ocean)

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District 14	VACANT	
District 15	Jo Ann Groeger,	Lawrence Twp. BOE (Mercer)
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District 22	Raymond Topoleski,	Linden BOE (Union)
District 27	Michael King,	Millburn Twp. BOE (Essex)
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District 38	Joseph Steele,	New Milford BOE (Bergen)
District 39	Peter J. Wendrychowicz,	Mahwah Twp. BOE (Bergen)

EX-OFFICIO: **Daniel Sinclair,** NJSBA President Lakeland Regional BOE (Passaic)

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ANNUAL DELEGATE ASSEMBLY
May 20, 2017

**The following resolution was received from the
Edison Board of Education (Middlesex):**

- WHEREAS, The Charter School program Act of 1995 (the 'Act') authorizes the creation of charter schools to service students whose respective communities have identified a desire for alternatives to traditional public schools; and
- WHEREAS, The Act requires that individuals interested in creating a new charter school include parents and/or other stakeholders of the community in which the proposed charter school will be located; and
- WHEREAS, The Act further requires that all charter schools have an approved district or region of residence made up of public school districts, which district/region of residence represents the community that the charter school was created to serve; and
- WHEREAS, There are currently five charter schools in Middlesex and Somerset Counties, with a sixth having been approved in October 2016 with tentative opening of September 2018, which schools serve the following communities pursuant to their approved district/region of residence:
- a. Hatikvah international Academy Charter School ('Hatikvah'): East Brunswick;
 - b. Thomas Edison EnergySmart Charter School ("TEECS"): Franklin, North Brunswick and South Brunswick;
 - c. Central Jersey College Prep Charter School ('CJCP"): Franklin, North Brunswick, and New Brunswick;
 - d. Greater Brunswick Charter School: New Brunswick, Edison, and highland park;
 - e. Academy for Urban Leadership Charter School: Perth Amboy; and
- WHEREAS, A number of these charter schools have applied to the NJDOE seeking to expand their current programs, enrollment and locations; and

WHEREAS, A sixth charter school, Ailanthus Charter School, was approved by the new Jersey Department of Education("NJDOE") in October 2016 to serve students in Franklin and New Brunswick beginning in September 2018; and

WHEREAS, The current number of seats across existing charter schools in Middlesex and Somerset counties for the 2016-2017 school year, according to available public records, is 2,316; and

WHEREAS, The number of charter school seats throughout Middlesex and Somerset counties, according to available public records, will increase by 128% to 5,283 if all of the outstanding expansion applications are granted and Ailanthus is granted a final charter by the NJDOE; and

WHEREAS, The Act requires that the districts of residence pay the charter schools for each student from their respective communities enrolled in those schools, thereby draining funds and diminishing money available to serve students in the traditional public schools; and

WHEREAS, The NJDOE has interpreted the Act to require all public school districts statewide to pay charter schools for students enrolled in those schools regardless as to whether the charter serves that district's community as part of the charter's approved district or region of residence; and

WHEREAS, Any increase in charter seats will have a negative impact on public school district funding, with the proposed 128% increase in such seats in Middlesex and Somerset counties likely to lead to drastic and debilitating cuts throughout the public school districts in those counties; and

WHEREAS, Unlike charter schools, public school districts are consistently underfunded by the State despite the requirements of the School Funding Reform Act and are also subject to a mandatory 2% cap on increases to its local tax levy, which prevents public school districts from raising funds to cover the damage caused by increased charter school seats; and

WHEREAS, The existing charter schools located in Middlesex and Somerset counties are already lacking in demand in their own designated communities and the expansion of these schools will only exacerbate this issue; and

WHEREAS, In direct contradiction to the letter and spirit of the Act, many charter schools are seeking to expand in order to enroll additional students from districts outside of the charter schools' approved districts or regions of residence due to a lack of interest from students who live in the very communities for which the charters were created to serve; and

WHEREAS, TEECS, CJCP and Hatikvah have all filed applications seeking to expand their enrollment despite the fact, according to data available for the 2016-2017 school

year, that only 96% of the students enrolled in TEECS reside in that school's region of residence, only 87% of the students enrolled in CJCP reside in that school's region of residence, and only 48% of the students enrolled in Hatikvah reside in that school's district of residence, and

WHEREAS, TEECS and Hatikvah enroll a significantly more segregated student body than any of the resident or non-resident sending districts with respect to race, socioeconomic status, and need for special education; and

WHEREAS, The Department of Education and the Courts have repeatedly determined that the practice of segregating students must be ended, not perpetuated under the guise of parental choice of "free-market" competition; and

WHEREAS, It is unclear as to whether the NJDOE gives due consideration to the increased segregation of students caused by expanding charter schools; and

WHEREAS, It is also unclear as to whether the NJDOE gives due weight to the financial burden on districts of residence and other public school districts impacted by increasing charter school enrollment when considering applications for new or expanded charter schools; and

WHEREAS, There is a lack of publicly available studies and/or statistical analyses conducted by the NJDOE with respect to the segregative and financial impact of charter school expansions on the vast majority of students remaining in the traditional public setting; and

WHEREAS, The Edison Township Board of Education hereby implores the New Jersey Department of Education to conduct a full, open and thorough analysis of the potential impact that the expansion and addition of charter schools in Middlesex and Somerset counties will have on each public school district throughout the State; and

WHEREAS, A moratorium be imposed on the approval of any application to expand or create any charter school in Middlesex and/or Somerset Counties until such time as the NJDOE analysis can be properly completed and the results of which can be shared and discussed with the public; and

WHEREAS, The Edison Township Board of Education hereby requests the assistance of its local and State representatives in ensuring that the NJDOE conducts the necessary charter school impact analysis and that the public school districts of Middlesex and Somerset Counties receive their fair share of funds so that they can continue to provide a thorough and efficient public education to all students; and

WHEREAS, The Delegate Assembly is the official policymaking body of the New Jersey School Boards Association; and

WHEREAS, Education –related policies resulting from prior Delegate Assembly and Board of Directors actions are codified in the NJSBA *Manual of Positions and Policies on Education*; now, therefore, be it

1 RESOLVED, That the Edison Board of Education proposes the following new policy language
2 for adoption by the Delegate Assembly and inclusion in NJSBA’s *Manual of*
3 *Positions and Policies on Education*;

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5 **The NJSBA believes** that New Jersey Charter Schools, in high quality
6 suburban school districts, erode the operations of public education by
7 draining badly needed financial resources; and, be it further

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9 RESOLVED, That this resolution be placed on the agenda for consideration at the May 20, 2017
10 Delegate Assembly.

Adopted at a regular meeting
Of the Edison Board of Education
On February 27, 2017.

Daniel P. Michaud
Business Administrator/Board Secretary

RESOLUTION NO. 1

SYNOPSIS

Resolution No. 1 from the Edison Township Board of Education (Middlesex County) proposes the following **new** policy language to the New Jersey School Boards Association's Delegate Assembly for consideration and adoption at the May 2017 Delegate Assembly:

The NJSBA believes that New Jersey charter schools, in high quality suburban school districts, erode the operations of public education by draining badly needed financial resources.

BACKGROUND

The resolution submitted by Edison indicates that five charter schools are currently operating near the district while the Commissioner of Education has approved a sixth charter school to commence operations in September of 2018, also in a nearby district. The resolution indicates that the existing charter schools seek to expand operations and concludes that the opening of a new charter school, along with the proposed expansions of the existing charter schools, would result in an increase in available charter school seats by 128%; the district anticipates that a substantial number of those seats would be filled by Edison students. The resolution asserts that the current obligation of a resident school district to transfer funds to charter schools on behalf of students transfer to those schools diminishes the funding available to support students who remain in the traditional setting.

While the Delegate Assembly is the official policy arm of the Association, it must also act in compliance with state and federal statutes and code provisions or use appropriate means to effect a change in same. In considering the proposed resolution, it is therefore appropriate to refer to applicable laws and regulations as well as current policy.

