

AGENCY DKT. NO. 54-3/17

IN THE MATTER OF THE PETITION OF THE :
 BOARD OF EDUCATION OF THE BOROUGH :
 OF ALLENHURST, MONMOUTH COUNTY, :
 FOR AUTHORIZATION TO SEVER A :
 SENDING-RECEIVING RELATIONSHIP WITH :
 THE BOARD OF EDUCATION OF THE CITY :
 OF ASBURY PARK, MONMOUTH COUNTY, : COMMISSIONER OF EDUCATION
 AND TO ENTER INTO A SENDING-RECEIVING :
 RELATIONSHIP WITH THE BOARD OF : DECISION
 EDUCATION OF THE BOROUGH OF WEST :
 LONG BRANCH, MONMOUTH COUNTY, AND :
 THE BOARD OF EDUCATION OF THE SHORE :
 REGIONAL HIGH SCHOOL DISTRICT, :
 MONMOUTH COUNTY. :
 _____ :

For Petitioner, Board of Education of the Borough of Allenhurst: Richard D. McOmber, Esq.
(McOmber & McOmber, P.C.)

For Respondent, Board of Education of the City of Asbury Park: Adam S. Weiss, Esq.
(Busch Law Group, LLC)

For Respondent, Board of Education of the Borough of West Long Branch: Viola S. Lordi, Esq.
(Wilentz, Goldman, Spitzer, PA)

For Respondent, Board of Education of the Shore Regional School District: Alexis Tucci, Esq.
(Tucci, Hot & Crupi, PA)

Petitioner, the Board of Education of the Borough of Allenhurst (“Allenhurst”) –
 a non-operating, school district – having applied pursuant to *N.J.S.A.* 18A:38-13 and
N.J.A.C. 6A:3-6.1 to the Commissioner of Education for authorization to sever a sending-
 receiving relationship with the Board of Education of the City of Asbury Park (“Asbury Park”),
 and enter into sending-receiving relationships with the Board of Education of the Borough of
 West Long Branch (“West Long Branch”) and the Board of Education of the Shore Regional
 High School District (“Shore Regional”); and

The Commissioner having recognized that – from the 2012-2013 through to the 2015-2016 school years – only one student attended Asbury Park (during the 2013-2014 school year), as parents have opted to send their children to other public and private schools in the region; and

The Commissioner further having recognized that the creation of the two sending-receiving relationships would allow Allenhurst’s elementary and middle school students to attend West Long Branch, and high school students to attend Shore Regional; and

The Boards of Education of Asbury Park, West Long Branch and Shore Regional not having opposed Allenhurst’s request;¹ and

Allenhurst having conducted a feasibility study in accordance with *N.J.S.A.* 18A:38-13 and *N.J.A.C.* 6A:3-6.1, analyzing the educational, financial and racial impact – on all affected districts – of terminating the sending-receiving relationship between Allenhurst and Asbury Park, and establishing sending-receiving relationships with West Long Branch and Shore Regional;² and

The feasibility study having recommended that Allenhurst be permitted to sever its sending-receiving relationship with Asbury Park, as: no students have attended Asbury Park schools for at least the last three years, Asbury Park has consented to the termination of the sending-receiving relationship, and there will be no substantial negative racial, financial or educational impact on Asbury Park; and

¹ West Long Branch and Shore Regional expressed their support for establishment of the sending-receiving relationships, and passed Board resolutions indicating their readiness to receive and educate students from Allenhurst. Asbury Park did not file a formal objection to the petition.

² West Long Branch operates a pre-K through 8 school district, comprised of two schools, and presently has a sending-receiving relationship with the Board of Education of the Borough of Interlaken (“Interlaken”). Shore Regional operates a high school district that serves students from the Borough of Monmouth Beach, Borough of Ocean Port, and the Boroughs of Sea Bright and West Long Branch. Shore Regional also maintains a sending-receiving relationship with Interlaken.

The feasibility report having further recommended that Allenhurst be permitted to enter into sending-receiving relationships with West Long Branch and Shore Regional, as its establishment would not have a substantial negative educational, financial or racial impact on any of the districts involved; and

The parties having complied with the public notice and comment provisions outlined in *N.J.A.C. 6A:3-6.1(b)*; and

There being no dispute amongst the parties as to certain relevant facts, including that no substantial negative educational, financial or racial impact will incur to any of the school districts upon termination of the sending-receiving relationship between Allenhurst and Asbury Park, and subsequent establishment of the proposed sending-receiving relationships with West Long Branch and Shore Regional; and

The feasibility study having established to the Commissioner's satisfaction that the severance of Allenhurst's sending-receiving relationship with Asbury Park would not cause a substantial negative impact on the educational programs of the school districts or on the quality of the education received by the pupils in each of the school districts; and

The feasibility study having further established to the Commissioner's satisfaction that establishment of a sending-receiving relationship between Allenhurst and West Long Branch, and Allenhurst and Shore Regional, would benefit the residents and students of Allenhurst from an educational perspective as it would allow parents and guardians to select from two educational programs which provide students with a thorough and efficient education; and

The feasibility study having further established to the Commissioner's satisfaction that there would not be a substantial negative impact on the financial conditions of the affected school districts; and

The feasibility study having further established to the Commissioner's satisfaction that there would not be a substantial negative impact on the racial composition of any of the school districts, and that there exists no evidence of any aggravating circumstances that would exacerbate any minimal change in racial composition at the affected districts;³ and

There having been no public comments received pursuant to *N.J.A.C. 6A:3-6.1(b)*; now, therefore

IT IS ORDERED on this 20th day of July, 2017 that – pursuant to *N.J.S.A. 18A:38-13* and *N.J.A.C. 6A:3-6.1* – Allenhurst's application for authorization to sever its sending-receiving relationship with Asbury Park, and enter into sending-receiving relationships with West Long Branch and Shore Regional, as set forth in its petition of appeal, is APPROVED, thereby terminating the sending-receiving relationship between Allenhurst and Asbury Park, and establishing sending-receiving relationships with West Long Branch and Shore Regional, which will permit Allenhurst students to attend school in these two districts.

IT IS SO ORDERED.⁴

ACTING COMMISSIONER OF EDUCATION

Date of Decision: July 20, 2017

Date of Mailing: July 20, 2017

³ The feasibility study indicated that the racial composition of students at West Long Branch and Shore Regional are similar and would remain so even if Allenhurst's petition is granted.

⁴ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*. (*N.J.S.A. 18A:6-9.1*)