

**RESOLUTION OF THE HIGHLAND PARK BOARD OF EDUCATION CALLING FOR A MORATORIUM ON NEW CHARTER SCHOOL SEATS IN MIDDLESEX AND SOMERSET COUNTIES, CREATED THROUGH THE APPROVAL OF NEW FACILITIES AND/OR THE EXPANSION OF EXISTING FACILITIES**

WHEREAS, the Charter School Program Act of 1995 (the “Act”) authorizes the creation of charter schools to service students whose respective communities have identified a desire for alternatives to traditional public schools; and

WHEREAS, the Act requires that individuals interested in creating a new charter school include parents and/or other stakeholders of the community in which the proposed charter school will be located; and

WHEREAS, the Act further requires that all charter schools have an approved district or region of residence made up of public school districts, which district/region of residence represents the community that the charter school was created to serve; and

WHEREAS, there are currently five charter schools in Middlesex and Somerset Counties, with a sixth having been approved in October 2016 with tentative opening of September 2018, which schools serve the following communities pursuant to their approved district/region of residence:

- a. Hatikvah International Academy Charter School (“Hatikvah”): East Brunswick;
- b. Thomas Edison EnergySmart Charter School (“TEECS”): Franklin, North Brunswick, and South Brunswick;
- c. Central Jersey College Prep Charter School (“CJCP”): Franklin, North Brunswick, and New Brunswick;
- d. Greater Brunswick Charter School: New Brunswick, Edison, and Highland Park;
- e. Academy for Urban Leadership Charter School: Perth Amboy;

WHEREAS, a number of these charter schools have applied to the NJDOE seeking to expand their current programs, enrollment and locations; and

WHEREAS, a sixth charter school, Ailanthus Charter School, was approved by the New Jersey Department of Education (“NJDOE”) in October 2016 to serve students in Franklin and New Brunswick beginning in September 2018; and

WHEREAS, the current number of seats across existing charter schools in Middlesex and Somerset counties for the 2016-2017 school year, according to available public records, is 2,316; and

WHEREAS, the number of charter school seats throughout Middlesex and Somerset counties, according to available public records, will increase by 128% to 5,283 if all of the outstanding expansion applications are granted and Ailanthus is granted a final charter by the NJDOE; and

WHEREAS, the Act requires that the districts of residence pay the charter schools for each student from their respective communities enrolled in those schools, thereby draining funds and diminishing money available to serve students in the traditional public schools; and

WHEREAS, the NJDOE has interpreted the Act to require all public school districts statewide to pay charter schools for students enrolled in those schools regardless as to whether the charter serves that district's community as part of the charter's approved district or region of residence; and

WHEREAS, any increase in charter seats will have a negative impact on public school district funding, with the proposed 128% increase in such seats in Middlesex and Somerset counties likely to lead to drastic and debilitating cuts throughout the public school districts in those counties; and

WHEREAS, unlike charter schools, public school districts are consistently underfunded by the State despite the requirements of the School Funding Reform Act and are also subject to a mandatory 2% cap on increases to its local tax levy, which prevents public school districts from raising funds to cover the damage caused by increased charter school seats; and

WHEREAS, the existing charter schools located in Middlesex and Somerset counties are already lacking in demand in their own designated communities and the expansion of these schools will only exacerbate this issue; and

WHEREAS, in direct contradiction to the letter and spirit of the Act, many charter schools are seeking to expand in order to enroll additional students from districts outside of the charter schools' approved districts or regions of residence due to a lack of interest from students who live in the very communities for which the charters were created to serve; and

WHEREAS, TEECS, CJCP and Hatikvah have all filed applications seeking to expand their enrollment despite the fact, according to data available for the 2016-2017 school year, that only 96% of the students enrolled in TEECS reside in that school's region of residence, only 87% of the students enrolled in CJCP reside in that school's region of residence, and only 48% of the students enrolled in Hatikvah reside in that school's district of residence; and

WHEREAS, TEECS and Hatikvah enroll a significantly more segregated student body than any of the resident or non-resident sending districts with respect to race, socioeconomic status, and need for special education; and

WHEREAS, the Department of Education and the Courts have repeatedly determined that the practice of segregating students must be ended, not perpetuated under the guise of parental choice or "free-market" competition; and

WHEREAS, it is unclear as to whether the NJDOE gives due consideration to the increased segregation of students caused by expanding charter schools; and

WHEREAS, it is also unclear as to whether the NJDOE gives due weight to the financial burden on districts of residence and other public school districts impacted by increasing charter school enrollment when considering applications for new or expanded charter schools; and

WHEREAS, there is a lack of publicly available studies and/or statistical analyses conducted by the NJDOE with respect to the segregative and financial impact of charter school expansions on the vast majority of students remaining in the traditional public setting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Education hereby implores the New Jersey Department of Education to conduct a full, open and thorough analysis of the potential impact that the

expansion and addition of charter schools in Middlesex and Somerset counties will have on each public school district throughout the State; and

BE IT FURTHER RESOLVED that a moratorium be imposed on the approval of any application to expand or create any charter school in Middlesex and/or Somerset county until such time as the NJDOE analysis can be properly completed and the results of which can be shared and discussed with the public; and

BE IT FURTHER RESOLVED that the Board of Education hereby requests the assistance of its local and State representatives in ensuring that the NJDOE conducts the necessary charter school impact analysis and that the public school districts of Middlesex and Somerset counties receive their fair share of funds so that they can continue to provide a thorough and efficient public education to all students; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Acting Commissioner of Education, the Acting Director of the Office of Charter Schools, State Senator Teresa Ruiz and the Senate Education Committee, Assemblywoman Marlene Caride and the Assembly Education Committee, State Senate President Stephen Sweeney, and Assembly Speaker Vincent Prieto.