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High-Quality Charter Authorizing Policy Profiles: New Jersey

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New Jersey: Overview of State Law and Snapshot of Quality Authorizing Practices

Introduction and Methodology

The National Charter School Resource Center (NCSRC) created the [Policy Framework for High-Quality Charter Authorizing Practices \(Framework\)](#) as a tool for assessing a State policy environment's support for high-quality authorizing practices. The Framework is based on a review of high-quality authorizing practices referenced in the Every Student Succeeds Act (ESSA) and literature by the National Association of Charter School Authorizers (NACSA) and the National Alliance of Public Charter Schools (Alliance).¹ NCSRC staff used this review to identify common themes or categories of policies that are essential to State support for high-quality authorizing and incorporated them into the Framework.

NCSRC then created High-Quality Charter Authorizing Policy Profiles (State Authorizing Profiles) that describe states' authorizing policy contexts based on the Framework. As of winter 2020, NCSRC staff created 19 profiles for the States that were awarded Charter School Programs (CSP) State Entities grants between FY2017 and FY2019:

- Alabama
- Arizona
- Arkansas
- Colorado
- Delaware
- Idaho
- Indiana
- Maryland
- Michigan
- Minnesota
- Mississippi
- New Mexico
- New York
- North Carolina
- Oklahoma
- Rhode Island
- Texas
- Washington
- Wisconsin

NCSRC created eight additional profiles in the summer of 2021 for the seven states that were awarded CSP State Entities grants in FY 2020 and for New Hampshire:¹

- California
- District of Columbia
- Florida
- New Hampshire
- New Jersey
- Nevada
- Pennsylvania
- South Carolina

¹ New Hampshire was a 2019 grantee, but because of a delay in accepting grant funds, we created the profile in 2020. Also, Texas was a 2020 grantee, but we had already created its profile since it was a 2017 grantee, as well.

CSP State Entity (SE) Grants provide funding for state entities to support eligible applicants in planning and preparation for the opening of new charter schools and the replication and expansion of high-quality charter schools. Grant funds must also be used by the state entity to provide technical assistance to eligible applicants and to improve the quality of authorizing.

More State Authorizing Profiles may be added in the future. In addition, NCSRC may publish updated versions of State Authorizing Profiles to reflect changes in state policy.

The State Authorizing Profiles are intended to be used by state policymakers and practitioners to learn about their own authorizing policy environments and those of their peers. They may also be useful to charter school support organizations and charter management organizations that want to learn about different states' policy contexts.

Each state profile includes (1) a Framework Snapshot, which is an assessment of a state's authorizing practices using the Framework described in the first paragraph above and (2) a more detailed description of the state context for each practice. The basis for the state profiles was a review of the charter law and significant state policies for applicable states. Significant state policies included those issued by the state education agency and/or state board of education. NCSRC used this review to identify whether the authorizing practices specified in the Framework were present in state law or policy. That is, boxes that were checked in the Framework Snapshot indicated that particular aspects of an authorizing practice(s) were included in state law or policy.

The State Authorizing Profiles provide a foundation for understanding authorizing practices in the state. The profiles are not an exhaustive review of the state's authorizing policies and practices; they are intended to describe the key elements of the state's policy context for supporting high-quality authorizing practices. Therefore, it is possible that certain state policies are not reflected in the profiles and that individual authorizers within a state are implementing other practices, as well. In addition, the review does not assess the quality of implementation of the policies; it is possible that state policy or statute articulates a quality practice that authorizers do not implement with fidelity.

Finally, state policy is one strategy for advancing high-quality authorizing practices and is the focus of these profiles. However, there are other strategies and sources of support, including technical assistance and resources provided by state, regional, and local charter support associations. While this report does not address those other strategies, it provides a narrative of the policy context in which authorizers operate. We articulate this context to support authorizers and authorizer support organizations in understanding how to implement quality authorizing practices in their states.

Overview of State Law

The New Jersey State Legislature enacted the Charter School Program Act of 1995, which became effective on January 11, 1996.ⁱⁱ One of the law’s stated purposes is to “promote 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.”ⁱⁱⁱ New Jersey’s charter school law permits the creation of new charter schools and the conversion of traditional public schools to charter schools. Charter schools can be established by teaching staff members, parents with children attending the schools of the district, a combination of teaching staff members and parents, an institution of higher education, or a private entity located within the state, in conjunction with teaching staff members and parents of children attending the schools of the district.^{iv}