Turning to the primary applicable law, *N.J.S.A. 18A:36A-1 et seq.*, the Charter School Program Act of 1995, ("Act") sets forth the legislative priorities pertaining to charter schools within New Jersey. The Act states in pertinent part:

The Legislature finds and declares that the establishment of charter schools as part of this State's program of public education can assist in promoting comprehensive educational reform by providing a mechanism for the implementation of a variety of educational approaches which may not be available in the traditional public school classroom.... The Legislature further finds that the establishment of a charter school program is in the best interests of the students of this State and it is therefore the public policy of the State to encourage and facilitate the development of charter schools.

In other words, the New Jersey Legislature has determined that charter schools are an important alternative to traditional public schools and necessary in order to implement methodology that is not available in traditional public schools. Moreover, the Legislature has found that the establishment of a charter school program is in the best interests of students within New Jersey.

Given these legislative beliefs, it is difficult for the Association to take a formal position in opposition to the stated legislative findings absent objective credible evidence to the contrary.

Existing state regulations are in accord with the above statute. Therefore, the Resolutions Subcommittee must next examine existing NJSBA policy for additional guidance.

RELEVANT NJSBA POLICY

File Code: 5117 - School Choice

- A. **The NJSBA believes** in local determination of school choice within the public schools. Options could include choice among schools in the district (intradistrict choice), including charter or magnet schools, or could extend to schools in other districts (interdistrict choice) when the school board has established a mutually agreeable contract with other school districts.

Funding of Charter Schools

- A. **The NJSBA believes** that, upon a roll call majority vote of its full membership, the board of education of a public school district should have the authority to establish and operate charter schools.
- B. **The NJSBA believes** that an entity other than a local board of education should be able to establish and/or operate charter schools only if there is no requirement placed on public school districts to provide financial or other support to the charter schools or their students, and no funds for charter schools or their students shall come from or be funneled through a public school district's budget. *[Authority: DA 5/98-3, 4 and 5, DA 5/02-SR, DA 5/07-SR].*
- C. **The NJSBA believes** that public funds should not be used to fund non-public schools, and opposes the use of public funds for vouchers or tuition tax credits for attendance at private or religious schools.
- D. **The NJSBA believes** that school districts that elect to offer intradistrict or interdistrict school choice programs should suffer no loss in monies and in the rate and method of calculation in governmental educational aid, as a result of their decision to offer choice programs. *[Authority: DA 5/02-1, DA 5/02-SR, DA 5/07-SR].*
- E. **The NJSBA believes** that for purposes of calculating a district's spending on a per-pupil (adequacy) basis the students for whom the sending district provides a transfer payment to a charter school shall be counted as part of the district's enrollment for adequacy spending calculations. NJSBA believes that this will assure that the sending district's per pupil adequacy amount reflects the true budget of the sending district. *[Authority: DA 5/12-CR (Charter Schools)].*

- F. **The NJSBA believes** that a financial impact report should be part of the charter school application process, projecting the economic impact and tax consequences to the district and community over a five-year period. This report should take into consideration the cumulative impact of any charter schools already operating within the district. *[Authority: DA 5/12-CR (Charter Schools)]*.
- G. **The NJSBA believes** that charter school applications should be prioritized so that districts with failing schools are given first preference. Ultimately, statewide criteria should be devised establishing districts' performance as the primary consideration for charter school(s) approval. *[Authority: DA 5/12-CR (Charter Schools)]*.
- H. **The NJSBA believes** that the charter school approval process should be consistent with the local district's budget process. An approved charter school should be required to notify the local school board and should document a committed student count to the district no later than January 1 of the year it is scheduled to open. *[Authority: DA 5/12-CR (Charter Schools)]*.
- I. **The NJSBA believes** that any changes to charter school funding made by the State should be fully funded by the State directly to the charter. *[Authority: DA 11/15-1]*

DISCUSSION

The Edison Board of Education has proposed **new** policy language for adoption by the Delegate Assembly indicating that charter schools established in high quality suburban school districts erode the operations of public education by draining badly needed financial resources, presumably from those high quality suburban districts.

The difficulty raised by the resolution is the fact that charter schools are public schools to the same extent as traditional, county regional, county special services and county vocational school districts. In essence, the Charter School Act represents a legislative determination to offer an alternative public educational setting to parents. Therefore, absent objective evidence to the contrary, the NJSBA cannot logically assert that charter schools erode the operation of public education in New Jersey.

In addition, the resolution is contradictory to established NJSBA policy. As noted above, Policy and Position File Code 5117 evidences the NJSBA's belief that school choice that lies within the discretion of the local district and that such choice includes the parental option to select charter schools. It would be contradictory to support the parental selection of a charter school while at the same time publicly indicating that the mere existence of charter schools erodes public education in New Jersey.

The unstated inference to be drawn from the resolution involves the resident district's obligation to transfer 90% of the district's per-pupil state aid to the charter school when parents send students to those charter schools. While this re-distribution of state aid is of significant concern to traditional districts, it would be at best, inaccurate for the Association to adopt a belief statement indicating that charter schools harm public education in our state. The statutorily

required re-direction of state aid represents exercise of the Legislature's funding discretion in support of public charter schools, which as noted above, are an alternative form of public education. As such, despite the required transfer of funds, funding continues to be directed to public education, albeit via charter schools instead of traditional school districts. Therefore, the resolution is inaccurate in characterizing charter schools as a drain on public education.

In addition, the resolution evidences a potentially biased impact because it only applies to "suburban districts." Assuming arguendo that the approval of charter schools drains funds from public education, such a drain would apply to all traditional school districts, regardless of whether those districts are located in urban, suburban, or rural districts. Therefore, adoption of the proposed policy language could leave the NJSBA in the untenable position of advocating in opposition to charter schools in suburban districts, without regard to whether such advocacy may have a negative impact on rural or urban districts.

The potential bias noted above could be readily eliminated by removing the clause limiting its application to suburban districts. However, the remaining language would then consist of a belief statement indicating that charter schools erode the operation of public education in New Jersey. As noted above, such a belief is contrary to legislative findings and existing policy.

The Resolutions Subcommittee is respectfully directed to the Ad Hoc Committee's 2012 report on Charter Schools. That committee was charged by the Delegate Assembly to review NJSBA policies regarding public charter schools and to report necessary policy recommendations. That committee proposed revisions to the then existing policy resulting in the current policy. Unfortunately, the proposed resolution offers no intervening facts that should cause the Delegate Assembly to reconsider File Code 5117, other than the subjective rationale of erosion of public education.

File Code 5117, in recognition of the funding tension between traditional and charter schools advocates for a distinct and direct funding structure for charter schools. In executing its charge, the Ad Hoc Committee conducted a thorough inquiry into existing charter school operations and arrived at a balanced funding approach, carefully crafted to address the all concerns. Importantly, the current belief statement calls for approval of charter schools by the local board or in the alternative, a separate funding mechanism for charter schools. In contrast, the proposed resolution does not support that balance and in fact, is countervailing.

The proposed resolution, by labelling charter schools as a drain on public education, constitutes not just a renunciation, but also a reversal of an existing NJSBA position without providing an objective basis for such a reversal.

In addition, the resolution is ambiguous in that it applies only to "high quality suburban school districts." Because the term "high quality" has not been defined as applied to school districts, nor does the term have a commonly understood application in the field of education, adoption of the proposed resolution would inject a level of ambiguity into the policy manual. It should be noted that this ambiguity could be resolved by substituting the term "high performing" for the term "high quality" because the term "high performing" has been defined in code as a district that has achieved 80% or more during the most recent round of state monitoring. However, such a

substitution would place the NJSBA in the position of supporting parent choice on a district-by-district basis instead of a statewide basis. It could also place the NJSBA in the position of advocating against parental choice when a district's monitoring scores are high, but in favor of parental choice in that same district if scores should fall. This potential position is contrary to existing policy. That policy supports parent choice in all districts, as noted above.

