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C.18A:36A-14.1  
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§20  
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§22  
Note

P.L. 2025, CHAPTER 277, *approved January 16, 2026*  
Assembly, No. 5936 (*First Reprint*)

1 AN ACT concerning charter schools, amending various parts of the  
2 statutory law, and supplementing P.L.1995, c.426  
3 <sup>1</sup>[(C.18A:36A-1 et seq.) and chapter 12 of Title 18A of the New  
4 Jersey Statutes]<sup>1</sup>.  
5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:  
8  
9 1. (New section) As used in <sup>1</sup>[P.L. , c. (C. ) (pending  
10 before the Legislature as this bill)] P.L.1995, c.426 (C.18A:36A-1 et  
11 seq.)<sup>1</sup>:  
12 “Charter management organization” means a nonprofit  
13 organization that is exempt from federal taxation pursuant to section  
14 501(c)(3) of the federal Internal Revenue Code, 26 U.S.C. s.501(c)(3),  
15 which operates or manages one or more charter schools linked by  
16 centralized support and operations.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.  
Matter enclosed in superscript numerals has been adopted as follows:  
<sup>1</sup>Assembly AAP committee amendments adopted January 8, 2026.

1 <sup>1</sup>“Charter school” means a school established pursuant to  
2 P.L.1995, c.426 (C.18A:36A-1 et seq.). A charter school does not  
3 include a renaissance school project approved pursuant to the  
4 provisions of the “Urban Hope Act,” P.L.2011, c.176 (C.18A:36C-1 et  
5 seq.).<sup>1</sup>

6 “Compensation study” means a review by <sup>1</sup>[a] the<sup>1</sup> board of  
7 trustees of a charter school, or a third-party organization contracted by  
8 the board of trustees to conduct the review, of the proposed total  
9 remuneration for the top three salaried employees of the charter school  
10 compared to compensation for similar positions in school districts in  
11 the State and any other information the Commissioner of Education  
12 deems necessary.

13 <sup>1</sup>“Education management organization” means a for-profit  
14 organization that operates or manages one or more charter schools  
15 linked by centralized support and operations.<sup>1</sup>  
16

17 2. Section 4 of P.L.1995, c.426 (C.18A:36A-4) is amended to  
18 read as follows:

19 4. a. A charter school may be established by teaching staff  
20 members, parents with children attending the schools of the district,  
21 or a combination of teaching staff members and parents. A charter  
22 school may also be established by an institution of higher education  
23 or a private entity located within the State in conjunction with  
24 teaching staff members and parents of children attending the  
25 schools of the district. If the charter school is established by a  
26 private entity, representatives of the private entity shall not  
27 constitute a majority of the trustees of the school, and the charter  
28 shall specify the extent to which the private entity shall be involved  
29 in the operation of the school. The name of the charter school shall  
30 not include the name or identification of the private entity, and the  
31 private entity shall not realize a net profit from its operation of a  
32 charter school.

33 b. A currently existing public school is eligible to become a  
34 charter school if the following criteria are met:

35 (1) At least **【51%】** 51 percent of the teaching staff in the school  
36 shall have signed a petition in support of the school becoming a  
37 charter school; and

38 (2) At least **【51%】** 51 percent of the parents or guardians of  
39 pupils attending that public school shall have signed a petition in  
40 support of the school becoming a charter school.

41 c. An application to establish a charter school shall be  
42 submitted to the commissioner and the local board of education or  
43 State district superintendent, in the case of a school district under  
44 full State intervention, in the school year preceding the school year  
45 in which the charter school will be established. Notice of the filing  
46 of the application shall be sent immediately by the commissioner to:  
47 the members of the State Legislature**【,】**; school superintendents**【,】**;

1 and mayors and governing bodies of all legislative districts, school  
2 districts, or municipalities in which there are students who will be  
3 eligible for enrollment in the charter school. The commissioner  
4 shall post the notice of the filing, along with instructions and a link  
5 for the public to submit comments concerning the application, on  
6 the department's Internet website where the notice shall remain  
7 until the commissioner makes a final decision on the application.  
8 Any other agency or governing body that receives notice of the  
9 filing pursuant to this subsection may post the notice on the  
10 agency's or governing body's Internet website.

11 The commissioner shall cause notice of the filing to be published  
12 in the county or counties where the charter school is to be located  
13 on three occasions. The notices shall be published in accordance  
14 with R.S.35:1-2.2 or any other requirements for issuing or  
15 publishing a public notice.

16 Each notice provided to the public, a school district, and a  
17 municipality pursuant to this section shall include instructions for  
18 the public to submit comments on the application to the  
19 commissioner within 30 days of the date of the first notice.

20 The board of education or State district superintendent shall  
21 review the application and forward a recommendation to the  
22 commissioner within 60 days of receipt of the application. The  
23 commissioner shall have final authority to grant or reject a charter  
24 application.

25 d. The local board of education or a charter school applicant  
26 may appeal the decision of the commissioner to the Appellate  
27 Division of the Superior Court.

28 e. A charter school established during the 48 months following  
29 the effective date of **【this act】** P.L.1995, c.426 (C.18A:36A-1 et  
30 seq.), other than a currently existing public school which becomes a  
31 charter school pursuant to the provisions of subsection b. of  
32 **【section 4 of this act】** this section, shall not have an enrollment in  
33 excess of 500 students or greater than **【25%】** 25 percent of the  
34 student body of the school district in which the charter school is  
35 established, whichever is less.

