

337-02L

September 6, 2002

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Dear Parties:

I am in receipt of the motion of the Board of Education of the Borough of Englewood seeking to vacate the injunction of the New Jersey State Board of Education issued in 1990 prohibiting all public high schools in the State, except Englewood's Dwight Morrow High School, from accepting students from Englewood and Englewood Cliffs. The motion was filed in the matter captioned *Board of Education of the Borough of Englewood Cliffs, Bergen County v. Board of Education of the City of Englewood, Bergen County*, Agency Docket No. 437-9/98, which involves the petition of the Board of Education of Englewood Cliffs seeking to vacate the State Board's 1990 injunction. That matter was stayed by decision of the Commissioner of Education dated December 20, 1999, until such time as court proceedings in *Englewood Cliffs v. Englewood et al.*, Docket Numbers A-1870-97T2 and A-1091-98T2 were completed. The Board of Education of the City of Englewood notes that such proceedings concluded January 24, 2002 with the issuance of a decision by the New Jersey Supreme Court.

Upon review of the motion, as well as the underlying petition of Englewood Cliffs, and considering that the appeals in *Englewood Cliffs v. Englewood, supra*, have been completed, I have determined to dismiss, without prejudice, the petition and all claims raised therein, and the motion of the Board of Education of the City of Englewood, because I lack

jurisdiction to vacate, modify or otherwise dispose of the State Board of Education's injunction, as the injunction at issue is properly vacated or modified by the entity that entered it, the New Jersey State Board of Education, or a court of appropriate jurisdiction.

Sincerely,

William L. Librera, Ed.D.  
Commissioner

- c. County Superintendent  
Board Secretary, Tenafly Board of Education (For Information Purposes Only)  
Bernard K. Freamon, Esq. (For Information Purposes Only)

Date of Mailing: September 9, 2002