

SB #86-98

IN THE MATTER OF THE FINAL GRANT :  
OF A CHARTER FOR THE UNITY : STATE BOARD OF EDUCATION  
CHARTER SCHOOL, MORRIS COUNTY. : DECISION

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Decided by the Commissioner of Education, September 3, 1998

Remanded by the State Board of Education, November 4, 1998

Decision on remand by the Commissioner of Education, December 4, 1998

Remanded by the State Board of Education, February 3, 1999

Response by the Commissioner of Education, February 16, 1999

Decision by the State Board of Education, April 7, 1999

Decided by the State Board of Education, July 7, 1999

For the Appellant, Wiley, Malehorn & Sirota (John G. Geppert, Jr., Esq., of Counsel)

For the Respondent, Collier, Jacob & Mills (David H. Ganz, Esq., of Counsel)

For the Participant Commissioner of Education, Terri A. Cutrera, Deputy Attorney General (John J. Farmer, Jr., Attorney General of New Jersey)

On July 7, 1999, the State Board of Education rendered its fourth determination in this matter, in which the Morris School District (hereinafter "District") is challenging the grant of final approval given by the Commissioner of Education to the Unity Charter School (hereinafter "Charter School") to operate pursuant to the Charter School

Program Act of 1995, N.J.S.A. 18A:36A-1 et seq., for the period from July 1, 1998 through June 30, 2002.

In our decision, we determined that the approval granted by the Commissioner should not be set aside. In so doing, we concluded that, under the particular circumstances that had been presented to us, the presence of alcoholic beverages in the building housing Unity Charter School did not render the site unsuitable for educational purposes. See N.J.S.A. 18A:36A-10. However, given the presence of a social club in the building, in which alcoholic beverages are stored and served, we directed that adults who are not associated with the Charter School not be permitted to be in the building when children are present during school hours or for school-sponsored events except with specific authorization from the appropriate school personnel and under proper supervision therefrom.

In addition, acting on a motion duly seconded, we directed our staff to prepare an addendum to that decision which would direct appropriate oversight by the State Department of Education so as to guarantee that no child would gain access to the alcoholic beverages stored in the building.

After careful consideration of this issue, we direct the Commissioner to develop and implement a plan by September 1, 1999 that specifies in detail the steps that the staff of the Department of Education will take to monitor the security measures employed by the Charter School with regard to the alcoholic beverages in the building and to otherwise ensure that the Charter School complies with the directive in our July 7, 1999 decision. In so doing, we stress that the Commissioner, rather than the State Board, is responsible for the development and implementation of such a plan by

Department staff, and we do not retain jurisdiction. However, we direct the Commissioner to apprise us of the specific details of his plan by submitting it to us by September 1, 1999.

Jean D. Alexander and Margaret M. Bennett opposed.

August 4, 1999

Date of mailing \_\_\_\_\_