

New Jersey Commissioner of Education

Decision

Board of Education of the Borough of
Lebanon, Hunterdon County,

Petitioner,

v.

Board of Education of the Township of Clinton,
Hunterdon County,

Respondent.

Synopsis

Petitioner Lebanon Borough Board of Education filed a petition seeking a severance of the sending-receiving relationship with respondent Clinton Township Board of Education that provides for Lebanon's seventh and eighth grade students to be educated in Clinton Township. After the matter was transmitted to the Office of Administrative Law (OAL) as a contested case, the parties proposed a consent order in which Clinton Township agreed not to oppose the severance of the sending-receiving relationship. Specifically, the parties agreed that (1) for the 2021-22 school year, the rising seventh grade students would attend the Clinton-Glen Gardner School District, while the rising eighth grade students would remain in Clinton Township, and (2) for the 2022-23 school year, all Lebanon students in the seventh and eighth grades would attend the Clinton-Glen Gardner School District.

Upon review of the record, the Commissioner found, *inter alia*, that: *N.J.S.A.* 18A:38-8 allows for school districts at the elementary school level that do not have sufficient accommodations to send students to another school district as part of a sending-receiving relationship; pursuant to previous case law, the standards for evaluating requests for withdrawals from an elementary level sending-receiving contract are the same standards that are applicable at the high school level, set forth at *N.J.S.A.* 18A:38-13; prior to severance of a relationship, the Commissioner must consider public comment regarding the proposed severance and make an equitable determination that the proposed severance will have no substantial negative impact on the educational programs, finances, and racial composition of the districts. The Commissioner determined that the record establishes that there will be no substantial negative impact on the districts involved. Accordingly, the petitioning Board's application for severance of its sending-receiving relationship with Clinton Township was granted, subject to the establishment of a sending-receiving relationship with the Clinton-Glen Gardner School District for a minimum duration of five years.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

February 5, 2021

New Jersey Commissioner of Education
Final Decision

Board of Education of the Borough of
Lebanon, Hunterdon County,

Petitioner,

v.

Board of Education of the Township of Clinton,
Hunterdon County,

Respondent.

In this matter, petitioner Lebanon Borough Board of Education filed a petition seeking a severance of the sending-receiving relationship with respondent Clinton Township Board of Education that provides for Lebanon's seventh and eighth grade students to be educated in Clinton Township.¹ After the matter was transmitted to the Office of Administrative Law (OAL) as a contested case, the parties proposed a consent order in which Clinton Township agreed not to oppose the severance of the sending-receiving relationship. Specifically, the parties agreed that (1) for the 2021-22 school year, the rising seventh grade students would attend the Clinton-Glen Gardner School District, while the rising eighth grade students would remain in Clinton Township, and (2) for the 2022-23 school year, all Lebanon students in the seventh and eighth grades would attend the Clinton-Glen Gardner School. The file was returned to the Commissioner

¹ Lebanon proposes to enter into a sending-receiving relationship with the Clinton-Glen Gardner School District for its seventh and eighth grade students.

so that it could proceed as an uncontested case and in compliance with the procedural requirements set forth in *N.J.A.C. 6A:3-6.1*.

The Commissioner received one comment opposing the severance of the sending-receiving relationship. The commenter argued that the caliber of education is better in Clinton Township than Clinton-Glen Gardner due to the depth of academic programming, social outreach, and sports opportunities. Furthermore, according to the commenter, Clinton-Glen Gardner will be unable to handle the surge of additional students that will result from two new housing units approved in the Town of Clinton and a new housing development in Lebanon. Financially, the commenter contends that severance will have no financial benefit to Lebanon residents, and there are concerns that the property value will decrease. Finally, the commenter argues that severance will have a racial impact because Clinton-Glen Gardner is less diverse than Clinton Township, which will have a detrimental effect on Lebanon's students.

In response, Lebanon maintains that there is no substantial negative educational, financial or racial impact resulting from severance of the sending-receiving relationship. The feasibility study found that both Clinton Township and Clinton-Glen Gardner offer full and appropriate academic programs for middle school students.² Additionally, the building has the capacity to accommodate the current and projected future seventh and eighth grade students from Lebanon. Lebanon argues that financially, the feasibility study demonstrates that severance would have a positive tax and property value impact on Lebanon, as it stands to save more than \$600,000 over five years. Finally, Lebanon contends that any racial impact is *de minimis* as removing Lebanon students from Clinton would only decrease the minority population by .1%. Furthermore,

² Clinton Township submitted a response indicating that, although it has not opposed the petition for severance of the sending-receiving relationship, it objects to any suggestion that the quality of its middle school program is less than Clinton-Glen Gardner's.

Clinton-Glen Gardner is more diverse than Clinton Township, with a 26.1% minority population compared to Clinton Township's 17.5%.

The record of this matter has been reviewed, including the public comment, the feasibility study, and the parties' submissions. Pursuant to *N.J.S.A.* 18A:38-8, school districts at the elementary school level that do not have sufficient accommodations may send students to another school district as part of a sending-receiving relationship. In order to withdraw from a sending-receiving relationship, the Commissioner has determined that "the appropriate standards for evaluating requests for withdrawals at the elementary school level are the same standards which are applicable at the high school level." *Board of Education of the Township of Mine Hill, Morris County v. Board of Education of the Town of Dover, Morris County*, Commissioner's Decision No. 510-04, decided December 15, 2004, at 9, *aff'd* State Board May 4, 2005. The criteria for withdrawal from a sending-receiving relationship at the high school level is set forth at *N.J.S.A.* 18A:38-13, and establishes that prior to severance of a relationship, the Commissioner will make an equitable determination based on the circumstances, "including the educational and financial implications for the affected districts, the impact on the quality of education received by pupils, and the effect on the racial composition of the pupil population of the districts." If there is no substantial negative impact, the Commissioner will grant the requested severance. *N.J.S.A.* 18A:38-13.

Upon review, the Commissioner is satisfied that the record establishes that there will be no substantial negative impact upon severing the sending-receiving relationship between Lebanon and Clinton Township, and does not find the comment to be persuasive. The withdrawal of Lebanon students will save Lebanon significant funds, and the Clinton Township Board of Education – the party in the best position to demonstrate any potential negative impacts on its

district – does not oppose the severance. While Clinton-Glen Gardner has a smaller student population than Clinton Township, the Commissioner is convinced that the educational programs and opportunities offered at Clinton-Glen Gardner are appropriate for Lebanon’s seventh and eighth grade students, and any racial impact will be *de minimis*. As such, the Commissioner finds that severance of the sending-receiving relationship will have no substantial, negative educational, financial, or racial impact on any of the three school districts.

Accordingly, Lebanon’s application for severance of its sending-receiving relationship with Clinton Township is hereby granted, subject to the establishment of a sending-receiving relationship with the Clinton-Glen Gardner School District for a minimum duration of five years.³

IT IS SO ORDERED.⁴

ACTING COMMISSIONER OF EDUCATION

Date of Decision: February 5, 2021
Date of Mailing: February 5, 2021

³ See *N.J.S.A.* 18A:38-13.1.

⁴ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *N.J.S.A.* 18A:6-9.1. Under *N.J.Ct.R.* 2:4-1(b), a notice of appeal must be filed with the Appellate Division within 45 days from the date of mailing of this decision.