Since the charter school law was passed, it has been the subject of ongoing scrutiny and amendments. For example, the law was amended in 2000 to require that the commissioner submit an evaluation on October 1, 2001 to the governor, the legislature, and the State Board of Education of the state’s charter school program, based upon public input and an independent study.^v In 2002, the Red Bank Board of Education challenged the commissioner of education’s decision allowing charter schools to expand in its district. The district argued that charter school expansion would “have a racially segregative effect and impair its ability to deliver a thorough and efficient education.” Ultimately, the State Board of Education rejected the board’s claims and dismissed the appeal.^{vi}

State Authorizing Profile: New Jersey

Framework Snapshot²

Authorization

- Does not cap charter school growth
- Provides for more than one authorizing pathway

Application includes the following:

- Specific application criteria
- Timelines
- Evaluation review process
- Process for denied applications

Performance-based contract includes and provides for the following:

- Separate post-application agreement
- Rights and responsibilities of authorizer and school
- Academic, financial, and operational performance expectations for schools
- Initial term of not more than five years
- Fiscal, legal, and programmatic autonomy for schools
- Independent charter school governing boards

Performance Monitoring

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools' administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Renewal/Revocation

- Establishes a clear renewal process and decision-making criteria
- Requires that decisions to renew/revoke be based on student academic achievement
- Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

Authorizer Accountability

- Provides for a registration process for eligible authorizing entities
- Requires the State entity to review authorizers' performance
- Requires authorizers to adhere to standards for high-quality authorizing

Authorizer Leadership, Student Access, and Student Services

- Requires a mission or strategic vision for authorizing
- Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- Ensures equitable access to all students
- Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

Authorizer Funding

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

Source(s): New Jersey Statute Annotated (N.J.S.A.) 18A:36A, Charter School Program Act of 1995; New Jersey Administrative Code (N.J.A.C.) 6A:11, Charter Schools.

² As noted in the Introduction and Methodology, boxes checked in the framework snapshot indicate that aspects of an authorizing practice were included in state law or policy. If individual authorizers create and follow a certain policy that is not in state statute or policy, then the box will not be checked for the entire state.

Authorization

- Does not cap charter school growth
- Provides for more than one authorizing pathway

Does not cap charter school growth

New Jersey law does not cap charter school growth.

Provides for more than one authorizing pathway

The New Jersey Department of Education (NJDOE) serves as the sole authorizer and oversees all public charter schools in the state.^{vii} The commissioner of the NJDOE is responsible for authorizing and overseeing charter schools in the state.

Application includes the following:

- Specific application criteria
- Timelines
- Evaluation review process
- Process for denied applications

Specific application criteria

State law establishes requisite charter school application components, including “(1) the proposed governance structure; (2) the educational goals of the charter school, the curriculum to be offered, and the methods of assessing whether students are meeting educational goals;”^{viii} (3) “the admission policy and criteria for evaluating the admission of students”^{ix}; (4) “the financial plan for the charter school and the provisions which will be made for auditing the school”^x; and (5) any additional details required by the commissioner.

The state’s administrative code provides additional details on the application process, which is divided into two phases. Phase 1 applications must include an executive summary with “(1) the name of the proposed charter school; (2) the mission; (3) an educational program overview; (4) enrollment and admission information; (5) demonstration of need; and (6) community and parent involvement.”^{xi} The NJDOE provides the Phase 1 application on its website, as well.^{xii}

Next, the commissioner reviews Phase 1 applications and determines which applications will proceed to Phase 2 as “qualified applicants.”^{xiii} Phase 2 qualified applicants are then required “to submit [their] [Phase 2] application within 30 days of the date of notification of eligibility.” Phase 2 applications must include “(1) the educational program; (2) the goals and objectives; (3) at-risk populations; (4) staffing information; (5) the financial plan; (6) the governance and organizational plan; (7) facilities; (8) the daily and annual schedule; (9) requested waivers; and (10) all documentation in the [Phase 1] application.”^{xiv}

Timelines

Under state law, the NJDOE must disseminate its charter school application by August 31 each year.^{xv} Once an application is submitted, a notice must be immediately sent by the commissioner to “the members of the State Legislature, school superintendents, mayors, and governing bodies of all legislative districts, school districts, or municipalities in which there are students who will

be eligible for enrollment in the charter school.” In addition, “the Board of Education or State district superintendent [must] review the application and forward a recommendation to the Commissioner within 60 days of receipt of the application.”^{xvi} Lastly, the law mandates that the commissioner notify applicants of the approval/denial decision (1) by February 15 for applicants seeking fast-track approval through expedited action, and (2) by September 30 for all other applicants.^{xvii}

Evaluation review process

Neither state law nor policy details the application evaluation review process.

