

Topic	What You'll Hear	What's Real
<p><i>Certification</i> 6A:9B-11.12</p>	<p>Professional* certification is being downgraded under the proposed regulations and creating lower standards.</p> <p>The certification proposal would eviscerate the high standards New Jersey requires to become a teacher. The pilot would allow public charter schools to substitute their judgment, and possibly their economic interests, when deciding who should be allowed to teach in their schools.</p> <p>*Note: Applies to teachers, administrators, and SBAs</p>	<p>Proposal: Establish a five-year pilot charter certification program for teachers, SBAs, and administrators. See appendix A for qualifications.</p> <ul style="list-style-type: none"> <li>• The intent of this proposed regulation is to allow public charter schools the flexibility to hire the best candidate for the job.</li> <li>• Public charter schools must apply to the DOE to allow a qualified candidate to be hired under the 5-year pilot certification program.</li> <li>• Certification under this pilot is considered on a case-by-case basis.</li> <li>• Candidates with diverse professional experience can enhance the classroom environment.</li> </ul> <p><i>Example: A foreign language teacher, CPA or organizational leader with the necessary experience cannot be hired because they lack the paperwork, even though they have the clinical and practical experience for the job.</i></p>
<p><i>Reporting</i> 6A:11-2.2</p>	<p>Charter operators are rewriting the rules to reduce their own accountability and transparency</p>	<p>Proposal: The DOE shall publicly report on each public charter school's performance based on the Performance Framework. The intent is to make public charter schools more transparent.</p> <ul style="list-style-type: none"> <li>• Public charter schools will have their Performance Framework made publicly available.</li> <li>• Parents will have direct and immediate access to how the DOE rated a public charter school's performance on academic, operational, and fiscal performance.</li> <li>• The Performance Framework includes information about the public charter school's academic performance, governance and finances.             <ul style="list-style-type: none"> <li>○ The framework's academic performance section is aligned with the Department's accountability measures under No Child Left Behind waiver of Adequate Yearly Progress.</li> </ul> </li> <li>• More transparency means even greater accountability.</li> </ul>



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<p><i>Renewal of Charter-Expedited Renewal</i></p> <p>6A:11-2.3</p>	<p>Charter operators are rewriting the rules to reduce their own accountability and transparency</p>	<p>Proposal: Public charter schools deemed to be high-performing, based on the Performance Framework, for three years during the most recent charter term may be eligible for an expedited renewal review process. Public charter schools must establish an escrow account or post a surety of \$75,000 to pay for expenses in the case of closure.</p> <ul style="list-style-type: none"> <li>• Only public charter schools with a history of academic, fiscal and operational results are eligible.</li> <li>• The review process will include the current elements set forth in N.J.A.C. 6A:11-2.3(b) but in an abbreviated format (see appendix A for current elements).</li> <li>• The academic section of the Performance Framework (publicly available under the proposed amendments) carries the most weight in renewal decisions. The expedited review for public charter schools will be based largely on academic performance.</li> <li>• The proposal recognizes the high-performing public charter schools without reducing transparency, autonomy, or reporting requirements.</li> <li>• High-performing charters will be notified of the renewal decision prior to other public charter schools.</li> <li>• Public charter schools will be notified of renewal decisions by February 1.</li> </ul>
<p><i>Single-Purpose Public charter schools</i></p> <p>6A:11-2.12</p>	<p>The proposed regulations violate New Jersey's anti-discrimination laws by allowing weighted lotteries or single-purpose schools.</p>	<p>Proposal: Provides for a public charter school to seek to limit enrollment to a specific population of educationally disadvantaged or traditionally underserved students; or, on the basis of gender.</p> <ul style="list-style-type: none"> <li>• Provide educational options for traditionally educationally disadvantaged students that often fall through the cracks.</li> <li>• Public charter school operators must demonstrate a compelling need in the community to seek DOE approval to serve limited populations.</li> <li>• Charter applications must ensure compliance with State and Federal laws.</li> <li>• Public charter school operators must demonstrate an evidence-based approach to educating students based on a disadvantaged demographic.</li> </ul>
<p><i>Weighted Lottery</i></p> <p>6A:11-4.5</p>	<p>The proposed regulations violate New Jersey's anti-discrimination laws by allowing weighted lotteries or single-purpose schools.</p>	<p>Proposal: Permit public charter schools to seek approval from the Commissioner to establish a weighted lottery that favor educationally disadvantaged students.</p> <ul style="list-style-type: none"> <li>• The weighted lottery will serve students who are traditionally educationally disadvantaged, students with disabilities, migrant students, limited English proficient students, neglected or delinquent students or homeless students.</li> <li>• The proposed regulations permit public charter schools the opportunity to better represent a cross-section of the community they serve.</li> </ul>