36 Any two charter schools within the same public school district  
37 **【that are not operating the same grade levels】** or within contiguous  
38 public school districts that demonstrate a need to consolidate may  
39 petition the commissioner to amend their charters and consolidate  
40 into one school**【**. The commissioner may approve an amendment to  
41 consolidate, provided that the basis for consolidation is to  
42 accommodate the transfer of students who would otherwise be  
43 subject to the random selection process pursuant to section 8 of  
44 P.L.1995, c.426 (C.18A:36A-8)】 pursuant to a process that shall be  
45 determined by the commissioner.

46 (cf: P.L.2011, c.140, s.2)

1       3. Section 5 of P.L.1995, c.426 (C.18A:36A-5) is amended to  
2 read as follows:

3       5. The commissioner shall develop an application for the  
4 establishment of a charter school. The application **for a charter**  
5 **school** shall include the following information:

6       a. The identification of the charter applicant;

7       b. The name of the proposed charter school;

8       c. The proposed governance structure of the charter school  
9 including a list of the proposed members of the board of trustees of the  
10 charter school or a description of the qualifications and method for the  
11 appointment or election of members of the board of trustees;

12       d. The educational goals of the charter school, the curriculum to  
13 be offered, and the methods of assessing whether students are meeting  
14 educational goals. Charter school students shall be required to meet the  
15 same testing and academic performance standards as established by  
16 law and regulation for public school students. Charter school students  
17 shall also meet any additional assessment indicators which are  
18 included within the charter approved by the commissioner;

19       e. The admission policy and criteria for evaluating the admission  
20 of students which shall comply with the requirements of section 8 of  
21 **[this act]** P.L.1995, c.426 (C.18A:36A-8);

22       f. The age or grade range of students to be enrolled;

23       g. The school calendar and school day schedule;

24       h. A description of the charter school staff responsibilities and the  
25 proposed qualifications of teaching staff;

26       i. A description of the procedures to be implemented to ensure  
27 significant parental involvement in the operation of the school;

28       j. A description of, and address for, the physical facility in this  
29 State in which the charter school will be located;

30       k. Information on the manner in which community groups will be  
31 involved in the charter school planning process;

32       l. The financial plan for the charter school, including the  
33 anticipated administrative costs of the charter school, and the  
34 provisions which will be made for auditing the school pursuant to the  
35 provisions of N.J.S.18A:23-1. As used in this subsection,  
36 “administrative costs” means administrative costs as defined by State  
37 Board of Education regulations adopted under chapter 23A of Title 6A  
38 of the New Jersey Administrative Code;

39       m. A description of and justification for any waivers of regulations  
40 which the charter school will request; **[and]**

41       n. **[Such]** Any other information as the commissioner may  
42 require; and

43       o. A demonstration of need and an explanation of how the need is  
44 not currently being met by existing public schools<sup>1</sup> or charter schools  
45 in the school district<sup>1</sup>. Unaudited waitlist data shall not qualify as a  
46 demonstration of need.

47 (cf: P.L.1995, c.426, s.5)

1       4. Section 10 of P.L.1995, c.426 (C.18A:36A-10) is amended to  
2 read as follows:

3       10. a. A charter school **【may】** shall be physically located, and  
4 provide all instruction, in part of an existing public school building, in  
5 space provided on a public work site, in a public building, or any other  
6 suitable location in the school district in the State in which the charter  
7 school has been authorized to operate. In the case of a nonpublic  
8 school that converts to a charter school pursuant to the provisions of  
9 section 1 of P.L.2011, c.140 (C.18A:36A-4.1), the charter school may  
10 be located in the same school building in which the nonpublic school  
11 was located in the State. The facility shall be exempt from public  
12 school facility regulations except those pertaining to the health or  
13 safety of the pupils. A charter school shall not construct a facility with  
14 public funds other than federal funds.

15       b. The Commissioner of Education shall deny a charter school  
16 application that proposes to operate a charter school, or provide  
17 instruction, in a physical location outside of the State.

18       c. The commissioner shall deny a charter school application  
19 submitted after the effective date of P.L. , c. (C. ) (pending  
20 before the Legislature as this bill) that proposes to operate or provide  
21 instruction primarily online.

22       d. This section shall not be construed to limit the ability or  
23 discretion of a teaching staff member to utilize technological tools as  
24 an <sup>1</sup>【aide】 aid<sup>1</sup> to in-person instruction. Technological tools shall  
25 include, but not be limited to: online learning applications; educational  
26 software; third party websites; Internet-based educational resources;  
27 online data and assessment platforms; and any other software program  
28 or application used to assist with curricular or education specific  
29 needs.

30       e. This section shall not be construed to limit the ability of a  
31 charter school to utilize virtual or remote instruction as permitted  
32 pursuant to Title 18A of the New Jersey Statutes or State Board of  
33 Education regulations.

34       f. The Department of Education, in consultation with school  
35 districts throughout the State, shall maintain and publish on its Internet  
36 website a searchable list of all public school facilities that have been  
37 closed, are unused, unoccupied, or advertised for sale or for lease.

38 (cf: P.L.2011, c.140, s.3)

39  
40       5. Section 14 of P.L.1995, c.426 (C.18A:36A-14) is amended to  
41 read as follows:

42       14. a. The board of trustees of a charter school shall have the  
43 authority to decide matters related to the operations of the school  
44 including budgeting, curriculum, and operating procedures, subject to  
45 the school's charter. The board shall not contract with a for-profit  
46 entity to operate or manage the charter school. The board may  
47 contract with a charter management organization for these services.

48 <sup>1</sup>Notwithstanding the provisions of this subsection to the contrary, an

1 education management organization that holds a contract to operate or  
2 manage a charter school in the State on the effective date of P.L. , c.  
3 (C. ) (pending before the Legislature as this bill) shall not be  
4 subject to the prohibition on contracting with a for-profit entity  
5 pursuant to this subsection.<sup>1</sup>

6 The board shall provide for appropriate insurance against any loss  
7 or damage to its property or any liability resulting from the use of its  
8 property or from the acts or omissions of its officers and employees.