Process for denied applications

The law indicates that either “the local board of education or a charter school applicant may appeal the decision of the Commissioner to the Appellate Division of the Superior Court.”^{xviii} However, neither law nor policy requires the commissioner to provide the reasons for denying a charter application or to present the reasons for denial at a public forum.

Performance-based contract includes and provides for the following:

- Separate post-application agreement
- Rights and responsibilities of authorizer and school
- Academic, financial, and operational performance expectations for schools
- Initial term of not more than five years
- Fiscal, legal, and programmatic autonomy for schools
- Independent charter school governing boards

A separate post-application agreement

New Jersey administrative code defines a charter agreement as “a written agreement between a charter school and the Commissioner that sets forth criteria the charter school shall be expected to satisfy, including, but not limited to, measurable performance goals and indicators in the charter school’s performance framework.”^{xix} In practice, however, NJDOE no longer signs performance contracts.

Rights and responsibilities of authorizer and school

As previously stated, the state law requires that charter school agreements specify the criteria for which the school will be held accountable.^{xx} However, neither law nor policy requires the agreement to include the rights and responsibilities of the authorizer.

Academic, financial, and operational performance expectations for schools

The New Jersey statute’s definition of a charter agreement requires measurable performance goals and indicators in the school’s performance framework.^{xxi} As noted below, the NJDOE posts on its website performance and operational frameworks that include academic, financial, and operational performance expectations for charter schools.^{xxii}

An initial term of not more than five years

State law states that initial charter school terms are granted for a four-year period and can be renewed for a five-year period.^{xxiii}

Fiscal, legal, and programmatic autonomy for schools

New Jersey law provides fiscal, legal, and programmatic autonomy for charter schools, including the power to

1. “adopt a name and corporate seal;”^{xxiv}
2. “sue and be sued;”^{xxv}
3. “acquire real property from public or private sources, by purchase, lease, lease with an option to purchase, or by gift, for use as a school facility;”^{xxvi}
4. “receive and disburse funds for school purposes;”^{xxvii} and
5. “make contracts and leases for the procurement of services, equipment and supplies.”^{xxviii}

Independent charter school governing boards

State law authorizes charter school governing boards to “decide matters related to the operations of the school including budgeting, curriculum, and operating procedures, subject to the school’s charter.”^{xxix} As noted above, the written agreement is one between the charter school and the commissioner.^{xxx}

Performance Monitoring

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools’ administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract

Under New Jersey law, charter schools are required to submit an annual report to the local board of education, the county superintendent of schools, and the commissioner by August 1 each year.^{xxxi} It also requires the commissioner to annually assess whether each school is meeting the goals in its charter and conduct a comprehensive review before renewing a school’s charter.^{xxxii} To this end, “the annual report was established in the *Charter School Program Act of 1995* as a way to facilitate the Commissioner’s annual review of charter schools.”^{xxxiii} Moreover, the annual report is aligned to the NJDOE Office of Charter and Renaissance School’s Performance Framework and allows the NJDOE “to easily evaluate the charter school’s performance based on the criteria set forth in the Performance Framework.”^{xxxiv}

Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements

The NJDOE provides performance and organizational frameworks for charter schools, which together include academic, finance, and organizational standards and compliance requirements. These frameworks are considered state policy, as they are authored by the state’s education agency, and are available on the NJDOE website.^{xxxv}

Minimizes schools' administrative and reporting burden

Neither state law nor policy speaks to minimizing schools' administrative and reporting burden.

Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Under state law, the commissioner can place a charter school on probation “for a period of time as determined by the Commissioner to allow the implementation of a remedial plan upon a finding that the charter school is not operating in compliance with its charter, statutes, or regulations.”^{xxxvi}

Renewal/Revocation

- ☒ Establishes a clear renewal process and decision-making criteria
- ☒ Requires that decisions to renew/revoke be based on student academic achievement
- ☒ Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

Establishes a clear renewal process and decision-making criteria

New Jersey law requires that the commissioner “develop procedures and guidelines for the revocation and renewal of a school’s charter.”^{xxxvii} State policy further details the state’s charter renewal process, which includes (1) the submission of a renewal application; (2) a site visit; and (3) structured interviews with each charter school’s board of trustees, school administrators, teachers, and other school representatives.^{xxxviii, xxxix} The site visit and interviews are one component of the NJDOE’s comprehensive review of charter schools up for renewal. In addition, “the Commissioner also evaluates state assessment results, annual reports, the renewal application, monitoring reports, public comments, financial reports, and other relevant evidence, in order to render a decision about the renewal of a charter.”^{xl, xli}

Requires that decisions to renew/revoke be based on student academic achievement

The state’s administrative law authorizes the commissioner to “grant or deny the renewal of a charter upon the comprehensive review of the school including, but not limited to...a review of the charter school based on its charter agreement and the Performance Framework... [in addition to] “the annual assessments of student composition of the charter school.”^{xlii} The law also enables the commissioner to revoke a school’s charter if the school has not fulfilled any condition imposed by the commissioner in granting the charter or if the school has violated any provision of its charter.