STATEMENT OF REASONS

1. Current NJSBA policy recognizes the impact of the charter school funding and authorization process on *all* local school districts.
2. Existing policy echoes the concerns of the Edison Board of Education by enabling NJSBA to support the following:
 - Giving priority to charter applications in districts where students have the greatest academic need.
 - Replacing the current charter school funding process with one that would provide full state financing and, therefore, would not have a direct impact on a local school district's budget;
 - Requiring local board of education approval of a charter school that would serve students within its jurisdiction;
 - Requiring that the charter school application process include a financial impact report on the economic and tax consequences of the charter school on the district and community over a five-year period.
3. Based on these provisions, NJSBA has addressed the impact of charter school funding on all local school districts through testimony and other advocacy efforts involving proposed legislation and code.
4. In the future, these policies will enable NJSBA to continue to take positions that address the needs of all school districts as they relate to the charter school funding and authorization processes.
5. The proposed resolution may limit the application of NJSBA policy on charter schools to advocacy on behalf of one set of school districts, rather than for all local boards of education in the state.

1 **RECOMMENDATION**

2

- 3 The Resolution Subcommittee recommends that this resolution be opposed.



New Jersey School Boards Association

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AD-HOC CHARTER SCHOOLS COMMITTEE

**By
Clara Williams
Chairperson**

**Prepared for the Annual Delegate Assembly
May 19, 2012**

Task of the Ad Hoc Charter Schools Committee

The Committee's charge is to review NJSBA policies regarding public charter schools and to make recommendations as needed to the Delegate Assembly.

Committee Background

At the December 3, 2011 NJSBA Legislative Committee meeting there was a motion to request President Wiss to appoint an ad hoc committee with representation from the Legislative Committee to study charter schools and virtual charter school issues, and to report findings and propose policy changes to NJSBA Delegate Assembly on May 19, 2012. This motion was seconded and carried by a unanimous vote.

At its first meeting, the Committee asked that a second charter trustee be added to the Committee. Robert Mitchell, Pride Academy (Essex), became a member of the Committee beginning with its second meeting.

At all meetings of the Committee, it was understood that all comments made by Committee members were solely their own and did not represent those of their respective boards. A majority of members formed a quorum, which was reached for each of the meetings of the Committee. The Committee met four times: February 11, 2012, February 25, 2012, March 3, 2012 (teleconference) and March 10, 2012.

Charter Schools Background

New Jersey enacted the charter school law in 1995, and the statute has changed little since then. NJSBA's policies on the authorization of charter schools and their financial relationship with public school districts date back to 1998 and, until last May, saw little change.

The age of NJSBA's policies, in and of itself, dictates a thorough review.

At the Committee's first meeting, President Wiss presented greetings to the Committee and included the following remarks. He said that on January 11, he attended a panel discussion on

the future of charter schools that was sponsored by the Essex County School Boards Association. He shared some of his remarks from that meeting.

- Approximately 80 charter schools operate in the state, and over 80 percent of them are located in urban school districts.
- By next September, the Department of Education expects that more than 100 charters will serve approximately 25,000 students.
- In New Jersey, charter schools may be sponsored by groups of parents and teachers, by colleges, and by private entities located within the state. Neither local boards of education nor out-of-state private educational service providers may sponsor charters.
- Under current law, the state Department of Education is the sole authorizer of charter schools. That differs from the process that is in place in most states. Overall, 31 of the 35 states with charter schools give local districts a significant role in deciding their applications.

NJSBA's positions on charter schools have been driven by two beliefs that are present throughout our policies on education:

- First, educational opportunity for all students; and
- Second, community governance of public education through the local board of education.

These beliefs are not mutually exclusive, they are strongly held throughout our state, and they should produce unity in providing school choice. Unfortunately, the structure of New Jersey's charter school law has sometimes resulted in friction and controversy at the community level.

NJSBA has 65 associate charter school members. NJSBA provides their boards of trustees with a variety of services, ranging from policy guidance, to training, to administrator evaluation. The associate membership program reflects NJSBA's mission to advance public education for all students, to promote sound educational governance, and to support effective school reform.

It is probable that, in the current legislative session, we will see a proposed overhaul of New Jersey's 16-year-old charter school statute. Issues to be resolved include funding, educational need, authorization at the community level, and the use of private education service providers.

These pending debates underscore the importance of this Committee's work.

Materials Considered by the Committee

During the course of its deliberations, the Committee reviewed materials compiled by the NJSBA staff and other research material brought to the meetings by members of the Committee themselves. These materials included surveys of charter school approval processes and governance in other states, and comparative achievement data in both New Jersey and other states where such data was available, most notably Pennsylvania with regard to cyber-charters. The Committee also reviewed New Jersey existing and pending legislation regarding charter schools and school funding generally.

Ad Hoc Charter Schools Committee's Vision Statement

The Committee determined that in order to guide its deliberations and focus on the most important aspects of charter school policy, it needed to establish a vision statement. The Committee then endeavored to review existing NJSBA policies and potential new policies against this vision statement to ensure a focused, principled approach to its deliberations.

The following vision statement was unanimously adopted by the Committee:

NJSBA's Ad-Hoc Charter Schools Committee supports a state-wide district and charter school policy driven by the following factors:

1. Student need
2. Community based
3. Results driven
4. Shared information
5. Collaboration among all constituents

Committee Review of and Deliberations regarding Charter School Policies

The Committee focused on four areas regarding charter schools: the application and approval process, governance, funding and accountability. The Committee reviewed existing NJSBA policy and New Jersey law in these areas and compared them against the vision statement adopted by the Committee.

The Committee had an in-depth discussion on the charter school application process, including local voter approval of charter schools. Not all members of the Committee agreed that the opening of a charter school should be left to local voters. The idea of local voter approval appears to be in conflict with some of NJSBA's beliefs. More specifically, NJSBA believes that local boards should be the primary decision makers regarding educational policy for district students. However, in some cases NJSBA supports policies such as local voter approval and in other cases opposes similar beliefs; thus revealing an inconsistency in beliefs. Nevertheless, the Committee was mindful of the recent adoption of a voter approval policy regarding charter school openings and was hesitant to remove the current language of the policy due to the fact it was just approved a year ago.

In keeping with these existing principles, the Committee agreed that local boards of education should have the right to either approve or disapprove the opening of a charter school within their district following a collaborative process with charter school founders. This process should be data driven, with specific and objective criteria utilized for the evaluation of a charter school application. The Committee also agreed that charter school founders should have the right to appeal a denial by the local board to the NJ Department of Education in cases where the board denied the application and did not follow the established criteria.

This concept is more in line with NJSBA's long-term belief that local determination of school choice within the public schools should be at the local level. As a compromise, the Committee kept existing language as an alternative in the absence of this process.

Regardless of whether the local board or voters ultimately approve a charter school application, the Committee agreed that in applying for a charter, the charter school founders must first establish one or more educational needs not being met by the district school system, with the need demonstrated by supporting data. Following approval of a charter, the charter school should measure its progress in filling the established need through established and data supported goals. The charter schools should make these goals public and share the supporting data with regard to the charter school's progress towards these goals.

The Committee also reviewed cyber-charter schools and their potential impact on local districts. The Committee agreed that the New Jersey charter school establishing statute did not contemplate the existence of cyber-charter schools and their unique issues. The Committee noted that other states that had cyber-charter schools had specific enabling statutes. As a result, the Committee agreed that until such time as the Legislature or the Department of Education issues rules dealing with cyber-charter schools specifically, no new cyber-charter schools should be allowed to open.

As a result of these discussions, the Committee proposed the following new policy principles regarding the application and approval process for charter schools under a new heading "Charter School Application Process":

- Local school boards should have some say in the decision-making process. They know the strengths and deficiencies of the local school district. They want to know the needs which are not being met by the schools in their districts.
- Charter school applications must include supporting data, including demonstrated need, projected enrollment and financial impacts, taking into account existing charter schools in the district.
- Local school boards should be given opportunity to correct deficiencies. The position of the local board should be included within the charter school application, directly addressing the information contained in the application.
- Local school boards should approve or reject charter school applications. If a charter is denied and the charter school application meets the requirements as promulgated by the Department of Education, the founders may appeal that rejection to the Department of Education.
- The Department of Education should refrain from considering cyber-charter school applications until such time as the legislature and/or the Department promulgate guidelines for their establishment, administration and funding.