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<p><i>Age eligibility for kindergarten (Preschool)</i></p> <p>6A:11-[4.6] <u>4.7</u></p>	<p>This proposal gives charter operators a competitive advantage over district schools and shifts public resources to corporate public charter school operators.</p>	<p>Proposal: Allow public charter schools to enroll preschool students and to guarantee the preschool students a seat in the public charter school's kindergarten class. The current practice requires the student to re-enter the lottery.</p> <ul style="list-style-type: none"> <li>• This would provide continuity for the children as they would not have to enter the lottery for the kindergarten class.</li> <li>• No additional funds are allocated to the program.</li> <li>• No additional seats are granted to public charter schools.</li> </ul>
<p><i>Home instruction for students</i></p> <p>6A:11-[4.9] <u>4.10</u></p>	<p>Lifting the requirement that students can be homeschooled only for reasons of illness or injury, this proposal will allow students to be homeschooled for any reason.</p>	<p>Proposal: Amend the language to include home instruction for charter students for temporary illness or injury and also for other reasons, which are outlined in 6A:16-10.2. See Appendix A for the list of reasons.</p> <ul style="list-style-type: none"> <li>• Currently, public charter school students may only be homeschooled for illness or injury.</li> <li>• This allows public charter school students to be homeschooled for other reasons as outlined in 6A:16-10.2.</li> </ul>
<p><i>Open Public Meetings</i></p> <p>6A:11-[4.11] <u>4.12</u></p>	<p>Charter operators are rewriting the rules to reduce their own accountability and transparency</p>	<p>Proposal: Require the board of trustees of a public charter school to post a copy of all meeting notices and minutes on the school's website rather than sending them to the executive county superintendent.</p> <ul style="list-style-type: none"> <li>• Public charter school boards currently send meeting notices and meeting minutes to the executive county superintendent.</li> <li>• Public charter schools currently are required to operate in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6.</li> <li>• This regulatory change increases transparency of a public charter school.</li> </ul>
<p><i>Extracurricular activities</i></p> <p>6A:11-4.16</p>	<p>Public charter school students will be allowed to attend extracurricular and sports programs at the host public school district at no cost to the public charter school, which means that the host school picks up all of the costs of having the charter students engage in after-school activities.</p>	<p>Proposal: Allow a charter student to participate in an extracurricular or interscholastic program at the school of residence if the charter does not offer the program. This does not mandate that charter school students participate, it simply applies the NJSIAA language and continues to allow all of these decisions to be made at the local level.</p> <ul style="list-style-type: none"> <li>• The NJSIAA constitution states that if a public charter school does not offer the sport in which a student wants to participate, the student may participate in the program at the appropriate school of residence upon agreement of both principals.</li> <li>• Costs for transportation or participation in the activities is addressed at the local level. In situations where</li> </ul>



