

389-01
AGENCY DOCKET NO. 171-6/01

BOARD OF EDUCATION OF THE :
TOWNSHIP OF WASHINGTON, :
MERCER COUNTY, :

PETITIONER-CROSS RESPONDENT, : COMMISSIONER OF EDUCATION

v. : DECISION

BOARD OF EDUCATION OF THE :
TOWNSHIP OF LAWRENCE, :
MERCER COUNTY, :

RESPONDENT-CROSS PETITIONER. :

For Petitioner: Dennis M. DeSantis, Esq. (Destribats, Campbell, DeSantis, Magee & O'Donnell)

For Respondent: David W. Carroll, Esq. (Parker, McCay & Criscuolo, P.A.)

The Board of Education of the Township of Washington 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 a change of designation of the receiving district for its high school pupils, heretofore designated to attend the Lawrence Township High School in respondent's district, to attend a high school to be established in petitioner's proposed K-12 district; and

The Board of Education of the Township of Washington having further requested that severance be made contingent on its receipt of approval of the voters of the Township of Washington of the necessary local support for the construction of a high school; and

The Board of Education of the Lawrence Township School District having joined with petitioner in requesting a termination of the sending-receiving relationship between itself and petitioner; and

The Board of Education of Lawrence Township having further requested that severance be granted without the contingency that the voters of Washington Township approve the necessary local support for the construction of a high school, based on the Board's assertion that such funding may be approved by the Commissioner of Education pursuant to *N.J.S.A.* 18A:7G-12; and

Petitioner having conducted a feasibility study in accordance with *N.J.S.A.* 18A:38-13 and *N.J.A.C.* 6A:3-6.1; and

Petitioner and respondent having further stipulated to certain facts, including facts reflected in the feasibility study, setting forth that no substantial educational, financial or racial impact will inure to either school district upon severance of the sending receiving relationship; and

The feasibility study having established to the Commissioner's satisfaction that the withdrawal of the Washington Township students from the Lawrence Township High School would cause no substantial negative impact on the educational program of the Lawrence Township High School or on the quality of education received by the pupils in each of the districts; and

The feasibility study having further established to the Commissioner's satisfaction that there will be no substantial negative impact on the financial conditions of petitioner and respondent; and

The feasibility study having further established to the Commissioner's satisfaction that said withdrawal will have no substantial impact on the racial composition of either the proposed high school or the Lawrence Township High School; and

The Commissioner having reviewed and considered the public comments, filed pursuant to *N.J.A.C.* 6A:3-6.1, for and against severance of the sending receiving relationship between the Boards when assessing the educational, financial and racial impact on each district, and having determined that the public comments do not reveal that a substantial financial, educational or racial impact will inure to either district; now therefore

IT IS ORDERED, on this _____ day of October 2001 that, pursuant to *N.J.S.A.* 18A:38-13 and *N.J.A.C.* 6A:3-6.1, the application of the Board of Education of the Township of Washington for severance of its sending-receiving relationship with the Lawrence Township School District beginning in September 2004, and as set forth in paragraph 12 of the petition of appeal, is APPROVED, said severance not to take effect, however, unless and until such time as the Board has received all necessary approvals and constructed its own high school, and, in the opinion of the Mercer County Superintendent of Schools, is actually able to provide programs and facilities for its high school students as anticipated in the feasibility study and petition of appeal; and

IT IS FURTHER ORDERED that, upon review of the cross petition filed by the Lawrence Township Board of Education seeking unconditional termination of the sending receiving relationship between the Boards, and consideration of the parties' suggestion in their Consent Case Management Order to bifurcate this matter in order to first address the petition, while holding open the cross petition for consideration if voter

approval for funding of a high school is not obtained by petitioner by December 11, 2001, the Commissioner, having determined that the cross petition is premature at this juncture, hereby DISMISSES THE CROSS PETITION WITHOUT PREJUDICE to the Board filing a petition in the future should any condition to severance ordered above not occur.

COMMISSIONER OF EDUCATION

Date of Decision: 10/17/01

Date of Mailing: 10/17/01