Requires clear school closure procedures

The law requires a school’s governing board to implement “a comprehensive closure plan” within 48 hours after receiving notice that the school’s charter was nonrenewed or revoked. At a minimum, these policies must include

1. “providing in writing to the Commissioner a complete list of names and addresses of all students and staff currently enrolled and working in the school, so the Commissioner may send the appropriate notice to the parents or guardians and staff; and
2. notifying in writing all administrators, staff, parents, guardians, students and special education providers.”^{xliii}

Authorizer Accountability

- Provides for a registration process for eligible authorizing entities
- Requires the State entity to review authorizers' performance
- Requires authorizers to adhere to standards for high-quality authorizing

Provides for a registration process for eligible authorizing entities

There is only one state-wide authorizer in New Jersey; there is no registration process for other eligible authorizing entities.

Requires the state entity to review authorizers' performance

State law requires the commissioner to submit an evaluation of the state's charter school program to the governor, the legislature, and the State Board of Education by October 1 each year. This report must include such elements as

1. "the impact of the charter school program on resident districts' students, staff, parents, educational programs, and finances;"
2. "the impact of the charter school program and the increased number of schools on the economics of educational services on a Statewide basis;"
3. "the impact of the shift of pupils from nonpublic schools to charter schools;"
4. "verification of the compliance of charter schools with applicable laws and regulations;" and
5. "student progress toward meeting the goals of the charter schools."^{xliv}

The evaluation must also include "a recommendation on the advisability of the continuation, modification, expansion, or termination of the program."^{xlv} As the NJDOE is the only charter school authorizer, this statutory requirement constitutes an evaluation of the authorizer, as well.

Requires authorizers to adhere to standards for high-quality authorizing

Neither state law nor policy requires the NJDOE to adhere to standards for high-quality authorizing. However, the NJDOE website states that it "authorizes charter schools consistent with national best practice in charter school authorizing."^{xlvi}

Authorizer Leadership, Student Access, and Student Services

- Requires a mission or strategic vision for authorizing
- Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- Ensures equitable access to all students
- Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

Requires a mission or strategic vision for authorizing

Neither state law nor policy requires the NJDOE to have a mission or strategic vision for authorizing.

Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants

Neither state law nor policy requires promoting quality authorizing by requiring technical assistance or professional development for the NJDOE or charter school applicants.

Ensures equitable access for all students

New Jersey statute requires that charter schools be open to all students and prohibits charter schools from discriminating in their admissions policies or practices “on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a handicapped person, proficiency in the English language, or any other basis that would be illegal if used by a school district.”^{xlvii} However, the law does permit charter schools to “limit admission to a particular grade level or to areas of concentration of the school, such as mathematics, science, or the arts.”^{xlviii}

State law also permits charter schools to request approval from the commissioner to “establish a weighted lottery that favors educationally disadvantaged students, including, but not limited to, students who are economically disadvantaged, students with disabilities, migrant students, limited English proficient students, neglected or delinquent students, or homeless students, in an effort to better represent a cross-section of the community’s school-age population.”^{xlix}

Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

New Jersey statute requires charter schools to provide an enrolled limited English proficient student with all required courses and support services, and an enrolled student with educational disabilities with free, appropriate education in accordance with the Individuals with Disabilities Education Act (IDEA) and local laws.^{l, li}

Authorizer Funding

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

Provides a mechanism for guaranteed access to authorizer funding

Neither state law nor policy provides a mechanism for guaranteed access to authorizer funding.

Includes a process for holding authorizers accountable for how funding is used

As state law does not provide a mechanism for authorizer funding, there is similarly no process for holding authorizers accountable for how authorizer funding is used.

