

# THE Center for Education Reform



1001 Connecticut Avenue, NW  
Suite 204 • Washington, DC 20036

Tel 202-822-9000  
Fax 202-822-5077

## FAX ALERT

### NEW JERSEY COURT CLEARS PATH FOR CHARTER SCHOOLS

#### *School boards lose in court*

**April 4, 1999** Despite the pleas of threatened school boards in the Garden State, charter schools in Franklin, Clifton and Englewood, NJ are operating in safe constitutional waters, said the Superior Court of New Jersey, Appellate Division, on Monday, March 29.

"The court ruled it was premature to decide whether the charter schools have a deleterious effect on regular public schools and their ability to educate students," reports the Associated Press (03/29/99).

A hearings on at least three additional lawsuits is slated for April 14<sup>th</sup>.

The lawsuits have cost taxpayers hundreds of thousands of dollars in funds allocated for schooling and in wasted time of charter officials who've had to run new schools while fending off opposition from local school boards.

This is the fourth state constitutional challenge where school board groups or other anti-charter groups have tried to have charter schools dismissed only to have the laws upheld in Colorado (1996), Arizona (1998), Michigan (1997), and now New Jersey. In New Jersey, the school board challenged the charters on due process grounds, funding authority, and constitutional authority to create a charter law.

The court ruling may not stop the school boards groups, who, along with unions, have taken to trying to curb charter growth in the Garden State through lobbying for amendments to the original law. Currently the legislature is holding a bill that would restrict enrollment in all public schools of choice to seven percent of enrollment in most districts, which would have the net effect of stopping charters in their tracks.

The restrictive proposal enjoys the support of Governor Christine Todd Whitman, although presently there is no action in the state.

"The court victory in New Jersey is a much-needed boost of adrenaline for these and other charter schools whose leaders have had their time and attention distracted unnecessarily," said CER president Jeanne Allen. "The courts may continue however to see additional nuisance suits, as well as legislative attempts to weaken the relatively strong law."

New Jersey currently has 31 operating charter schools, 23 approved to open and is permitted to have 135 through the year 2000.

*The Center for Education Reform is a national, independent, non-profit advocacy organization founded in 1993 to provide support and guidance to individuals, community and civic groups, policymakers and others who are working to bring fundamental reforms to their schools. For more information, please call us at (202) 822-9000 or visit our website at [www.edreform.com](http://www.edreform.com)*