

SB #20-98

IN THE MATTER OF THE GRANT OF THE:

CHARTER SCHOOL APPLICATION OF : STATE BOARD OF EDUCATION

THE PLEASANTECH ACADEMY CHAR- : DECISION

TER SCHOOL, 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, Jacobs & Jacobs (Joseph M. Jacobs, Esq., of Counsel)

For the Participant Commissioner of Education, Geraldine Callahan, 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 Pleasantville Board of Education (hereinafter "Board") contends that the proposed school's application was deficient and 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, because Pleasantville is a special needs district, will deprive those students attending the district's schools of a thorough and efficient education.

We find that the Pleasantville 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.

Margaret M. Bennett abstained.

April 1, 1998

Date of mailing _____