Specific Recommendations of the Committee:

After deliberation, the Committee adopted the proposed changes to NJSBA policy 5117 described below.

The Committee also recommends the creation of a task force to be formed to continue the study of charter schools and their relation to local district schools. The Committee recommends that the task force address the following issues:

- Policies regarding single purpose (“boutique”) charter schools as distinguished from broader-based charter schools.
- Continued review of the Committee’s Vision Statement.
- Required membership (including full voting rights) of all charter schools in NJSBA.
- Differentiated NJSBA policies that recognize not all districts and school boards are affected the same way. For example, a district that is funded primarily by state aid will be affected by funding and budget policies differently than a district that is funded primarily from the local levy.
- Caps on number of charter schools per district.
- Authorizing agencies other than the state or local boards.
- For profit charter schools.

Recommended Policy Changes

The Ad Hoc Charter School Committee recommends the following revisions to File Code 5117, of NJSBA’s *Manual of Positions and Policies*: Deletions are [bracketed] and additions are underlined.

School Choice

- 1 A. **The NJSBA believes** in local determination of school choice within the public schools.
 2 Options could include choice among schools in the district (intradistrict choice), including
 3 charter or magnet schools, or could extend to schools in other districts (interdistrict choice)
 4 when the school board has established a mutually agreeable contract with other school
 5 districts.
 6
- 7 B. **The NJSBA believes** that State oversight of school choice should [be limited to] include
 8 ensuring compliance with State law in such matters as racial balance. [*Authority: BD 2/89,*
 9 *DA 12/94-9, DA 5/97-SR*]
 10
- 11 C. **The NJSBA believes** that like charter school trustees, charter school founder(s) should be
 12 held to the standards of the School Ethics Act N.J.S.A. 18A:12-21 et seq.
 13
- 14 D. **The NJSBA believes** a method of sharing information and data among charter schools and
 15 sending districts to ensure both best practices and student achievement should be established.
 16
- 17 E. **The NJSBA believes** that choice and charter schools should be held to the same
 18 accountability standards as traditional public schools and that an analysis of the results found
 19 in the school report card for both choice and charter schools should be made and compared
 20 with the local school district.

RATIONALE: The language in the policy statements has been deleted or revised as follows:

- *Language in B was modified to reflect the original intent of the policy statement.*
- *Language in C is a new belief statement which states the belief that since charter school founders are instrumental in the opening and operation of the charter school they should be held to the same standard of the School Ethics Act as other school officials and trustee members.*
- *Language in D is a new belief statement which states the belief that the sharing of information and data should exist between the charter school and the sending district to support both best practices and student achievement.*
- *Letter E is a new belief statement which states that all public schools should be held to the same accountability standards and that the data from each school report card of both the choice and charter schools be compared against that of the local school district.*

Charter School Application Process

- 1 A. The NJSBA believes that prior to the formal charter school application being submitted to
 2 the state, the local board of education, following a public hearing, should approve or
 3 disapprove of the proposed charter school. A denial of a charter school by the board of
 4 education may be appealed to the New Jersey Department of Education. In the absence of a
 5 process for board of education approval, NJSBA believes local voters [voter approval
 6 should be required at the annual school election,] or [by] the board of school estimate should
 7 have approval rights, prior to the establishment of a charter school, as well as additional
 8 steps to incorporate local voter and elected school board opinion into chartering decisions.
 9 *[Authority: DA 5/11-ER(A)]*
 10
- 11 B. The NJSBA believes that there should be no consideration of cyber-charter school
 12 applications until such time as the Legislature and the New Jersey Department of Education
 13 promulgate guidelines for their establishment, administration and funding.

RATIONALE: The language in the policy statements has been deleted or revised as follows:

- *Modified language in letter A to represent NJSBA's long-term belief that local determination of school choice within the public schools should be at the local level. Added language that prior to the formal application for a charter school, the local board of education, following a public hearing, should have the right of approval with an appeal process to the New Jersey Department of Education. In the absence of this process it is believed that local voter approval should be required.*
- *Letter B is a new belief statement that states until such time that cyber-charter schools are addressed by both the Legislature and the New Jersey Department of Education on their establishment, administration and funding, there should be no consideration on the approval to their applications.*

Funding of Charter Schools

- 1 A. **The NJSBA believes that, upon a roll call majority vote of its full membership, the board of**

2 education of a public school district should have the authority to establish and operate charter
3 schools.

- 4
- 5 B. **The NJSBA believes** that an entity other than a local board of education should be able to
6 establish and/or operate charter schools only if there is no requirement placed on public
7 school districts to provide financial or other support to the charter schools or their students,
8 and no funds for charter schools or their students shall come from or be funneled through a
9 public school district's budget. [Authority: DA 5/98-3, 4 and 5, DA 5/02-SR, DA 5/07-SR]
10
- 11 C. **The NJSBA believes** that public funds should not be used to fund non-public schools, and
12 opposes the use of public funds for vouchers or tuition tax credits for attendance at private or
13 religious schools.
14
- 15 D. **The NJSBA believes** that school districts that elect to offer intradistrict or interdistrict school
16 choice programs should suffer no loss in monies and in the rate and method of calculation in
17 governmental educational aid, as a result of their decision to offer choice programs.
18 *[Authority: DA 5/02-1, DA 5/02-SR, DA 5/07-SR]*
19
- 20 E. **The NJSBA believes that for purposes of calculating a district's spending on a per-pupil**
21 **(adequacy) basis the students for whom the sending district provides a transfer payment to a**
22 **charter school shall be counted as part of the district's enrollment for adequacy spending**
23 **calculations. NJSBA believes that this will assure that the sending district's per pupil**
24 **adequacy amount reflects the true budget of the sending district.**
25
- 26 F. **The NJSBA believes that a financial impact report should be part of the charter school**
27 **application process, projecting the economic impact and tax consequences to the district and**
28 **community over a five-year period. This report should take into consideration the cumulative**
29 **impact of any charter schools already operating within the district.**
30
- 31 G. **The NJSBA believes that charter school applications should be prioritized so that districts**
32 **with failing schools are given first preference. Ultimately statewide criteria should be devised**
33 **establishing districts' performance as the primary consideration for charter school(s)**
34 **approval.**
35
- 36 H. **The NJSBA believes that the charter school approval process should be consistent with the**
37 **local district's budget process. An approved charter school should be required to notify the**
38 **local school board and should document a committed student count to the district no later**
39 **than January 1st of the year it is scheduled to open.**

RATIONALE: The language in the policy statements has been deleted or revised as follows:

- *Letter E is a new belief statement to assure that the sending district's per pupil adequacy amount reflects the true budget of the sending district.*
- *Letter F is a new belief statement that making a financial impact report should be part of the application process, projecting the economic impact and tax consequences of the district and*

community over a five-year period. The report should also address the cumulative impact of charter schools already operating in the district.

- Letter G is a new belief statement that states charter school applications in failing school districts should be given first preference of approval and that the state should devise criteria establishing districts' performance as the primary consideration for charter school approval.
- Letter H is a new belief statement which states that the charter school approval process should be in line with the local district's budget process. The local school district should be notified of the approval and receive a committed student count no later than January 1st of the year the charter school is scheduled to open.

