

SB #23-98

IN THE MATTER OF THE GRANT OF THE :
CHARTER SCHOOL APPLICATION OF : STATE BOARD OF EDUCATION
THE CLASSICAL ACADEMY CHARTER : DECISION
SCHOOL OF CLIFTON, PASSAIC COUNTY. :

Decided by the Commissioner of Education, January 21, 1998

For the Appellant, Anthony V. D'Elia, Esq.

For the Respondent, Vincent DeRosa, pro se

For the Participant Commissioner of Education, Arlene G. Lutz, Deputy
Attorney General (Peter Verniero, Attorney General of New Jersey)

This is one of fourteen appeals from contingent approvals given by the Commissioner of Education to applications submitted to obtain charters to operate charter schools pursuant to the Charter School Program Act of 1995, N.J.S.A. 18A:36A-1 et seq. We have presumed the validity of the statute and implementing regulations for purposes of determining whether a specific applicant should be permitted to proceed in this process. Hence, for purposes of this review, we have focused on whether the appeal raises concerns of such character as to preclude the grant of a charter or has revealed circumstances which must be addressed before the proposed school can become operational.

The Clifton Board of Education contends that the application does not fulfill the purposes of the Charter School Act because it does not offer anything different than what is offered by the Clifton school district. The Board further contends that the proposed school will not offer a thorough and efficient education to its students because its application does not include any meaningful curriculum. It also argues that the loss of funds to the proposed school will have a devastating effect on the district's ability to provide a thorough and efficient education to its 9,000 students.

We find that the Board has not shown that the substance of the Classical Academy Charter School's application is such that we should set aside the Commissioner's determination that the proposed charter school may continue the process which would allow it to become operative if the Commissioner grants it final approval. We therefore decline to set aside that approval.

Margaret M. Bennett abstained.

April 1, 1998

Date of mailing _____