9 b. In the case of a currently existing public school which becomes  
10 a charter school pursuant to the provisions of subsection b. of section 4  
11 of **[this act]** P.L.1995, c.426 (C.18A:36A-4), all school employees of  
12 the charter school shall be deemed to be members of the bargaining  
13 unit defined in the applicable agreement and shall be represented by  
14 the same majority representative organization as the employees  
15 covered by that agreement. In the case of other charter schools, the  
16 board of trustees of a charter school shall have the authority to employ,  
17 discharge, and contract with necessary teachers and nonlicensed  
18 employees subject to the school's charter. The board of trustees may  
19 choose whether or not to offer the terms of any collective bargaining  
20 agreement already established by the school district for its employees,  
21 but the board shall adopt any health and safety provisions of the  
22 agreement. The charter school and its employees shall be subject to  
23 the provisions of the "New Jersey Employer-Employee Relations Act,"  
24 P.L.1941, c.100 (C.34:13A-1 et seq.) and the "Conscientious  
25 Employee Protection Act," P.L.1986, c.105 (C.34:19-1 et seq.). A  
26 charter school shall not set a teacher salary lower than the minimum  
27 teacher salary specified pursuant to section 7 of P.L.1985, c.321  
28 (C.18A:29-5.6) nor higher than the highest step in the salary guide in  
29 the collective bargaining agreement which is in effect in the district in  
30 which the charter school is located.

31 c. All classroom teachers and professional support staff shall hold  
32 appropriate New Jersey certification. The commissioner shall make  
33 appropriate adjustments in the alternate route program in order to  
34 expedite the certification of persons who are qualified by education  
35 and experience.

36 d. A public school employee, tenured or non-tenured, may request  
37 a leave of absence of up to three years from the local board of  
38 education or State district superintendent in order to work in a charter  
39 school. Approval for a leave of absence shall not be unreasonably  
40 withheld. Employees on a leave of absence as provided herein shall  
41 remain in, and continue to make contributions to, their retirement plan  
42 during the time of the leave and shall be enrolled in the health benefits  
43 plan of the district in which the charter school is located. The charter  
44 school shall make any required employer's contribution to the district's  
45 health benefits plan.

46 e. Public school employees on a leave shall not accrue tenure in  
47 the public school system but shall retain tenure, if so applicable, and  
48 shall continue to accrue seniority, if so applicable, in the public school

1 system if they return to their non-charter school when the leave ends.  
2 An employee of a charter school shall not accrue tenure pursuant to  
3 N.J.S.18A:17-2, N.J.S.18A:17-3, or N.J.S.18A:28-5, but shall acquire  
4 streamline tenure pursuant to guidelines promulgated by the  
5 commissioner, and the charter shall specify the security and protection  
6 to be afforded to the employee in accordance with the guidelines.

7 f. Any public school employee who leaves or is dismissed from  
8 employment at a charter school within three years shall have the right  
9 to return to the employee's former position in the public school district  
10 which granted the leave of absence, provided the employee is  
11 otherwise eligible for employment in the public school.

12 (cf: P.L.1995, c.426, s.14)

13  
14 6. Section 16 of P.L.1995, c.426 (C.18A:36A-16) is amended to  
15 read as follows:

16 16. a. The commissioner shall annually assess whether each charter  
17 school is meeting the goals of its charter~~], and]~~ . The commissioner  
18 shall also conduct a comprehensive review prior to granting a renewal  
19 of the school's charter. Notice of a charter school's renewal  
20 application shall be provided in accordance with the provisions of  
21 subsection c. of section 4 of P.L.1995, c.426 (C.18A:36A-4).

22 The executive county superintendent of schools of the county in  
23 which the charter school is located shall have on-going access to the  
24 records and facilities of the charter school to ensure that the charter  
25 school is in compliance with its charter and that State board  
26 regulations concerning assessment, testing, civil rights, and student  
27 health and safety are being met.

28 b. In order to facilitate the commissioner's review, each charter  
29 school shall submit an annual report to the local board of education,  
30 the executive county superintendent of schools, and the commissioner  
31 in the form prescribed by the commissioner. The report shall be  
32 received annually by the local board, the executive county  
33 superintendent, and the commissioner no later than August 1.

34 The report shall also be made available on the charter school's  
35 Internet website and to the parent or guardian of a student enrolled in  
36 the charter school, and shall be presented to the public at a regularly  
37 scheduled board of trustees meeting.

38 c. By April 1, 2001, the commissioner shall hold public hearings  
39 in the north, central, and southern regions of the State to receive input  
40 from members of the educational community and the public on the  
41 charter school program.

42 d. The commissioner shall commission an independent study of  
43 the charter school program. The study shall be conducted by an  
44 individual or entity identified with expertise in the field of education  
45 and the selection shall be approved by the Joint Committee on the  
46 Public Schools. The individual or entity shall design a comprehensive  
47 study of the charter school program.