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		charters and districts currently have this arrangement, the public charter school handles the transportation and the parents or the school will cover the cost of participation.
<i>Facilities</i>  6A:11-4.17, 6A:23A-22.4	Public charter schools will be able to analyze a public school district's assets, including properties, and renovate or expand a vacant school at the host district's expense.	<p>Proposal: A public charter school shall not use funds other than Federal for the construction of a facility, which is defined as the building of a wholly new facility. A public charter school may use State and local funds for the rehabilitation or expansion of a facility. In addition, the proposed amendment includes allowing a public charter school lease to exceed the term of renewal.</p> <ul style="list-style-type: none"> <li>• The proposed changes do not allocate new funding for public charter school facilities, rather it clarifies how money from the State, local, and Federal levels may be used.</li> <li>• Public charter schools will not have access to a school district's assets, including property.</li> <li>• Access to suitable facilities is one of the biggest hurdles facing public charter school providers.</li> <li>• Public charter schools often secure old, outdated facilities that require extensive work to be up to code. Limiting the funding sources used for rehabilitation or expansion limits many public charter schools from accessing facilities. This change will allow schools to use State and local funds for the necessary capital improvements.</li> <li>• Public charter schools must continue to use only Federal money for construction.</li> <li>• Public charter schools may apply to the DOE to operate in more than one facility in its district or region of residence. Currently, charters may only apply to do this in priority districts.</li> </ul>
<i>Petty cash fund</i>  6A:23A-16.8	Many of the financial changes in the proposed regulations loosen the already diminished requirements for fiscal accountability.	<p>Proposal: Allow a public charter school and a district board of education to create petty cash fund policies and implement them on an annual basis.</p> <ul style="list-style-type: none"> <li>• Current practice requires a public charter school and a district board of education to establish the petty cash fund or funds on July 1 of each year. This is used for payments of small amounts.</li> </ul>
<i>Budgetary controls and overexpenditure of funds</i>  6A:23A-16.10	Many of the financial changes in the proposed regulations loosen the already diminished requirements for fiscal accountability.	<p>Proposal: This section of the regulations sets forth guidelines, reporting requirements, and sanctions to be imposed when there are projected overexpenditures.</p> <ul style="list-style-type: none"> <li>• This proposal includes a language inserting the "Department" in the case of public charter school, to clarify a public charter school board of trustees must direct the lead person to notify the Department and not the executive county superintendent, of a budget deficit.</li> <li>• Oversight duties of public charter schools rests with the Office of Charter and Renaissance Schools.</li> </ul>



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<p><i>Public relations and professional services</i></p> <p>6A:23A-22.6</p>	<p>Many of the financial changes in the proposed regulations loosen the already diminished requirements for fiscal accountability.</p>	<p>Proposal: Remove the language which sets a threshold of spending on legal fees at 130 percent of the Statewide average of public charter school per pupil amount. The new language will include "public charter schools shall establish procedures to effectively manage legal costs."</p> <ul style="list-style-type: none"> <li>The current threshold of 130 percent of the statewide average of public charter school per pupil amount is unclear and unnecessary since public charter schools have no incentive to overspend on legal fees.</li> </ul>
<p><i>Approval of amounts paid in excess of approved purchase orders</i></p> <p>6A:23A-22.12</p>	<p>Many of the financial changes in the proposed regulations loosen the already diminished requirements for fiscal accountability.</p>	<p>Proposal: This addresses public charter school policies establishing the approval process for payments for an invoice amount greater than the approved purchase order.</p> <ul style="list-style-type: none"> <li>This proposed amendment changes the language to include an assistant school business administrator to approve the change orders. It also allows the SBA to designate another qualified individual to manage the review and approval process of change orders.</li> </ul>



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**APPENDIX A - Explanations**

**Current Elements of Renewal**

6A:11-2.3(b)

The Commissioner shall grant or deny the renewal of a charter upon the comprehensive review of the school including, but not limited to:

