Dr. Lamont Repollet, Commissioner of Education  
New Jersey Department of Education  
100 Riverview Plaza  
P.O. Box 500  
Trenton, NJ 08625-0500

RE: Response to NPS Comments on Charter Renewals

Dear Commissioner Repollet,

As you are aware, on December 13, 2019, Newark Public Schools’ (NPS) Superintendent Roger Leon submitted letters requesting the closure of all four charter schools that are up for renewal in the 2019-20 school year. M.E.T.S. Charter School, People’s Prep Charter School, Roseville Community Charter School, and University Heights Charter School all deserve to be evaluated fairly based on the Department of Education’s (Department) Performance Framework criteria. When making a renewal determination, the Commissioner takes into account the academic success, fiscal viability, and organizational capacity of each individual charter school. Unfortunately, the reasons highlighted in Superintendent Leon’s letters are factually inaccurate, rebutted by the Department’s own oversight, and simply regurgitate generic anti-charter school rhetoric from known anti-charter school advocacy groups without any supporting evidence of their application in these instances.

The New Jersey Charter Schools Association represents 95% of the 88 public charter schools in the state, serving 54,000 students across New Jersey. Superintendent Leon’s alarming comments raise larger policy questions that impact all Newark charter schools and the families that they serve. Without question, there has been incredible success for both district schools and charter schools in Newark over the last 20 years. This has been accomplished, in part, through a strong partnership between the district and the charter sector in Newark. It is unfortunate that Newark has decided to attack public charter schools and threaten to destroy the goodwill that has been built up over the last decade. I write this letter in response to the irresponsible and unfair attacks on public charter schools in Newark.

NPS Claim: “Renewal of [insert charter school] would exacerbate the already great strain on district schools in Newark.”

The public charter school community rejects the premise that public charter schools are ‘draining money’ from Newark district schools. When the funding formula is run to determine how much funding Newark receives on an annual basis, public charter school students are included in that calculation. Funding then follows the child into the public charter school that he or she attends. Superintendent Leon’s assertion that this funding belongs to the school district is simply wrong. It belongs to families who have numerous public education options in Newark. As more and more families choose to attend public charter schools, NPS must take the necessary steps to right size its operations, staffing, programs, and facilities to accommodate fewer students who attend traditional public
schools. While the district has to make challenging decisions on staffing and programs, the same can be said of public charter schools who have been flat funded for many years and face similar rising costs to sustain their staffing, programs, and operations.

In August 2019, NPS requested $37 million for emergency aid to pay for school repairs and charter school payments. The State, after a thorough review, only granted $4 million to NPS noting that Newark could cover most of those costs itself by tapping unused funds from last school year and further raising local taxes. The State has already reviewed NPS’ finances and came to the conclusion that charter school payments are not to blame for any budgetary shortfalls. In fact, a DOE official stated that the Department is confident that the emergency aid provided would allow Newark to provide quality educational services to their students.¹

**NPS Claim: “[Insert Charter School] fails to enroll and serve a cross-section of Newark’s school-age population.”**
N.J.A.C. 6A:11-2.3 (b) states that “The admission policy of the charter school shall, to the maximum extent practicable, seek the enrollment of a cross-section of the community’s school age population including racial and academic factors.” Public charter schools in Newark have embodied the intent of this regulation and worked in partnership with NPS to ensure that all students have equitable access to public school options through a single, citywide enrollment system. Superintendent Leon inexplicably accuses public charter schools of failing to enroll the most vulnerable students in the city when the opposite is true. The Newark Enrolls system preferences students with disabilities, English language learners, and free lunch students to get into a district or charter school of their choice. In fact, over the last seven years, the number of students with disabilities in Newark charter schools has more than doubled. As system administrator, NPS controls the current enrollment system that most charter schools are subject to in Newark. Despite the fact that NPS has not held up its end of the bargain on the Newark Enrolls MOU, public charter schools have demonstrated a deep commitment to providing an open, equitable, and easy-to-use enrollment system for families by remaining in the system. NPS’ unfounded accusation that charter schools are failing to enroll the most vulnerable students when they have opted into a district-controlled weighted enrollment system that preferences at-risk students is deeply disturbing and without merit.

**NPS Claim: “Few are paying attention to the breaches of legal rights of students, parents, taxpayers, and employees under the increasingly opaque private governance and management structures associated with charter expansion.”**
NPS’ accusation that there are ‘breaches of legal rights of students, parents, taxpayers, and employees under the increasingly opaque private governance and management structures associated with charter expansion’ without any evidence is outrageous. The Economic Policy Institute is an anti-charter organization that peddles in anti-charter rhetoric. Superintendent Leon’s decision to accuse public charter schools of illegal activity without a shred of evidence is beyond the pale. The State Department of Education provides strong oversight over public charter schools in New Jersey which has one of the toughest regulatory environments in the country.

**Written Comments Should Be Disregarded**
Superintendent Leon’s written comments should be disregarded as they were not completed in a timely manner. Similar to how the Department rejects charter school applications that are submitted beyond regulatory guidelines, these letters should also be rejected. Written comments from the Superintendent to the State Department were due on November 15, 2019, thirty days from the receipt of the renewal applications. Superintendent Leon filed his

letter on December 13, well beyond the thirty-day window allotted. Secondly, the Superintendent comments were not authorized by the Newark Board of Education. Under N.J.A.C. 6A:11-2.3, Superintendent Leon does not have standing to submit comments without board approval since only the local “board of education” has authority to comment on charter school renewal applications.

It is unfortunate that Superintendent Leon has made the decision to unfairly attack public charter schools in Newark and to perpetuate the “us vs. them” narrative that can often be associated with district-charter relations. The public charter school sector rejects this rhetoric and seeks to work with local school districts to provide a quality public education to all students. We thank you for consideration of this letter and the information that has been provided. Please do not hesitate to reach out with any questions you may have on this or any other matter.

Sincerely,

Harry Lee, President and CEO
New Jersey Charter Schools Association

CC: Julie Bunt, Director, Office of Charter and Renaissance Schools