1 e. The commissioner shall submit to the Governor, the  
2 Legislature, and the State Board of Education by October 1, 2001 an  
3 evaluation of the charter school program based upon the public input  
4 required pursuant to subsection c. of this section and the independent  
5 study required pursuant to subsection d. of this section. The  
6 evaluation shall include, but not be limited to, consideration of the  
7 following elements:

8 (1) the impact of the charter school program on resident districts'  
9 students, staff, parents, educational programs, and finances;

10 (2) the impact of the charter school program and the increased  
11 number of schools on the economics of educational services on a  
12 Statewide basis;

13 (3) the fairness and the impact of the reduction of available  
14 resources on the ability of resident districts to promote competitive  
15 educational offerings;

16 (4) the impact of the shift of pupils from nonpublic schools to  
17 charter schools;

18 (5) the comparative demographics of student enrollments in school  
19 districts of residence and the charter schools located within those  
20 districts. The comparison shall include, but not be limited to, race,  
21 gender, socioeconomic status, enrollment of special education  
22 students, enrollment of students of limited English proficiency, and  
23 student progress toward meeting the core curriculum content standards  
24 as measured by student results on Statewide assessment tests;

25 (6) the degree of involvement of private entities in the operation  
26 and financial support of charter schools, and their participation as  
27 members of charter school boards of trustees;

28 (7) verification of the compliance of charter schools with  
29 applicable laws and regulations;

30 (8) student progress toward meeting the goals of the charter  
31 schools;

32 (9) parent, community and student satisfaction with charter  
33 schools;

34 (10) the extent to which waiting lists exist for admission to charter  
35 schools and the length of those lists;

36 (11) the extent of any attrition among student and faculty  
37 members in charter schools; and

38 (12) the results of the independent study required pursuant to  
39 subsection d. of this section.

40 The evaluation shall include a recommendation on the advisability  
41 of the continuation, modification, expansion, or termination of the  
42 program. If the evaluation does not recommend termination, then it  
43 shall include recommendations for changes in the structure of the  
44 program which the commissioner deems advisable. The commissioner  
45 may not implement any recommended expansion, modification, or  
46 termination of the program until the Legislature acts on that  
47 recommendation.

1        f. Every five years the commissioner shall publicly report on the  
2 state of charter schools in New Jersey based on measures contained in  
3 the Performance Framework developed by the <sup>1</sup>['State Board of  
4 Education'] commissioner<sup>1</sup> pursuant to regulations adopted under  
5 chapter 11 of Title 6A of the New Jersey Administrative Code to  
6 evaluate the academic, financial, and organizational performance of  
7 charter schools.

8 (cf: P.L.2000, c.142, s.3)

9  
10        7. Section 17 of P.L.1995, c.426 (C.18A:36A-17) is amended to  
11 read as follows:

12        17.    a. A charter granted by the commissioner pursuant to the  
13 provisions of ~~['this act']~~ P.L.1995, c.426 (C.18A:36A-1 et seq.) shall be  
14 granted for a four-year period and may be renewed for a <sup>1</sup>~~['five-year']~~<sup>1</sup>  
15 period <sup>1</sup>of five or 10 years at the discretion of the commissioner. A  
16 charter school, which has been deemed high-performing based on  
17 measures contained in the Performance Framework developed by the  
18 commissioner pursuant to regulations adopted under chapter 11 of  
19 Title 6A of the New Jersey Administrative Code to evaluate the  
20 academic, financial, and organizational performance of charter  
21 schools, may be renewed for a period of 10 years, provided that the  
22 charter school has not been placed on probationary status within the  
23 previous five years. The commissioner may revert a charter school  
24 approved for a 10-year renewal period to a five-year renewal period if  
25 the charter school is placed on probationary status during the first five  
26 years of the 10-year renewal period<sup>1</sup>. The commissioner may review  
27 the charter of a school that has been granted a renewal at any time  
28 during the renewal period. <sup>1</sup>~~['The commissioner shall provide the~~  
29 charter school with reasonable notice of the commissioner's intent to  
30 review the school's charter.】<sup>1</sup>

31        b. The commissioner may place a charter school on probationary  
32 status to allow the implementation of a remedial plan <sup>1</sup>after which, if  
33 the plan is unsuccessful, the charter may be summarily revoked. The  
34 commissioner may place a charter school on probationary status for  
35 any reason determined by the commissioner based on the individual  
36 circumstances of a charter school or<sup>1</sup> if, on two occasions <sup>1</sup>during a  
37 single school year<sup>1</sup>, the <sup>1</sup>charter<sup>1</sup> school:

38        (1) has not fulfilled any condition imposed by the commissioner in  
39 connection with granting the charter;

40        (2) violates any provision of its charter;

41        (3) violates any of the financial operations requirements  
42 established for the charter schools by the State board;

43        (4) fails to make reasonable and appropriate efforts to serve a cross  
44 section of the community's school age population;

45        (5) engages in a practice and pattern of discrimination in violation  
46 of federal or State law; or

47        (6) violates any federal or State law.

1 <sup>1</sup>Upon notification by the commissioner that the charter school  
 2 has been placed on probationary status, the board of trustees shall  
 3 provide to the commissioner, in writing, a complete list of the names  
 4 and addresses of all students and staff currently enrolled and working  
 5 in the school so the commissioner may send the appropriate notice to  
 6 the parents or guardians and staff pursuant to the provisions of section  
 7 4 of P.L.2000, c.142 (C.18A:36A-17.1).] A charter school shall notify  
 8 each employee and the parent or guardian of each enrolled student as  
 9 to the charter school's probationary status upon notification by the  
 10 commissioner that the charter school has been placed on probationary  
 11 status.<sup>1</sup>

12 c. The commissioner **[may]** <sup>1</sup>**[shall]** may<sup>1</sup> revoke a school's  
 13 charter if the school **[has not fulfilled any condition imposed by the**  
 14 **commissioner in connection with the granting of the charter or if the**  
 15 **school has violated any provision of its charter. The commissioner**  
 16 **may place the charter school on probationary status to allow the**  
 17 **implementation of a remedial plan after which, if the plan is**  
 18 **unsuccessful, the charter may be summarily revoked]** <sup>1</sup>has not  
 19 fulfilled any condition imposed by the commissioner in connection  
 20 with the granting of the charter, if the school has violated any  
 21 provision of its charter, if the school<sup>1</sup> is determined by the  
 22 commissioner<sup>1</sup>], after notice and opportunity for a hearing in  
 23 accordance with N.J.S.18A:6-9 and the procedures set forth in State  
 24 Board of Education regulations.]<sup>1</sup> to have committed or engaged in  
 25 any of the criteria listed in paragraphs (1) through (6) of subsection b.  
 26 of this section while on probationary status <sup>1</sup>, or for any reason  
 27 determined by the commissioner based on the individual  
 28 circumstances of a charter school, except that in the case of violations  
 29 that are administrative or technical in nature, the commissioner shall  
 30 afford the school an opportunity to correct the deficiencies prior to  
 31 initiating revocation proceedings<sup>1</sup>.