Charter Schools Leaves

- 1 A. **The NJSBA believes** that employees seeking to leave a local school district to work in a
2 charter school should be required to file their formal leave with the local district in a
3 reasonable and appropriate time frame which does not interfere with, or complicate, districts'
4 ability to comply with statutory or regulatory deadlines for the issuance of reemployment
5 contracts to their nontenured employees.
6
- 7 B. **The NJSBA believes** that local school district employees taking a leave of absence to work
8 in a charter school should be required to wait until the beginning of the next school year, or
9 at any other time that is acceptable to the local district, to return to employment with the local
10 board of education. Employees seeking to return to their local districts should be required to
11 notify their local districts of their intent to return in a reasonable and appropriate time frame
12 which does not interfere with, or complicate, districts' ability to comply with statutory or
13 regulatory deadlines for the issuance of reemployment contracts to their nontenured
14 employees.
15
- 16 C. **The NJSBA believes** that employees failing to provide notice of their intent to return in the
17 third year of their leave should be deemed to have resigned from their local district.
18 *[Authority: DA 5/01-8, DA 5/02-SR, DA 5/07-SR]*

Cross References:	3220	State funds
	4150	Leaves
	5020	Role of parents/guardians
	5145.4	Equal Educational Opportunity
	6142.12	Career education

Key Words: choice, charter, leaves, charter funding.

Recommendations approved at DA.



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1 the delegates to place one or more of the removed
2 resolutions on the agenda upon a motion and majority
3 vote of delegates.

4 The motion to override must state
5 specifically why the moving party seeks to
6 reinstate -- reinstatement of the resolution to the
7 agenda.

8 Would there be a motion?

9 Seeing no motion, we'll move on to
10 Resolution Number 1.

11 We will now consider the resolutions
12 on the agenda. In presenting the resolution, I will
13 provide a brief synopsis and the recommendation.

~~14~~ Resolution Number 1 - Edison, Middlesex:
15 The resolution proposes new policy language to the
16 New Jersey School Boards Association's Delegate
17 Assembly that NJSBA believes New Jersey charter
18 schools in high quality suburban school districts
19 erode the operations of public education by draining
20 badly needed financial resources.

21 THE RECOMMENDATION:

22 The Resolutions Subcommittee recommends
23 opposing this resolution.

24 I will now entertain a motion to move
25 this resolution. Microphone Number 3.

1 FROM THE FLOOR: Theresa Ward, Edison
2 Township Board of Education, Middlesex County. I
3 would like to recommend that this group approve our
4 resolution to put a moratorium on the expansion of
5 and a provision to put more charter schools in
6 Middlesex and Somerset counties. Now --

7 VICE PRESIDENT JONES: Ms. Ward.

8 FROM THE FLOOR: I am in favor of
9 this resolution.

10 VICE PRESIDENT JONES: Ms. Ward, are
11 you officially moving this resolution?

12 FROM THE FLOOR: What did he say?

13 VICE PRESIDENT JONES: Are you
14 officially moving this resolution?

15 FROM THE FLOOR: Yes. I am in favor
16 of this resolution.

17 VICE PRESIDENT JONES: Okay. So is
18 there a second? Go to a microphone, please.

19 MS. JAHN: No, not for a second. You
20 can sit.

21 VICE PRESIDENT JONES: Thank you.
22 It's a long way to get the microphone. (Seconded)
23 Now you can speak to it.

24 MS. JAHN: We have a parliamentary
25 issue. She made a motion for a moratorium. That's

1 not what the resolution states.

2 VICE PRESIDENT JONES: She's speaking
3 to something else rather than what she moved it to,
4 so she did move the current resolution as we asked.
5 Now we can have discussion.

6 MS. JAHN: You're going to invite --
7 Mr. Tanksley, I think, is going to address the body.

8 VICE PRESIDENT JONES: Carl will now
9 speak to this.

10 MR. TANKSLEY: Good morning. My name
11 is Carl Tanksley. I wanted to give the assembly
12 some background before we move forward to deliberate
13 on the resolution. And by way of background, you
14 have read the resolution that's on page 53 in your
15 manual, if you're looking for that. It indicates
16 that this body, the Association, should take a
17 public statement indicating that charter schools
18 erode the operation of public education in New
19 Jersey by draining badly needed funds.

20 The Association did take a look at
21 this and I should say -- I should start off with
22 thanking Edison for bringing the issue to the table
23 and allowing us the opportunity to have a
24 conversation about this. And, also, I want to thank
25 all the boards out there who did submit resolutions

1 because we know it does take a lot of time and
2 effort to put these in, but ultimately the
3 subcommittee decided this was a resolution that we
4 could not support which is why we are recommending
5 the opposition of the resolution.

6 And the two main reasons that we're
7 opposed to this resolution is, number one, as filed,
8 it doesn't line up with the statutory directive of
9 the Association to advocate on behalf of all
10 students regardless of where they are or what
11 district they attend. It kind of creates a
12 distinction, kind of a not-in-my-backyard attitude
13 with regard to students who are not attending high
14 quality, however you want to define that, suburban
15 school districts.

16 If the premise of the resolution is
17 correct that charter schools do drain or do erode
18 public education in New Jersey, that would apply
19 across the board, in suburban, rural and urban
20 districts as well as high performing or high
21 quality, and those that are not. So because the
22 resolution itself is not one that advocates on
23 behalf of all students, it really doesn't line up
24 with the statutory directive of the Association,
25 number one.

1 Secondly, and probably more
2 importantly, in 2012 this body did create an ad hoc
3 committee to study the issue of charter schools and
4 that committee came back with similar
5 recommendations that were incorporated into policy,
6 actually policy 5117, which is on page 74 in your
7 manuals.

8 The reason that we're -- one of the
9 other reasons that we're objecting to the resolution
10 is that when this body came back and adopted that
11 policy there were a number of changes, a number of
12 issues that did address those primary concerns.
13 Now, Edison is correct when it states that charter
14 school students who are normally enrolled in the
15 local school districts do transfer out of local
16 districts and do transition or transfer into charter
17 schools and of course those funds go along with that
18 transfer. When in 2012 this body adopted 5117 it
19 did address that concern.

20 One of the concerns that the body
21 addressed was funding. Another major concern was
22 the authorization of new charter schools, so with
23 authorization this body indicated that the local
24 board should have a voice or have a role in
25 approving charter schools that are going to be

1 established in their district; if not a controlling
2 voice, at least a voice sitting at the table
3 discussing the approval of that charter school which
4 doesn't happen right now.

5 With regard to funding, this body has
6 decided the funding mechanism, not so much the
7 funding formula, but the funding mechanism itself
8 should be changed so that funding does not flow
9 through the local district. It goes directly to the
10 charter school.

11 There are a number of other changes;
12 having a charter school actually seeks to identify
13 issues that the local school district has failed to
14 address and address those as part of its charter.

15 A couple other issues which I
16 won't -- I know I'm running low on time, so I won't
17 speak to those right now unless anybody asks for it,
18 but in essence we believe that the existing policy,
19 5117, addresses the concerns that Edison has brought
20 forward and since it has been recently addressed,
21 2012, we don't believe that this policy should move
22 forward because of those two reasons: Existing
23 policy addressing concerns and doesn't really -- the
24 resolution doesn't really support our statutory
25 mission.

1 And with that, I will turn the floor
2 back over to the chair, but I will be here for any
3 questions if they arise during deliberation. Thank
4 you.

5 VICE PRESIDENT JONES: Thank you,
6 Carl. Appreciate that. Discussion?

7 FROM THE FLOOR: Theresa Ward, I
8 would like to speak in favor of our resolution
9 bearing in mind that charter schools don't just
10 serve the community in which they are located. They
11 are advertising and they are asking for expansion in
12 our two counties and we have got to control them
13 because we are already \$23 million underfunded in
14 state aid. We have a two percent cap on our real
15 estate and we do not have the money to support this
16 expansion of charter schools and we are asking for a
17 moratorium.

18 Charter schools also create
19 segregated schools and we have worked for the last
20 three decades to try to do away with segregated
21 schools. There is no need for a charter school in
22 Middlesex County. It erodes the quality of
23 education in high-performing schools when there is
24 no need for them. So there should be a moratorium
25 on the establishment and expansion of charter

1 schools until the Department of Education conducts
2 an impact survey. Thank you.

