

EDU # 1086-86
 C # 193-88
 SB # 37-88
 App. Div. #A-4912-89T5, #A-6384-90T5 and #A-6385-90T5 (consolidated)
 Sup. Ct. #A-121/2/3/4/5
 SB # 81-96
 C # 337-02L
 App. Div. #A-1870-97T2
 #A-1091-98T2
 Sup. Ct. # A-60

BOARD OF EDUCATION OF THE BOROUGH :
 OF ENGLEWOOD CLIFFS, BERGEN :
 COUNTY, :

PETITIONER-CROSS/RESPONDENT- :
 APPELLANT, :

V.

STATE BOARD OF EDUCATION

BOARD OF EDUCATION OF THE CITY OF :
 ENGLEWOOD, BERGEN COUNTY, :

DECISION

RESPONDENT-CROSS/PETITIONER- :
 CROSS/APPELLANT, :

V.

BOARD OF EDUCATION OF THE BOROUGH :
 OF TENAFLY, BERGEN COUNTY, :

CROSS/RESPONDENT-APPELLANT. :

Decided by the Commissioner of Education, July 11, 1988

Decision on motion by the Commissioner of Education, September 1, 1988

Decision on motion by the State Board of Education, November 1, 1988

Decision on motion by the Commissioner of Education, February 22, 1989

Decision on motion by the State Board of Education, May 3, 1989

Decision on motion by the Commissioner of Education, September 6, 1989

Decision on motion by the State Board of Education, March 7, 1990

Decided by the State Board of Education, April 4, 1990

Resolution adopted by the State Board of Education, July 3, 1991

Decision on motions by the Appellate Division, August 27, 1991

Decided by the Appellate Division, June 15, 1992

Decided by the New Jersey Supreme Court, June 9, 1993

Decision on motions by the State Board of Education, December 4, 1996

Final Report from the Commissioner of Education, submitted on
February 5, 1997

Decision on motion by the State Board of Education, March 5, 1997

Decided by the State Board of Education, November 5, 1997

Resolution adopted by the State Board of Education, October 7, 1998

Decision on motion by the Commissioner of Education,
December 20, 1999

Decided by the Appellate Division, July 20, 2000

Decided by the New Jersey Supreme Court, January 24, 2002

Decision on motion by the State Board of Education, December 4, 2002

Report from the Commissioner of Education, submitted on
December 16, 2002

Decision on motion by the State Board of Education, January 8, 2003

Decision on motion by the State Board of Education, February 19, 2003

Decision on motions by the State Board of Education, April 2, 2003

For the Board of Education of the Borough of Englewood Cliffs,
Anthony P. Sciarrillo, Esq. and William Bradford Reynolds, Esq.,
pro hac vice

For the Board of Education of the City of Englewood, Weiner Lesniak
(Mark A. Tabakin, Esq., of Counsel)

For the Board of Education of the Borough of Tenafly, Apruzzese,
McDermott, Mastro & Murphy (James L. Plosia, Esq., of Counsel)

In its decision of April 2, 2003 in this matter, the State Board determined to remove the prohibition it had placed on New Jersey's public schools precluding them from admitting high school age students from Englewood and Englewood Cliffs on a tuition basis or otherwise. However, in view of its responsibility to ensure that the racial imbalance at Dwight Morrow High School in Englewood was addressed, the State Board retained jurisdiction and conditioned its determination on the continued progress of the Academies@Englewood in ameliorating the racial imbalance at Dwight Morrow. To ensure that such progress continued and to avoid the possibility of regression, the State Board directed the Commissioner to report formally to the State Board semi-annually every May and September as to the progress being made toward achieving racial balance in the composite student body at Dwight Morrow and to advise the State Board as to which school districts were accepting high school age students from Englewood and Englewood Cliffs on a tuition basis or otherwise.

The Commissioner has requested that submission of his report due in May 2004 be postponed until July 2004. The Commissioner has also requested that the State Board's decision of April 2, 2003 be amended so as to require submission of future reports in July and November instead of in May and September.

Before considering the Commissioner's request, we gave the parties the opportunity to communicate any concerns they may have had regarding the requested changes. None of the parties has expressed any concerns.

In the absence of any objection, the State Board grants the Commissioner's request to postpone submission of the report due in May 2004 until the July 2004 meeting of the State Board. In addition, by this decision, we modify our decision of April 2, 2003 so as to require the Commissioner to submit his semi-annual reports to us at the July and November State Board meetings rather than in May and September. As articulated by the Commissioner in his request, the inclusion of information concerning students who are newly admitted to the Academies@Englewood, which will not be provided to the Department of Education in time for inclusion in reports submitted in May and September, will allow the Commissioner to produce a more complete report and thereby permit us to assess the progress being made on the fullest basis possible.

May 5, 2004

Date of mailing _____