32 d. The commissioner shall develop procedures and guidelines for  
 33 the revocation and renewal of a school's charter.  
 34 (cf: P.L.1995, c.426, s.17)

35  
 36 8. (New section) a. Prior to approving a charter school  
 37 application and granting a charter, the Commissioner of Education  
 38 shall review:

39 (1) the application material submitted by the proposed charter  
 40 school pursuant to section 5 of P.L.1995, c.426 (C.18A:36A-5);

41 (2) the proposed charter school's anticipated financial impact on  
 42 the school district in which the charter school is to be located<sup>1</sup>],  
 43 including the impact to the bond ratings of the school district]<sup>1</sup>; and

44 (3) any other information the commissioner deems necessary.

45 b. The commissioner shall give equal consideration to the  
 46 information reviewed pursuant to the provisions of subsection a. of  
 47 this section when determining whether to grant or deny an application

1 for a charter school established after the effective date of P.L. , c.  
 2 (C. ) (pending before the Legislature as this bill).  
 3 bill).

4  
 5 9. (New section) The Commissioner of Education shall  
 6 consider the most recent compensation study submitted by the  
 7 charter school and the charter school's administrative costs over the  
 8 past three years when reviewing an application to renew a charter  
 9 school and as part of the annual review conducted by the  
 10 commissioner pursuant to section 16 of P.L.1995, c.426  
 11 (C.18A:36A-16).

12  
 13 10. (New section) a. The Department of Education shall  
 14 maintain, in a manner that is consistent with applicable federal law, a  
 15 webpage on its Internet website for charter school transparency. The  
 16 purpose of the webpage shall be to provide increased public access to  
 17 the operations and activities of charter schools in the State.

18 b. The following information shall be posted on the webpage:

19 (1) a current list of each charter management organization <sup>1</sup>or  
 20 education management organization<sup>1</sup> that operates or manages a  
 21 charter school <sup>1</sup>as reported by a charter school in its annual report  
 22 submitted to the Commissioner of Education pursuant to section 16 of  
 23 P.L.1995, c.426 (C.18A:36A-16). The webpage shall include a  
 24 disclaimer stating that the list of charter management organizations  
 25 and education management organizations included pursuant to this  
 26 paragraph is not meant to be an endorsement or recommendation by  
 27 the department of a charter management organization or education  
 28 management organization<sup>1</sup>;

29 (2) each executed contract between a charter school and charter  
 30 management organization <sup>1</sup>or education management organization<sup>1</sup>;

31 (3) each charter school's plain language budget summary  
 32 submitted pursuant to section 12 of P.L. , c. (C. ) (pending  
 33 before the Legislature as this bill);

34 (4) <sup>1</sup>~~each~~ Form 990 received by the department pursuant to  
 35 section 21 of P.L. , c. (C. ) (pending before the Legislature as  
 36 this bill);

37 (5) <sup>1</sup>each annual report submitted by a charter school  
 38 pursuant to section 16 of P.L.1995, c.426 (C.18A:36A-16);

39 <sup>1</sup>~~[(6)]~~ (5) <sup>1</sup>each renewal application submitted by a charter school;

40 <sup>1</sup>~~[(7)]~~ (6) <sup>1</sup>a list of charter schools on probationary status and any  
 41 remedial plan put in place to assist a charter school on probationary  
 42 status;

43 <sup>1</sup>~~[(8)]~~ (7) <sup>1</sup>each application by a charter school to establish a  
 44 charter school, amend a school's charter, renew a school's charter, and  
 45 consolidate two or more charter schools; and

46 <sup>1</sup>~~[(9)]~~ (8) <sup>1</sup>each public notice concerning charter school  
 47 applications issued pursuant to the provisions of <sup>1</sup>~~[(P.L. , c. (C. )~~

(pending before the Legislature as this bill)] subsection c. of section 4 of P.L.1995, c.426 (C.18A:36A-4)<sup>1</sup>, along with instructions and a link for the public to submit comments concerning the application to the commissioner.

c. The webpage shall be updated on a regular basis.

11. (New section) a. A charter school shall maintain an Internet website. The purpose of the website shall be to provide increased public access to the operations and activities of the charter school.

b. The following information shall be posted on the homepage of the charter school's website:

(1) the budget adopted by the charter school for the school year pursuant to section 12 of P.L. , c. (C. ) (pending before the Legislature as this bill);

(2) all meeting notices required pursuant to the provisions of the "Senator Byron M. Baer Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.) in accordance with section <sup>1</sup>[16] <sup>15</sup><sup>1</sup> of P.L. , c. (C. ) (pending before the Legislature as this bill);

(3) each annual report submitted by a charter school pursuant to section 16 of P.L.1995, c.426 (C.18A:36A-16);

(4) a list of the members of the board of trustees;

(5) a list, and location, of the facilities operated by the charter school; and

(6) any other information required by State or federal law.

c. The website shall be updated on a regular basis.