3 VICE PRESIDENT JONES: Thank you.
4 We're going to go to microphone Number 1, 2, then 3.

5 FROM THE FLOOR: Yes. George Cook,
6 Hillside Board of Education. I feel sorry for you
7 guys -- I'm in Somerset County -- but welcome to the
8 club. A lot of us have been going through this for
9 years and we're going to handle the situation. I
10 believe it has to be on a statewide, not piecemeal,
11 not county by county. If there's going to be a
12 moratorium, maybe evaluation, it needs to be done
13 statewide. Thank you.

14 VICE PRESIDENT JONES: Thank you.
15 Microphone Number 2.

16 FROM THE FLOOR: Tony Lewis, Oxford,
17 Warren County.

18 MS. JAHN: Are you for or against?

19 FROM THE FLOOR: I'm against the
20 wording of the policy, but not the intention. As
21 the gentleman was mentioning regarding the 2012, the
22 work that was done in 2012 and the suggestions, that
23 would be -- that's five years ago if my math is
24 correct and something needs to go a little quicker.
25 If we have a statement regarding this, I think that

1 may help. I think it does as suggested up here --

2 MR. PINNEY: You're moving an
3 amendment.

4 FROM THE FLOOR: I'm moving an
5 amendment? Okay. I'm moving an amendment.

6 MS. JAHN: Okay. Time. Time on the
7 clock. You need to get --

8 MR. PINNEY: I have an amendment.

9 MS. JAHN: You got it typed in?

10 MR. PINNEY: That's it.

11 MS. JAHN: Keep going.

12 FROM THE FLOOR: So I'm amending the
13 motion as stated up there.

14 MS. JAHN: I think you need to move
15 the --

16 FROM THE FLOOR: That was my
17 recommendation for the wording. If we were to
18 proceed beyond the, you know, the recommendations
19 from 2012 and we were to vote on something along
20 this line it does need to cover, you know, I come
21 from a small rural district and even though we might
22 have only four students, it impacts a small school
23 as much as any other school. So if we're going to
24 have it, this is what I recommend.

25 MR. PINNEY: We need a second.

1 VICE PRESIDENT JONES: Is there a
2 second to the amendment? (No response)

3 No second. Amendment dies.

4 We were at microphone Number 2.
5 Microphone Number 3, please.

6 FROM THE FLOOR: My name is Dr. Tom
7 Connors. I'm with the Piscataway Township Board of
8 Education. Piscataway is also in Middlesex next to
9 Edison. I am also a member of the Resolutions
10 Subcommittee and the Resolutions Subcommittee
11 recommended to, you know, to oppose this resolution
12 because -- this is why: Voting to approve this
13 resolution would be divisive to our membership. It
14 would be a biased impact because it only applies to
15 suburban districts. That's basically what this is
16 about.

17 And so the approval of charter
18 schools, while agree drains the funds from public
19 education, but across-the-board, traditional schools
20 regardless of whether these districts are urban,
21 suburban or rural districts, so by adopting this
22 proposal policy language it would leave the New
23 Jersey School Boards Association in an untenable
24 position of advocating in opposition to charter
25 schools in suburban districts without regard to

1 whether such advocacy may have a negative impact on
2 rural or urban districts and that's why we opposed
3 it. Thank you.

4 VICE PRESIDENT JONES: Thank you.
5 Microphone Number 1, please.

6 FROM THE FLOOR: Thank you. My name
7 is Michael Heller. I'm from Bloomfield. I have put
8 forth an amendment to strike "high quality suburban"
9 and replace it with "all."

10 MR. PINNEY: Did you write anything?

11 IMMEDIATE PAST PRESIDENT BULINA: All
12 you're voting on now is what's on the screen.

13 FROM THE FLOOR: I submitted my
14 amendment to the lady in the green shirt.

15 (At which time nonreportable
16 conversations take place.)

17 FROM THE FLOOR: Thank you.

18 (Court reporter requests clarification)

19 VICE PRESIDENT JONES: He made an
20 amendment. Do we have it on the board? It's up on
21 the screen. Is there a second to the amendment?

22 FROM THE FLOOR: I'll second that.

23 VICE PRESIDENT JONES: We've got two
24 seconds.

25 Mr. Heller, would you like to speak

1 first to the amendment, please? You have two
2 minutes.

3 FROM THE FLOOR: Thank you, Mr.
4 Jones. While it's not been posted to the state's
5 website, 15 of the 16 charter applications that were
6 submitted in March have passed the phase 1 and now
7 are on phase 2. The impacts are going to be huge
8 across the state. It applies to all of our
9 districts. It's not a question of suburban versus
10 urban.

11 VICE PRESIDENT JONES: Carl, would
12 you like to speak to that?

13 MR. TANKSLEY: With regard to the
14 amendment that's currently on the screen, the
15 Resolutions Subcommittee did consider changing the
16 language that was in the resolution to be as
17 expansive as this is, but it doesn't solve the
18 underlying problem that this still is divisive.

19 What essentially it does is the
20 charter school law is 22 years old. Charter schools
21 are regular school districts, regular public school
22 districts, just like county vocational schools or
23 county special services school districts, so for the
24 Association to take a position either favoring or in
25 opposition to one type of district, again, is a

1 biased position that we don't feel the Association
2 can support.

3 VICE PRESIDENT JONES: Microphone 2,
4 please.

5 (Court reporter asks speaker to repeat)

6 FROM THE FLOOR: Jonathan Hodges,
7 Paterson.

8 (Court reporter asks speaker to speak
9 into microphone)

10 FROM THE FLOOR: I've never been
11 accused of being soft spoken. (Laughter)
12 Nevertheless, I rise in support of the amendment
13 because it does severe damage and the message has
14 not been made clear enough to the legislature so
15 they can understand what's actually happening here.

16 If you read the papers, school
17 districts are laying off teachers and undermining
18 the educational operations of their district,
19 particularly those in urban centers where this is
20 what the primary focus of the charter schools are.
21 We are being -- one-third of our -- we've had a 33
22 percent increase in our payments to charter schools
23 just this new budget.

24 (Time clock sounds)

25 VICE PRESIDENT JONES: Thank you, Mr.

1 Hodges. Microphone Number 3, please.

2 FROM THE FLOOR: Dr. Anne Erickson,
3 Greater Egg Harbor Regional School District. I
4 stand in opposition to both the amendment and the
5 original resolution on the same counts.

6 First off, charter schools are a part
7 of the Association and it would be in conflict to be
8 excluding them. We have the same issues that you're
9 having, only ours are with the vo-tech school and
10 it's bleeding us dry, and I'm sorry, but all of our
11 paraprofessionals are being outsourced because of
12 cuts we have to make. So it's a matter of the
13 funding formula that's the issue. It's not the
14 charter school. We have one charter school in our
15 county and it's a performing arts school and it is
16 the most integrated high school in the district, in
17 the county.

18 So I would encourage you to think
19 about the fact that what you're looking at is
20 actually a condemnatory statement and not a
21 constructive one. When people came up here to talk
22 about in defense of this policy, what they kept
23 saying is there needs to be a moratorium and there
24 needs to be regulation which is exactly what School
25 Boards recommended back in 2012.

1 (Time clock sounds)

2 VICE PRESIDENT JONES: Thank you.
3 Thank you. Microphone Number 2.

4 FROM THE FLOOR: Thank you. Lorenzo
5 Richardson, Jersey City School District. I also
6 agree with the change to the amendment.

7 My district, we give up about ten
8 percent of our budget to charter schools. On top of
9 that, we get a lot less money because of an enormous
10 amount of abatements in our district as well as the
11 two percent cap, so we're in a position where
12 literally our district is being bled dry of funds.

13 And then right now as we speak we
14 have three more charter schools in level 2 of
15 approval going through commissioner's office which
16 would further bleed our funds. So at this juncture
17 I would have to support that all schools are
18 affected by this. And if you talk around the state,
19 particularly urban districts as well, but not just
20 urban/suburban districts, if you go around district
21 to district talking to people you'll see how
22 detrimental charter schools have been to public
23 school budgets.

