

Millstone Township School District

5 Dawson Court,
Millstone Township, NJ 08535

Scott T. Feder
Superintendent of Schools
Phone: (732) 786-0950 Ext. 51010
Email: sfeder@millstone.k12.nj.us



Bernard Biesiada
Business Administrator/Board Secretary
Phone: (732) 786-0950 Ext. 51002
Email: bbiesiada@millstone.k12.nj.us

October 25, 2016

Dear Millstone Families,

The Board of Education and Administration wish to continue to keep you fully abreast of the happenings regarding the lawsuit that Upper Freehold Regional School District filed against The Millstone Taxpayers.

First, to recap, here is a summary of the litigation:

- Feb. 2016 UPPER FREEHOLD REGIONAL BOARD OF EDUCATION – First and only communication regarding Red Bank Regional; a cease and desist notice sent by their attorney, which was sent exactly 20 days after Millstone sought assistance from The Office of Special Programs regarding significant concerns with UF Special Education practices, billing, and the implementation of Least Restrictive Environment.
- April 2016 UPPER FREEHOLD REGIONAL BOARD OF EDUCATION – Files suit against Millstone for \$200,000 restitution and to immediately remove all children from Red Bank Regional (RBR) and cease and desist all future enrollment of students at RBR. As a result of the suit filed by UF, and on the advice of legal counsel, Millstone canceled a Joint Board meeting which had been agreed to between the parties prior to UF filing the lawsuit.
- June 2016 THE ADMINISTRATIVE LAW JUDGE – JUDGE CROWLEY – Denies UF’s attempts at immediate removal of students from RBR and from disallowing future students to attend (while case is pending). Millstone continues to approve enrollment for students who chose to attend RBR's Academy programs.
- Sept. 2016 THE ADMINISTRATIVE LAW JUDGE – JUDGE CROWLEY – Reject's UF's arguments and concludes that there is no basis to preclude a sending district such as Millstone from allowing high school students to choose other high schools pursuant to the legal statute.
- Sept. 2016 THE ADMINISTRATIVE LAW JUDGE – JUDGE CROWLEY – In rejecting UF's arguments, also concluded that the statute provides Millstone with the right to approve its students to attend other high schools as long as the other high school has a course of study that UF does not provide. She also concluded that a hearing to determine what constitutes a “course of study” would be required.

Here is the exact statute and the Judge’s ruling:

Statute N.J.S.A. 18A:38-15

“[a]ny board of education not furnishing instruction in a particular high school course of study, which any pupil resident (residing?) in the district and who has completed the elementary course of study provided therein may desire to pursue, may, in its discretion, pay the tuition of such pupil for instruction in such course of study in a high school of any other district.”.

Judge Crowley concluded:

I CONCLUDE that the provisions of N.J.S.A. 18A:38-15 are applicable to a sending district, and I therefore CONCLUDE that since there is no basis to preclude a sending district from sending students out of the receiving district pursuant to the foregoing statutory provision, there is no legal basis for finding Millstone in violation of the send receive relationship with Freehold. I also CONCLUDE that permission of the Commissioner is not required to send students out of district pursuant to this statutory provision.

Current Standing: At this time, the Upper Freehold Regional School District Board of Education appealed this ruling to the Commissioner of Education and just a few days ago, the Commissioner rejected hearing this appeal until the full case was concluded. We now await word on hearing dates to argue what constitutes a course of study and to prove that UF does not offer the courses of study that our students are enrolled in at RBR. (Here is a link for more details on our position regarding this:

https://drive.google.com/file/d/0B6m1dUf_IKtkOEJnZWR1ZW1tdkk/view?usp=sharing .

Also, other official documents including submissions by each of the districts can be found on our District website at:

http://www.millstone.k12.nj.us/web/site_flash/Board%20Office/litigation.html)

The Board of Education and administration remain vigilant in maintaining the rights of our students and our families, as well as defending the taxpayers of Millstone against the lawsuit filed by the Upper Freehold Board of Education.

It is also important to note that Millstone's concerns with the violations in Special Education perpetrated by the Upper Freehold Regional School District and their continued refusal to provide access to both student achievement results and records have not begun to be addressed by the courts as Judge Crowley has separated the issues. The NJ Office of Special Education Programs (OSEP) findings against the Upper Freehold Regional School District Board of Education can be found below:

http://www.millstone.k12.nj.us/web/site_flash/Litigation/OSEP%20FINDINGS.pdf

Although, we are not able to share the contents of our settlement offers, The Millstone Board of Education has offered settlement on all of these matters. Upper Freehold has also offered settlement, but only on the Red Bank issue (a settlement that would go against the Judge's rulings) and nothing related to Special Education, student data, or access to records.

The Millstone Board of Education remains committed to protecting the rights of our families under the law and committed to settling all matters as quickly as possible.

Sincerely,



Scott Feder
Superintendent of Schools