12. (New section) a. The budget adopted by a charter school for the school year shall be provided for public inspection on the homepage of the charter school's Internet website and made available in print in a "user-friendly" format using plain language. The Commissioner of Education shall <sup>1</sup>, within the limit of funds appropriated or otherwise made available for this purpose.<sup>1</sup> promulgate a "user-friendly," plain language budget summary form for the use of charter schools for this purpose. The commissioner shall also promulgate a procedure and timeline for the submission by each charter school of the required budget summary form to the Department of Education.

b. The plain language budget summary shall provide the public with information in summary form about the budget of the charter school and shall include, in addition to an abbreviated version of the formal budget adopted by the charter school, any statistical information as the commissioner determines to be useful for the public's understanding of the charter school's fiscal matters and condition, and shall also include, but not be limited to, the following information for both the budget year and prebudget year:

(1) all line items of appropriation aggregated by item type;

(2) revenues by major category, including private donation;

- 1 (3) the amount of available surplus;
- 2 (4) a description of unusual revenues or appropriations, with a  
3 description of the circumstances of the revenues or appropriations;
- 4 (5) a list of shared service agreements in which the charter school  
5 is participating;
- 6 (6) the salary of the lead person and the school business  
7 administrator employed by the charter school; and
- 8 (7) if either the lead person or school business administrator is a  
9 contracted service provider, each executed contract between the lead  
10 person or school business administrator and charter school.
- 11 c. The plain language budget summary shall be submitted to the  
12 department in a form as determined by the commissioner, and, upon its  
13 receipt of the summary, the department shall make the summary  
14 available to the public through an Internet website maintained by the  
15 department in an easily accessible location. The information on the  
16 website shall be presented as data that can be downloaded by the  
17 public for comparative purposes using commonly-used software.
- 18 d. Upon the preparation of its budget, each board of trustees shall  
19 fix a date, place, and time for the holding of a public hearing upon the  
20 budget and the amounts of money necessary for the use of the charter  
21 school for the ensuing school year and the various items and purposes  
22 for which the funds will be used. The hearing shall be held at a time  
23 and place accessible to the public. The board of trustees shall cause  
24 notice of the public hearing and the statement annexed to the budget to  
25 be:
- 26 (1) published in the county or counties where the charter school is  
27 to be located on three occasions; and
- 28 (2) sent to the board of education of each school district of  
29 residence of the students enrolled in the charter school not less than  
30 four days prior to the date fixed for the public hearing <sup>1</sup>. The notice  
31 sent to a board of education pursuant to this paragraph may be  
32 transmitted by the board of trustees via electronic mail<sup>1</sup>.

33

34 13. (New section) An individual appointed to a board of  
35 trustees of a charter school following the effective date of  
36 P.L. , c. (C. ) (pending before the Legislature as this bill),  
37 other than a student representative appointed pursuant to section 2  
38 of P.L.2021, c.446 (C.18A:36A-11.2), shall possess legal, fiscal,  
39 educational, community, or board leadership or governance  
40 experience.

41

42 14. (New Section) <sup>1</sup>a. A minimum of 33 percent of the members  
43 of the board of trustees of a charter school shall maintain their  
44 principal residence or primary place of employment in the district or  
45 region in which the charter school is located, provided that at least one  
46 member of the board of trustees shall maintain their principal  
47 residence in the district or region in which the charter school is  
48 located.

1        b.<sup>1</sup> A member of the board of trustees of a charter school shall  
 2 maintain the member's principal residence in the <sup>1</sup>**["charter school's**  
 3 **district of residence"] State**<sup>1</sup>.

4        c.<sup>1</sup> A person who holds membership on <sup>1</sup>**["a"] the**<sup>1</sup> board of  
 5 trustees of a charter school on the effective date of P.L. , c. (C. )  
 6 (pending before the Legislature as this bill), but does not maintain  
 7 principal residence <sup>1</sup>**["in the charter school's district of residence"] or a**  
 8 **primary place of employment in accordance with the provisions of**  
 9 **subsections a. and b. of this section**<sup>1</sup> on that effective date, shall not be  
 10 subject to the residency requirements of this section while the person  
 11 continues to hold membership on the board without a break in service  
 12 of greater than seven days.

13  
 14        <sup>1</sup>**["15. (New section) a. Appointment as a member of a board**  
 15 **of trustees of a charter school following the effective date of**  
 16 **P.L. , c. (C. ) (pending before the Legislature as this bill)**  
 17 **shall be subject to the approval of the Commissioner of Education.**

18        b. A member of a charter school board of trustees appointed  
 19 following the effective date of P.L. , c. (C. ) (pending  
 20 before the Legislature as this bill) may serve in an acting capacity  
 21 while awaiting approval pursuant to subsection a. of this section.<sup>1</sup>

22  
 23        <sup>1</sup>**["16.] 15.**<sup>1</sup> (New section) a. <sup>1</sup>**["As required by"] In accordance**  
 24 **with**<sup>1</sup> the provisions of the "Senator Byron M. Baer Open Public  
 25 Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), the board of  
 26 trustees of a charter school shall post a copy of all meeting notices,  
 27 including a calendar of all meeting dates, and the minutes of each  
 28 meeting on the charter school's website.

29        b. The board shall hold all meetings in a physical building in the  
 30 school district in which the charter school is located except that a  
 31 meeting may be held by means of communications or other electronic  
 32 equipment during a period declared pursuant to the laws of this State  
 33 as a state of emergency, public health emergency, or state of local  
 34 disaster emergency.