Endnotes

- ⁱ Language in ESSA Framework Details section below was taken directly and adapted from Title IV, Part C of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), §§ 4301 to 4311 (20 U.S.C. §§ 7221 to 7221j)—<https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/charter-school-programs/state-entities/funding-and-legislation/>; Language in the NACSA: Framework Details section below were taken directly or adapted from the following resources: National Association of Charter School Authorizers: Quality Authorizing Practices; Reinvigorating the Pipeline; Authorizer Accountability Model Language; Higher Education Institution Authorizers; Leadership, Commitment, Judgment: Elements of Successful Charter School Authorizing; Findings from the Quality Practice Project; Principles and Standards for Quality Charter School Authorizing; Putting an End to Authorizer Shipping; Language in the Alliance: Framework Details section below were taken directly or adapted from the following resources: National Alliance for Public Charter Schools: 2019 State Charter Law Ranking—<https://www.publiccharters.org/ranking-state-public-charter-school-laws-2019>; 2016 Model Charter School Law—<https://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2016/10/2016ModelCharterSchoolLaw.pdf>
- ⁱⁱ P.L. 1995 c. 426, N.J.S.A. 18A:36A; New Jersey Public Charter Schools Association, <https://www.njcharters.org/advocacy/>
- ⁱⁱⁱ N.J.S.A. 18A:36A-2.
- ^{iv} N.J.S.A. 18A:36A-4.
- ^v Senate Bill S. 694, https://www.njleg.state.nj.us/2018/Bills/S1000/694_11.HTM
- ^{vi} The Rutgers School of Law Institute on Education and Law Policy, Setting the Stage for Informed, Objective Deliberation on School Choice, <https://spaa.newark.rutgers.edu/media/1472/download>
- ^{vii} N.J.S.A. 18A:36A-3.
- ^{viii} N.J.S.A. 18A:36A-5.
- ^{ix} N.J.S.A. 18A:36A-5.
- ^x N.J.S.A. 18A:36A-5.
- ^{xi} N.J.A.C. 6A:11-2.1
- ^{xii} New Jersey Department of Education, March 2021 Phase One Application, https://www.nj.gov/education/chartsch/app/process/docs/March_2021_Phase%20One%20Application%20Template.pdf
- ^{xiii} N.J.A.C. 6A:11-2.1
- ^{xiv} *Id.*
- ^{xv} *Id.*
- ^{xvi} N.J.S.A. 18A:36A-4.
- ^{xvii} N.J.A.C. 6A:11-2.1.
- ^{xviii} N.J.S.A. 18A:36A-4.
- ^{xix} N.J.A.C. 6A:11-1.2.
- ^{xx} *Id.*
- ^{xxi} N.J.A.C. 6A:11-1.2.
- ^{xxii} New Jersey Department of Education, Office of Charter and Renaissance Schools, Performance Framework. <https://www.nj.gov/education/chartsch/accountability/docs/PerformanceFramework.pdf>
- ^{xxiii} N.J.A.C. 6A-17.
- ^{xxiv} N.J.S.A. 18A:36A-6.
- ^{xxv} N.J.S.A. 18A:36A-6.

- ^{xxvi} N.J.S.A. 18A:36A-6.
- ^{xxvii} N.J.S.A. 18A:36A-6.
- ^{xxviii} N.J.S.A. 18A:36A-6.
- ^{xxix} N.J.S.A. 18A:36A-14.
- ^{xxx} N.J.A.C. 6A:11-1.2.
- ^{xxxi} N.J.S.A. 18A:36A-16(b).
- ^{xxxii} N.J.S.A. 18A:36A-16.
- ^{xxxiii} New Jersey Department of Education, Office of Charter and Renaissance Schools, Annual Report, <https://www.nj.gov/education/chartsch/accountability/annualreport.shtml>
- ^{xxxiv} Id.
- ^{xxxv} New Jersey Department of Education, Office of Charter and Renaissance Schools, Performance Framework. <https://www.nj.gov/education/chartsch/accountability/docs/PerformanceFramework.pdf>
- ^{xxxvi} N.J.A.C. 6A:11-2.4.
- ^{xxxvii} N.J.S.A. 18A:36A-17.
- ^{xxxviii} New Jersey Department of Education, Office of Charter and Renaissance Schools, Charter School Renewal Application 2020-2021, <https://www.nj.gov/education/chartsch/accountability/renewal.shtml>
- ^{xxxix} Id.
- ^{xl} Id.
- ^{xli} Id.
- ^{xlii} N.J.A.C. 6A:11-2.3.
- ^{xliiii} N.J.A.C. 6A:11-2.4(c).
- ^{xliv} N.J.S.A. 18A:36A-16(e).
- ^{xlv} Id.
- ^{xlvi} New Jersey Department of Education, Charter Schools, <https://www.nj.gov/education/chartsch/>
- ^{xlvii} N.J.S.A. 18A:36A-7.
- ^{xlviii} Id.
- ^{xlix} N.J.A.C. 6A:11-4.5(f).
- ^l N.J.A.C. 6A:11-4.8.
- ^{li} N.J.A.C. 6A:11-4.9.