

## 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), DA 5/17-SR, DA 5/22-SR]*

#### Charter School Application Process

- A. **The NJSBA believes** that prior to the formal charter school application being submitted to the state, or an application to expand an existing charter school, the local board of education, following a public hearing, should approve or disapprove of the proposed charter school or expansion. A denial of a charter school or application for expansion of an existing 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 or the expansion of an existing charter school, as well as additional steps to incorporate local voter and elected school board opinion into chartering decisions. Expansion of an existing charter school includes increasing the districts or region from which the existing charter enrolls students, adding to the programs offered, and/or increasing the grades open for enrollment. *[Authority: DA 5/11-ER(A), DA 5/12-CR (Charter Schools), DA 11/17 Resolutions Subcommittee Report]*
- 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), DA 5/17-SR, DA 5/22-SR]*

#### 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<sup>st</sup> 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, DA 5/17-SR, DA 5/22-SR]*

#### 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, DA 5/17-SR, DA 5/22-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, charter applications