35  
 36        <sup>1</sup>**["17.] 16.**<sup>1</sup> (New section) a. As used in this section:  
 37 "Non-disclosure agreement" means an agreement between the  
 38 board of trustees of a charter school and an employee of the charter  
 39 school arising out of an existing or anticipated employment  
 40 relationship, or an agreement between the board and an employee  
 41 with respect to severance pay, under which the employee or  
 42 expected employee agrees not to disclose information that may be  
 43 exchanged or acquired during the course of employment at the  
 44 charter school. A non-disclosure agreement may include a  
 45 confidentiality clause or any other language limiting the ability of  
 46 an employee to discuss their employment with the charter school.

1 “Restrictive covenant” means an agreement between the board of  
2 trustees of a charter school and an employee of the charter school  
3 arising out of an existing or anticipated employment relationship, or  
4 an agreement between the board and an employee with respect to  
5 severance pay, under which the employee or expected employee  
6 agrees not to engage in certain specified activities competitive with  
7 the charter school after the employment relationship has ended.

8 b. The board of trustees of a charter school, or any employee  
9 acting on behalf of the board, shall not require or request that an  
10 employee enter into a non-disclosure agreement or restrictive  
11 covenant as a condition of employment or with respect to severance  
12 pay as provided in an employment contract.

13 c. Nothing in this section shall be construed to prohibit a board  
14 of trustees from entering into a non-disparagement agreement with  
15 an employee.  
16

17 <sup>1</sup>18.1 17.1 (New section) a. A board of trustees of a  
18 charter school shall submit a compensation study to the  
19 commissioner:

20 (1) in any school year during which a charter school enters into,  
21 renews, or substantially modifies a contract with the lead person of  
22 the charter school, as part of the charter school’s annual report  
23 required pursuant to subsection b. of section 16 of P.L.1995, c.426  
24 (C.18A:36A-16); and

25 (2) at any other time the commissioner deems necessary.

26 b. A board of trustees of a charter school may utilize a  
27 compensation study completed in any of the immediately preceding  
28 three school years to comply with the provisions of this section.  
29

30 <sup>1</sup>19.1 18.1 (New section) A board of trustees of a charter  
31 school shall not renegotiate, extend, amend, or otherwise alter the  
32 terms of a contract with a lead person or school business  
33 administrator, unless notice is provided to the public at least 30  
34 days prior to the scheduled action by the board. The board shall  
35 also hold a public hearing and shall not take any action on the  
36 matter until the hearing has been held. The board shall provide the  
37 public with at least 10 days’ notice of the public hearing.  
38

39 <sup>1</sup>20.1 19.1 (New section) A board of trustees of a charter school  
40 shall not renegotiate, extend, amend, or otherwise alter the terms of a  
41 contract with a charter management organization <sup>1</sup>or education  
42 management organization<sup>1</sup> unless notice is provided to the  
43 <sup>1</sup>Department of Education and the<sup>1</sup> public at least 30 days prior to the  
44 scheduled action by the board. The board shall also hold a public  
45 hearing and shall not take any action on the matter until the hearing  
46 has been held. The board shall provide the <sup>1</sup>department and the<sup>1</sup>  
47 public with at least 10 days’ notice of the public hearing.

1 <sup>1</sup>**[21.] 20.**<sup>1</sup> (New section) a. A charter management organization  
2 <sup>1</sup>or education management organization<sup>1</sup> that receives payment for  
3 operating or managing a charter school, the source of which is State or  
4 local funds, shall<sup>1</sup>:

5 (1) comply with the provisions of P.L.1963, c.73 (C.47:1A-1 et  
6 seq.), commonly known as the open public records act, in its operation  
7 or management of the charter school; and

8 (2) annually file with the Department of Education the most recent  
9 public inspection copy of its Internal Revenue Service Form 990 and  
10 all schedules and supporting documentation required to be submitted  
11 to the Internal Revenue Service in conjunction with Form 990, and  
12 post the Form 990 at an easily accessible location on its Internet  
13 website. The Form 990, as well as the schedules and supporting  
14 documentation required to be submitted to the Internal Revenue  
15 Service in conjunction with the form, shall only be made available for  
16 public inspection by the Department of Education in accordance with  
17 applicable federal law.

18 b. A charter management organization found to be in violation of  
19 this section by the commissioner shall have 90 days from the date of  
20 the determination to come into compliance with the provisions of this  
21 section. If, after 90 days, the charter management organization  
22 continues to be in violation, the charter management organization shall  
23 be ineligible to provide any services to a charter school in the State.**]**  
24 comply with the ownership disclosure provisions of section 1 of  
25 P.L.1977, c.33 (C.52:25-24.2).<sup>1</sup>  
26

27 <sup>1</sup>**[22.** (New section) Any executive of a charter  
28 management organization including, but not limited to, the chief  
29 executive officer, chief operating officer, chief financial officer,  
30 executive director, president, and general counsel, that receives  
31 payment for operation or management services from a charter  
32 school, the source of which is State or local funds, shall be required  
33 to comply with the provisions of sections 5 and 6 of P.L.1991,  
34 c.393 (C.18A:12-25 and C.18A:12-26).**]**<sup>1</sup>  
35

36 <sup>1</sup>**[23.** (New section) a. As used in this section:

37 “Administrator” means any officer or employee of a school  
38 district, charter school, or renaissance school project who: (1) holds  
39 a position that requires a certificate authorizing the holder to serve  
40 as a school administrator, principal, or school business  
41 administrator; (2) holds a position that requires a certificate  
42 authorizing the holder to serve as supervisor who is responsible for  
43 making recommendations regarding hiring or purchasing or  
44 acquiring any property or services of a school district, charter  
45 school, or renaissance school project; or (3) holds a position that  
46 does not require the person to hold any type of certificate, but is  
47 responsible for making recommendations regarding hiring or

1 purchasing or acquiring any property or services by a school  
2 district, charter school, or renaissance school project.  
3 “Administrator” includes a chief school administrator and a lead  
4 person of a charter school, but does not include a member of a  
5 board of education or board of trustees of a charter school or  
6 renaissance school project.

