

New Jersey Commissioner of Education
Final Decision

Board of Education of the Borough of
Maywood, Bergen County,

Petitioner,

v.

Board of Education of the City of Hackensack,
Bergen County,

Respondent.

Synopsis

Petitioner Maywood Board of Education (Maywood) sought severance of its sending-receiving relationship with respondent Hackensack Board of Education (Hackensack) that provides for Maywood’s high school students to be educated in Hackensack. The parties requested that the Commissioner consider the matter as an uncontested case. The Commissioner directed the parties to comply with the procedural requirements in *N.J.A.C. 6A:3-6.1* for severance of a sending-receiving relationship.

Upon review and consideration of the record of this matter, including public comments, a feasibility study, and the submissions of the parties, the Commissioner found that: 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*; the proposed severance of the relationship between Maywood and Hackensack will have no substantial negative impact upon either school district; and the withdrawal of Maywood students will alleviate overcrowding at Hackensack High School, improve conditions for remaining students, and have little or no negative financial or demographic impact on the school districts. Accordingly, the Commissioner granted the petitioner’s application for severance, subject to establishment of a sending-receiving relationship with the Carlstadt-East Rutherford Regional School District for a minimum duration of five years.

<p>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.</p>

March 2, 2020

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Maywood, Bergen County,

Petitioner,

v.

Board of Education of the City of
Hackensack, Bergen County,

Respondent.

In this matter, petitioner Maywood Board of Education filed a petition seeking a severance of the sending-receiving relationship with respondent Hackensack Board of Education that provides for Maywood's high school students to be educated in Hackensack.¹ The parties requested that the Commissioner consider the matter as an uncontested case, and the Commissioner directed the parties to comply with the procedural requirements in *N.J.A.C.* 6A:3-6.1.

Subsequently, the Commissioner received sixty comments from the public regarding the proposed settlement – fifty-seven in favor of severing the sending-receiving relationship and three opposed.² The opponents argue that the quality and number of educational and extracurricular opportunities are greater at Hackensack High School than at Becton; Maywood students will have a longer commute along a busy highway if they attend Becton, creating safety risks and decreasing

¹ Maywood proposes to enter into a sending-receiving relationship with the Carlstadt-East Rutherford Regional School District to allow its students to attend Henry P. Becton Regional High School (Becton).

² The Commissioner received an additional comment in opposition to the severance following the close of the comment period, which was not considered.

students' sleep time, family time, and time available for engaging in other activities. Further, opponents argue that the removal of Maywood students will negatively impact both Hackensack students – whose school will become less racially and economically diverse – and Maywood students – who will lose exposure to students of other races and socioeconomic backgrounds.

In response, petitioner argues that Hackensack High School is severely overcrowded, while Becton is underutilized. If the severance is approved, Hackensack students will benefit from having a high school that is no longer overcrowded, Maywood students will benefit by attending a school that is not overcrowded, and East Carlstadt-Rutherford will benefit from being able to fully utilize their high school, which will increase educational and extracurricular opportunities for its high school students. For these reasons, severing the agreement will have a positive educational impact on all three groups of students. Petitioner further contends that the financial impact on Hackensack and other districts currently sending students to Hackensack is *de minimus*. Finally, because Hackensack and Maywood have similarly diverse demographic compositions, there will be no negative racial impact if the agreement is severed.

The record of this matter has been reviewed, including the public comments, the feasibility study, and the parties' submissions. 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

Maywood and Hackensack. An overwhelming number of public comments support ending the agreement, and the Hackensack Board of Education – the party in the best position to demonstrate any potential negative impacts on its district – does not oppose its severance. The withdrawal of Maywood students will alleviate the problem of overcrowding at Hackensack High School, which appears likely to improve educational opportunities for the remaining students, while having little or no negative financial or racial impact on the district.

Accordingly, petitioner’s application for severance of its sending-receiving relationship with Hackensack is hereby granted, subject to establishment of a sending-receiving relationship with the Carlstadt-East Rutherford School District for a minimum duration of five years.³

IT IS SO ORDERED.⁴

COMMISSIONER OF EDUCATION

Date of Decision: March 2, 2020
Date of Mailing: March 4, 2020

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 *P.L.* 2008, *c.* 36 (*N.J.S.A.* 18A:6-9.1).