24 VICE PRESIDENT JONES: Number 1,
25 please.

1 FROM THE FLOOR: Yes, good morning.
2 I'm Greg Stankiewicz from Princeton Board of
3 Education. We just went through a very divisive
4 situation where we had an expansion that we've
5 learned about at the very last second. We had 2400
6 families write against that and it was still
7 accepted and it's going forward. Under the cap --
8 our growth under the cap will almost all go for the
9 74 more students in the expansion, but I rise to
10 support the proposed language and the amendment
11 because I believe this is something that affects all
12 school districts across the state and needs to be
13 dealt with by all of us together.

14 VICE PRESIDENT JONES: Thank you.
15 Microphone Number 3, please.

16 FROM THE FLOOR: Ben Forest, Red Bank
17 Board of Education. Some of these issues that have
18 dramatically affected our district are well
19 publicized and I ask the delegates to look at those.
20 It's been financially devastating. It has made our
21 mission in Red Bank much more difficult having a
22 charter school in a small district.

23 And the law is completely broken.
24 And we talked about unfairness and, you know, this
25 has to really change. I don't think this is

1 sustainable because it's extremely damaging and the
2 track record in Red Bank from a discriminatory point
3 of view as well as a financial one is incredible.
4 That's my point.

5 VICE PRESIDENT JONES: Thank you.
6 Microphone Number 1, please.

7 FROM THE FLOOR: Chanta Jackson,
8 Neptune Township Board of Education, originally I
9 was going to rise to support this amended
10 resolution; however, I think that we should be
11 reminded of what Mr. Tanksley said. The charter
12 schools are a part of the Association, so to vote
13 for this resolution would be undermining the entire
14 mission of our Association. We need to approach
15 this in a different manner and the resolution does
16 not do that. Thank you.

17 VICE PRESIDENT JONES: Thank you.
18 Microphone Number 2, please.

19 FROM THE FLOOR: Good afternoon. My
20 name is Amy Hassa, Hamilton Township, Atlantic. I
21 speak against this particular amendment and the
22 rationale behind my belief is that we are here
23 advocating for whole student and when we discuss
24 whole student some students are going to be
25 successful in the public schools and some districts

1 only have one opportunity for a particular public
2 school. This truly gives opportunity of choice for
3 students that may need smaller classrooms, that may
4 need things that the public schools aren't able to
5 provide.

6 (Time clock sounds)

7 VICE PRESIDENT JONES: We have time
8 on the amendment. Is there a motion to extend?

9 FROM THE FLOOR: I didn't want to
10 make a motion to extend. I'd like to make a motion
11 to withdraw the resolution in its entirety.

12 VICE PRESIDENT JONES: We can't do
13 that.

14 All right. So with that we have a
15 vote?

16 MR. PINNEY: A vote on the amendment.

17 VICE PRESIDENT JONES: Vote on the
18 amendment. We are voting on the amendment. If we
19 can show the amendment again.

20 IMMEDIATE PAST PRESIDENT BULINA: Can
21 you clarify that?

22 VICE PRESIDENT JONES: We're going to
23 read this right here: NJSBA believes that New
24 Jersey Charter Schools in all districts, all school
25 districts, erode the operations of public education

1 by draining badly needed financial resources.

2 FROM THE FLOOR: Voting on the
3 amendment, right?

4 VICE PRESIDENT JONES: Only on this.

5 FROM THE FLOOR: On the word "all."

6 VICE PRESIDENT JONES: Yes. Can you
7 show it one more time so they can see it? I know
8 you're flipping back. The blue. All right. Thank
9 you. Polls are open.

10 (Electronic voting occurs)

11 Has everyone voted? All right.

12 Polls are closed.

13 All right. So the amendment passes.
14 We are now voting on the amended...

15 (At which time nonreportable
16 conversations take place.)

17 VICE PRESIDENT JONES: This is now
18 the new motion.

19 (At which time nonreportable
20 conversations take place.)

21 FROM THE FLOOR: Are we voting or
22 discussing?

23 VICE PRESIDENT JONES: Not yet. Not
24 yet.

25 (At which time nonreportable

1 conversations take place.)

2 VICE PRESIDENT JONES: Thank you. So
3 we're back to discussion on this. Microphone Number
4 2, please.

5 FROM THE FLOOR: Yes. My name is
6 Charles Buchheim from the Runnemedede Board of
7 Education. I'd like to suggest at this point that
8 this resolution be tabled, go back to committee and
9 we do some deeper thinking and searching as to the
10 best way to approach the problems that all districts
11 are having with the funding, but I believe the best
12 thing, the most productive thing at this point would
13 be to table Resolution Number 1, go back to
14 committee.

15 FROM THE FLOOR: Second.

16 FROM THE FLOOR: Second.

17 VICE PRESIDENT JONES: Hold on one
18 second.

19 So to clarify your statement, you're
20 moving to refer to committee, sir?

21 FROM THE FLOOR: Yes.

22 VICE PRESIDENT JONES: Is there a
23 second?

24 FROM THE FLOOR: Second.
25 Bridgewater-Raritan.

1 VICE PRESIDENT JONES: Number 3,
2 please.

3 FROM THE FLOOR: Bridgewater-Raritan,
4 second the motion, Somerset County.

5 VICE PRESIDENT JONES: Is there any
6 discussion on referring to committee? Number 3,
7 please.

8 FROM THE FLOOR: Bridgewater-Raritan,
9 Somerset County, Jeffrey Brookner. We oppose the
10 motion as written and do suggest reference to
11 committee for study. I'd like to harken back to
12 what someone said about three comments ago:
13 Different approaches. And I would suggest that the
14 different approaches was already embodied in the
15 policy of the School Board Association.

16 I think that the problems that Edison
17 points to are real ones. I think that the schools
18 that are being built -- and we're a neighboring
19 district, I'm very familiar with them -- should not
20 be built, but New Jersey School Board policy already
21 has provisions that require an impact study, require
22 consideration of the very factors that the Edison
23 School Board is pointing to.

24 I hundred percent agree with them on
25 all of the problems they're pointing to and I think

1 that the Association already has policies in place
2 to implement that and what we should be doing -- and
3 I hope that the School Board Association leadership
4 is doing -- is talking to the state government about
5 why these applications should not be granted. We
6 don't need policy changes. We need implementation
7 of the policies we already have and I think that the
8 changes that are being proposed are negative instead
9 of positive. We need to implement what we have now
10 effectively because these charter schools that are
11 being proposed are destructive and we've already
12 voted on that years ago. Thank you.

13 VICE PRESIDENT JONES: Thank you.

14 (Applause)

15 MR. TANKSLEY: Just in response to
16 the NJSBA's action with regard to policy, we have
17 addressed our policy concerns, the Association
18 policy concerns, to both the legislature and to the
19 Department of Education. We spoke with the former
20 commissioner about the funding mechanism aspects of
21 our policy and the former commissioner was receptive
22 to those changes indicating that he believed that
23 funding mechanism should be separate for charter
24 schools and for local school districts.

25 Unfortunately, the commissioner left

1 office before any action could be taken, but he
2 suggested that a legislative change would be
3 required to implement that policy.

4 With regard to authorizing school
5 districts, we have had our lobbyists testify before
6 the Senate Subcommittee recently about a change in
7 authorizing school districts and having boards of
8 education, local boards have a voice, in that
9 authorization. Unfortunately, that bill died in
10 committee and has not moved forward yet, but we are
11 actively pursuing existing policy.

12 VICE PRESIDENT JONES: Thank you.
13 And just a reminder to commentators that the
14 conversation is only regarding referring this to
15 committee. Number 2, please.

16 FROM THE FLOOR: Jonathan Hodges,
17 Paterson, this language is stronger than I
18 anticipated, but certainly do support only because,
19 as you've seen, the legislature has not responded to
20 the issues and when you're facing the impending
21 opening of three schools or five schools, charter
22 schools in your district, and you're also facing
23 devastation in your budget, this becomes critical.