7 “Immediate family member” means the person’s spouse, partner  
8 in a civil union as defined in section 92 of P.L.2006, c.103 (C.37:1-  
9 33), domestic partner as defined in section 3 of P.L.2003, c.246  
10 (C.26:8A-3), or dependent child, residing in the same household.

11 b. Notwithstanding any other law, rule, or regulation to the  
12 contrary, as a condition of receiving State aid, a nepotism policy  
13 adopted by the board of education of a school district or the board  
14 of trustees of a charter school or renaissance school project shall  
15 include, in addition to any other requirements adopted by the State  
16 Board of Education, provisions prohibiting:

17 (1) any immediate family member of an administrator, board of  
18 education member, or board of trustees member of a charter school  
19 or renaissance school project from being employed in a leadership  
20 or governance position in the school district, charter school and any  
21 school facility operated by the charter school, or renaissance school  
22 project, during the tenure of the administrator, board of education  
23 member, or board of trustees member; and

24 (2) any immediate family member of the officers and members  
25 of the management team, board, or other governing body of a  
26 charter management organization from being employed in a  
27 leadership or governance position in any charter school that  
28 contracts with the charter management organization for operation or  
29 management services.】<sup>1</sup>

30  
31 <sup>1</sup>【24.】 21.<sup>1</sup> Section 13 of P.L.1991, c.393 (C.18A:12-33) is  
32 amended to read as follows:

33 13. a. Each newly elected or appointed board member shall  
34 complete during the first year of the member's first term a training  
35 program to be prepared and offered by the New Jersey School Boards  
36 Association, in consultation with the New Jersey Association of  
37 School Administrators, the New Jersey Principals and Supervisors  
38 Association, and the Department of Education, regarding the skills and  
39 knowledge necessary to serve as a local school board member. The  
40 training program shall include information regarding the school district  
41 monitoring system established pursuant to P.L.2005, c.235, the New  
42 Jersey Quality Single Accountability Continuum, and the five key  
43 components of school district effectiveness on which school districts  
44 are evaluated under the monitoring system: instruction and program;  
45 personnel; fiscal management; operations; and governance.

46 The board member shall complete a training program on school  
47 district governance in each of the subsequent two years of the board  
48 member's first term.

b. Within one year after each re-election or re-appointment to the board of education, the board member shall complete an advanced training program to be prepared and offered by the New Jersey School Boards Association. This advanced training program shall include information on relevant changes to New Jersey school law and other information deemed appropriate to enable the board member to serve more effectively.

c. The New Jersey School Boards Association shall examine options for providing training programs to school board members through alternative methods such as on-line or other distance learning media or through regional-based training.

d. Within one year after being newly elected or appointed or being re-elected or re-appointed to the board of education, a board member shall complete a training program on harassment, intimidation, and bullying in schools, including a school district's responsibilities under P.L.2002, c.83 (C.18A:37-13 et seq.). A board member shall be required to complete the program only once.

e. Training on harassment, intimidation, and bullying in schools shall be provided by the New Jersey School Boards Association, in consultation with recognized experts in school bullying from a cross section of academia, child advocacy organizations, nonprofit organizations, professional associations, and government agencies.

f. The training provided by the New Jersey School Boards Association to a member of <sup>1</sup>[a] the<sup>1</sup> board of trustees of a charter school pursuant to this section shall:

(1) be prepared in consultation with <sup>1</sup>representatives and stakeholders from the New Jersey charter school community, which may include, but not be limited to, <sup>1</sup> the New Jersey Public Charter Schools Association <sup>1</sup>, or its successor<sup>1</sup>;

(2) include information on best practices for charter school governance and oversight, school leader evaluations, and charter school compensation for leadership; <sup>1</sup>and<sup>1</sup>

(3) include guidelines for conducting a compensation study prepared pursuant to section <sup>1</sup>[18] 17<sup>1</sup> of P.L. , c. (C. ) (pending before the Legislature as this bill)<sup>1</sup>]; and

(4) be approved by the Department of Education and New Jersey Public Charter Schools Association<sup>1</sup>.

(cf: P.L.2010, c.122, s.6)

<sup>1</sup>[25.] 22.<sup>1</sup> Sections 4, 5, 7, 14, <sup>1</sup>[15, 17,]<sup>1</sup> and <sup>1</sup>[23] 16<sup>1</sup> shall take effect immediately; sections <sup>1</sup>[10,]<sup>1</sup> 11, <sup>1</sup>[12, 16,]<sup>1</sup> 15, 20, and<sup>1</sup> 21<sup>1</sup>[, 22, and 24]<sup>1</sup> shall take effect six months from the date of enactment; <sup>1</sup>sections 10 and 12 shall take effect one year from the date of enactment;<sup>1</sup> and sections 1, 2, 3, 6, 8, 9, 13, <sup>1</sup>[18,]<sup>1</sup> and 17 through<sup>1</sup> 19, <sup>1</sup>[and 20]<sup>1</sup> shall <sup>1</sup>first<sup>1</sup> take effect <sup>1</sup>[when the Commissioner of Education next reviews] with<sup>1</sup> applications <sup>1</sup>[to establish or renew]

1 for new and renewing<sup>1</sup> charter schools <sup>1</sup>【, but no later than three years  
2 from the date of enactment】 submitted in the 2027-2028 school year<sup>1</sup>;  
3 except that the Commissioner of Education may take any anticipatory  
4 administrative action, in advance of the effective dates, as may be  
5 necessary to implement the provisions of this act.

6

7

8

9

10 Establishes various requirements for charter schools, charter  
11 school board of trustees members, charter management  
12 organizations, and education management organizations.