

SB #14-98

IN THE MATTER OF THE GRANT OF THE:

CHARTER SCHOOL APPLICATION OF : STATE BOARD OF EDUCATION

THE ENGLEWOOD ON THE PALISADES : DECISION

CHARTER SCHOOL, BERGEN COUNTY. :

Decided by the Commissioner of Education, January 21, 1998

For the Appellant, Mauro, Savo, Camerino & Grant (Eric Martin Bernstein,
Esq., of Counsel)

For the Respondent, Mary L. Zaks, 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.

In support of its appeal, the Board of Education of the City of Englewood (hereinafter "Board") contends that the Commissioner's decision should be reversed because the application submitted by the proposed Englewood on the Palisades Charter School does not comply with the statutory requirements of the Charter School Act. It also argues that the financial loss to the school district will have an educational impact and that the grant of a charter will exacerbate the racial imbalance in the school district.

We find that the Board has not shown that the substance of the 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. Moreover, the Board's arguments with regard to racial impact are speculative at this point in the absence of actual enrollment data. However, given the racial composition of Englewood's student population, the Commissioner should review the racial composition of the student population of the proposed Englewood on the Palisades Charter School before granting final approval.

Margaret M. Bennett abstained.

April 1, 1998

Date of mailing _____