24 I think a stronger message must be
25 sent. I support this going to Subcommittee, but

1 only if you're going to strengthen the language and
2 the advocacy around the needs of the school
3 districts who are being harmed by this current
4 legislative process.

5 VICE PRESIDENT JONES: Thank you,
6 Doctor. Number 2.

7 FROM THE FLOOR: Thank you. Lorenzo
8 Richardson, Jersey City Public School District, just
9 speaking a little bit to the point of Dr. Hodges,
10 what he just said, how are we to trust our
11 legislators to do the right thing when some of them
12 are actually funded by the charter industry, taking
13 money from them, getting funded literally from them?
14 We need to check their electoral reports. How are
15 they going to be independent? That is a big
16 problem.

17 VICE PRESIDENT JONES: Totally
18 understood. Thank you, sir.

19 All right. Seeing no other risers --
20 oh, wait. Here we go.

21 FROM THE FLOOR: Ben Forest, Red Bank
22 Board of Education. I guess this is on the tabling.
23 And we're under fire. We're under a lot of pressure
24 now and have been for, I don't know, 20 years. I'm
25 actually thinking there's a place for charter

1 schools in the mix, but the way the law is
2 constructed is that we are in a crisis now and it
3 seems to be continuing to get worse, lawsuits,
4 investigations, all their delegates for you guys to
5 look at, so I'm against tabling. I think it's time
6 for action.

7 VICE PRESIDENT JONES: Seeing no
8 more -- Ray? Oh, wait.

9 False alert. (Laughter) Okay. So,
10 Ray, you ready?

11 FROM THE FLOOR: What are we voting
12 on?

13 VICE PRESIDENT JONES: We're voting
14 on sending back to committee, tabling. No, voting
15 on support tabling Resolution Number 1 and sending
16 back to committee. Polls are now open.

17 (Electronic voting occurs)

18 Okay. Ready to close it? All right.
19 The committee will take this up. Thank you all for
20 your discussion.

21 Moving on, next on the agenda today
22 is sunset review of File Code 3220.

23 Oh, moving very quickly. Keeping us
24 on time, Mr. President.

25 Resolution Number 2 from Waterford

POSITIONS AND POLICIES ON EDUCATION
School Attendance Areas

FILE CODE

5117

School Choice

- A. **The NJSBA believes** in local determination of school choice within the public schools. Options could include choice among schools in the district (intradistrict choice), including charter or magnet schools, or could extend to schools in other districts (interdistrict choice) when the school board has established a mutually agreeable contract with other school districts.
- B. **The NJSBA believes** that State oversight of school choice should include ensuring compliance with State law in such matters as racial balance. *[Authority: BD 2/89, DA 12/94-9, DA 5/97-SR]*
- C. **The NJSBA believes** that like charter school trustees, charter school founder(s) should be held to the standards of the School Ethics Act (N.J.S.A. 18A:12-21 et seq.). *[Authority: DA 5/12-CR (Charter Schools)]*
- D. **The NJSBA believes** a method of sharing information and data among charter schools and sending districts to ensure both best practices and student achievement should be established. *[Authority: DA 5/12-CR (Charter Schools)]*
- E. **The NJSBA believes** that choice and charter schools should be held to the same accountability standards as traditional public schools and that an analysis of the results found in the school report card for both choice and charter schools should be made and compared with the local school district. *[Authority: DA 5/12-CR (Charter Schools)]*
- F. **The NJSBA believes** that the State should permit local districts to accept tuition students while simultaneously participating in the Interdistrict Public School Choice program, where all locally-designated choice seats have already been filled through a neutral selection process. *[Authority: DA 5/16-4(a) and (b)]*

Charter School Application Process

- A. **The NJSBA believes** that prior to the formal charter school application being submitted to the state, the local board of education, following a public hearing, should approve or disapprove of the proposed charter school. A denial of a charter school by the board of education may be appealed to the New Jersey Department of Education. In the absence of a process for board of education approval, NJSBA believes local voters or the board of school estimate should have approval rights, prior to the establishment of a charter school, as well as additional steps to incorporate local voter and elected school board opinion into chartering decisions. *[Authority: DA 5/11-ER(A), DA 5/12-CR (Charter Schools)]*
- B. **The NJSBA believes** that there should be no consideration of cyber-charter school applications until such time as the legislature and the New Jersey Department of Education promulgate guidelines for their establishment, administration and funding. *[Authority: DA 5/12-CR (Charter Schools)]*

Funding of Charter Schools

- A. **The NJSBA believes** that, upon a roll call majority vote of its full membership, the board of education of a public school district should have the authority to establish and operate charter schools.
- B. **The NJSBA believes** that an entity other than a local board of education should be able to establish and/or operate charter schools only if there is no requirement placed on public school districts to provide financial or other support to the charter schools or their students, and no funds for charter schools or their

students shall come from or be funneled through a public school district's budget. *[Authority: DA 5/98-3, 4 and 5, DA 5/02-SR, DA 5/07-SR]*

- C. **The NJSBA believes** that public funds should not be used to fund non-public schools, and opposes the use of public funds for vouchers or tuition tax credits for attendance at private or religious schools.
- D. **The NJSBA believes** that school districts that elect to offer intradistrict or interdistrict school choice programs should suffer no loss in monies and in the rate and method of calculation in governmental educational aid, as a result of their decision to offer choice programs. *[Authority: DA 5/02-1, DA 5/02-SR, DA 5/07-SR]*
- E. **The NJSBA believes** that for purposes of calculating a district's spending on a per-pupil (adequacy) basis the students for whom the sending district provides a transfer payment to a charter school shall be counted as part of the district's enrollment for adequacy spending calculations. NJSBA believes that this will assure that the sending district's per pupil adequacy amount reflects the true budget of the sending district. *[Authority: DA 5/12-CR (Charter Schools)]*
- F. **The NJSBA believes** that a financial impact report should be part of the charter school application process, projecting the economic impact and tax consequences to the district and community over a five year period. This report should take into consideration the cumulative impact of any charter schools already operating within the district. *[Authority: DA 5/12-CR (Charter Schools)]*
- G. **The NJSBA believes** that charter school applications should be prioritized so that districts with failing schools are given first preference. Ultimately statewide criteria should be devised establishing districts' performance as the primary consideration for charter school(s) approval. *[Authority: DA 5/12-CR (Charter Schools)]*
- H. **The NJSBA believes** that the charter school approval process should be consistent with the local district's budget process. An approved charter school should be required to notify the local school board and should document a committed student count to the district no later than January 1st of the year it is scheduled to open. *[Authority: DA 5/12-CR (Charter Schools)]*
- I. **The NJSBA believes** that any changes to charter school funding made by the State should be fully funded by the State directly to the charter. *[Authority: DA 11/15-1]*

Charter Schools Leaves

- A. **The NJSBA believes** that employees seeking to leave a local school district to work in a charter school should be required to file their formal leave with the local district in a reasonable and appropriate time frame which does not interfere with, or complicate, districts' ability to comply with statutory or regulatory deadlines for the issuance of reemployment contracts to their nontenured employees.
- B. **The NJSBA believes** that local school district employees taking a leave of absence to work in a charter school should be required to wait until the beginning of the next school year, or at any other time that is acceptable to the local district, to return to employment with the local board of education. Employees seeking to return to their local districts should be required to notify their local districts of their intent to return in a reasonable and appropriate time frame which does not interfere with, or complicate, districts' ability to comply with statutory or regulatory deadlines for the issuance of reemployment contracts to their nontenured employees.
- C. **The NJSBA believes** that employees failing to provide notice of their intent to return in the third year of their leave should be deemed to have resigned from their local district. *[Authority: DA 5/01-8, DA 5/02-SR, DA 5/07-SR]*

School Attendance Areas (continued)

5117

Cross References:	3220	State funds
	4150	Leaves
	5020	Role of parents/guardians
	5145.4	Equal Educational Opportunity
	6142.12	Career education

Key Words: choice, charter, leaves, charter funding, charter applications