1. A renewal application submitted by a public charter school to the Commissioner, the respective county superintendent of schools, and the district board(s) of education or State district superintendent(s) of the district of residence of the public charter school no later than 4:15 P.M. on October 15 of the last school year of the current charter, or on a date prescribed by the Commissioner with no less than 30 days notice;
2. If the public charter school failed to meet any standards set forth in its charter agreement or the Performance Framework in a school's charter;
3. The review of a public charter school's annual reports pursuant to N.J.A.C. 6A:11-2.2(a);
4. Comments of the annual reports from the district board(s) of education or State district superintendent(s) of the district of residence of the public charter school;
5. Student performance on the Statewide assessment program pursuant to N.J.A.C. 6A:8-4.1; 18
6. Monitoring of the public charter school by the executive county superintendent;
7. Monitoring of the public charter school by the Commissioner or designee(s);
8. The annual assessments of student composition of the public charter school;
9. The recommendation of the district board(s) of education or State district superintendent(s) of the district of residence forwarded to the Commissioner within 30 days of receipt of the renewal application;
10. A structured interview with the Commissioner or designee(s) with: i. A member of the public charter school board of trustees; ii. The lead person of the public charter school; iii. A teacher at the public charter school; and iv. A parent or other representative of the public charter school; and
11. The review of the public charter school's educator evaluation system.

**Reasons for homeschooling 6A:16-10.2**

Home or out-of-school instruction for a general education student for reasons other than a temporary or chronic health condition

- (a) The district board of education shall provide instructional services to an enrolled general education student at the student's home or other suitable out-of-school setting under the following conditions:
1. The student is mandated by State law and rule for placement in an alternative education program, but placement is not immediately available;
  2. The student is placed on short-or long-term suspension from participation in the general education program; or
  3. A court order requires the student to receive instructional services in the home or other out-of-school setting.

**Requirements for the public charter school certificate of eligibility (CSCE) 6A:9B-11.12**

Establish a five-year pilot charter certification program for teachers, SBAs and administrators.

1. Teacher- The DOE may issue a public charter school provisional certificate and a public charter school standard certificate. Candidates must meet:
  - a. Possess a Bachelor's degree  
*Satisfy two or more of the following criteria:*
    1. Meet the GPA requirements under N.J.A.C. 6A:9B-8.3(a)3 and 3i;
    2. Pass the basic skills assessment, pursuant to N.J.A.C.6A:9B-8.3(a)5;
    3. Pass the appropriate State test(s) of subject matter knowledge;
    4. Has prior successful teaching experience in a public or private school setting; or
    5. Has relevant educational or work experience



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2. School administrator- The DOE may issue a CSCE, a provisional certificate and a public charter school standard certificate to a successful candidate for appointment as a school administrator or principal.
  - a. CSCE and provisional certificate:
    1. Candidates must possess a bachelor's or higher degree
    2. Has sufficient management and leadership experience in a public or private organization.
  - b. Standard certificate
    1. Candidate has successfully completed two years of employment at the public charter school.
    2. Passed a state-approved assessment for principals or school administrators.
3. School Business Administrator- The DOE may issue a CSCE, a public charter school provisional certificate and a public charter school standard certificate to a candidate for SBA.
  - a. CSCE with an SBA endorsement-
    1. Candidate must possess a Master's in Business Administration,
    2. Hold a CPA, or
    3. Meet the current standards.

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**APPENDIX B - Definitions**

**Construction**- This is not currently defined. The definition in this context now means the building of a wholly new school facility.

**Expansion**- means an addition to an existing school facility characterized by an increase in the school facility's gross square footage.

**Expedited renewal**- means the granting of an accelerated basis of a charter's continuation for a five-year period by the Commissioner, which is reserved for high-performing public charter schools that meet the standards set forth in N.J.A.C. 6A:11-2.3.

**High-performing public charter school**- means a public charter school that meets the academic criteria set forth in the Performance Framework.

**Norm-referenced achievement test**- means any assessment that compares test takers' results to an average to distinguish between high and low performers.

**Planning year**- means a one-year period between a public charter school's application approval and the final granting of its charter to prepare for the public charter school's opening.

**Rehabilitation** per 6A:26-1.2 means a school facilities project consisting of the reconstruction, remodeling, alteration, modernization, or repair of a school facility to keep the school facility functional for its original purpose or for new purposes and that does not increase the gross square footage of the school facility.

**Weighted lottery**- means a random selection process that provides additional weight or increased chances to individual students who are identified as a part of a specified set of educationally disadvantaged students but does not reserve or set aside seats for individual students or sets of students.