

SB #21-98

IN THE MATTER OF THE GRANT OF :
THE CHARTER SCHOOL APPLICATION : STATE BOARD OF EDUCATION
OF THE PLEASANTVILLE CHARTER : DECISION
SCHOOL FOR ACADEMIC EXCEL- :
LENCE, ATLANTIC COUNTY. :

Decided by the Commissioner of Education, January 21, 1998

For the Appellant, Murray, Murray & Corrigan (Yvonne D. Catley, Esq., of
Counsel)

For the Respondent, J. David Alcantra, pro se

For the Participant Commissioner of Education, John K. Worthington, 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.

In its brief, the Pleasantville Board contends that the proposed school's application should not have been approved because it did not meet the requirements of the statute. It also contends that the grant of a charter will impose an economic burden on the school district and will deprive those students attending the district's schools of a thorough and efficient education. In addition, the Pleasantville Board has filed a motion to supplement the record with an affidavit by one of the proposed school's founders and a letter to the Commissioner from former members of the proposed school's Board of Trustees urging the Commissioner to reconsider his approval of the application.

After reviewing the materials, we grant the motion to supplement the record. The documents submitted to us reveal that the partner of the proposed school is a private profit-making entity which controls the Board of Trustees. These circumstances are materially different from those presented to the Commissioner. We therefore refer this matter back to the Commissioner for his further consideration of the application in light of the concerns raised by the supplemental materials.

Margaret M. Bennett abstained.

April 1, 1998

Date of mailing _____