

IN THE MATTER OF THE DENIAL OF :
THE CHARTER SCHOOL APPLICATION : STATE BOARD OF EDUCATION
OF THE GALLOWAY EDUCATIONAL : DECISION
MERIDIAN CHARTER SCHOOL, :
ATLANTIC COUNTY. :

Decided by the Commissioner of Education, January 28, 1999

For the Appellant, Cooper, Perskie, April, Niedelman, Wagenheim & Levenson
(Don A. Beskrone, Esq., of Counsel)

For the Respondent, William S. Cappuccio, Esq.

For the Participant Commissioner of Education, John Worthington, Deputy
Attorney General (Peter Verniero, Attorney General of New Jersey)

The Galloway Educational Meridian Charter School (hereinafter “appellant”) filed an appeal to the State Board of Education from a letter decision of the Commissioner of Education dated January 28, 1999 denying its application to establish a charter school in the 1999-2000 academic year.¹ The Commissioner indicated that the application needed to be strengthened in the following areas: “seeks to dissolve existing charter upon approval of new charter; and does not clearly address how the New Jersey Core

¹ We note that the appellant was granted a charter in 1997 to operate a charter school for kindergarten students only. That school, the Galloway Kindergarten Charter School, opened in September 1997 and remains in operation. Appellant subsequently sought to amend its charter in order to expand the grade levels offered. That request was denied by the Commissioner on the grounds that such an amendment would change the mission and goals of the school. The appellant’s instant application, filed in August 1998, sought a charter to operate with grades K-2 in 1999-2000 expanding to K-8 by the 2002-2003 school year.

Curriculum Content Standards will be met.” Commissioner’s Decision, slip op. at 1. The Commissioner also indicated with regard to the appellant’s financial plan that “various expenditure line items are improperly classified; and the cash flow statement does not sum properly.” Id.

We have considered the arguments made by appellant in light of the record provided to us on behalf of the Commissioner. Based upon that review, and given the significance of the deficiencies identified in the appellant’s application by the Department’s reviewers, we conclude that the appellant has failed to demonstrate an entitlement to establish a charter school pursuant to N.J.S.A. 18A:36A-1 et seq. We therefore affirm the Commissioner’s decision to deny appellant the grant of a charter for 1999-2000.

In so doing, however, we reject that portion of the Commissioner’s determination which indicated that the appellant’s application was insufficient in that it proposed to dissolve its existing kindergarten charter school upon approval of its application to expand to K-8. We can find nothing in the statutes or regulations governing charter schools that would preclude an existing charter school from applying to the Commissioner for a new charter with expanded grade levels.²

We deny the motions to supplement the record filed by the appellant and the Commissioner. The revisions to appellant’s application were not before the Commissioner at the time he determined this matter, and we find that information

² Indeed, we note that in this instance, see, supra, n.1, the Commissioner’s ruling is tantamount to declaring that regardless of the quality of its application, the charter school could never expand the grade levels served during the period of the charter unless it created an entirely separate entity to serve those grades.

regarding the appellant's previous attempts to amend its existing kindergarten charter is not material to a determination on the merits of its instant application.

April 7, 1999

Date of mailing _____