

MONTAGUE TOWNSHIP SCHOOL DISTRICT
Board of Education
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To Montague Township School District's parents, friends, and concerned members of the community:

The Montague Township Board of Education is providing this update to keep everyone informed regarding significant developments in our ongoing effort to enforce existing State law that allows secondary school students to remain enrolled in their present school until graduation when a send/receive relationship with a school is ended, NJSA 18A:38-21.1. This statute explicitly permits Montague's pupils now attending secondary school at Port Jervis to continue there until graduation, even though the Commissioner of Education has, in our view and our legal counsel's view, improperly and unconstitutionally withdrawn his consent for our secondary school students to enroll in Port Jervis, New York. We are presently challenging the Commissioner's withdrawal of consent in two legal actions, one pending in the Office of Administrative Law in Newark, and the other pending in the Superior Court of New Jersey in Newton (Sussex County).

Coupled with the Commissioner's withdrawal of consent, illegal and unconstitutional in our view, the Department of Education threatened us on August 18, 2015 with serious repercussions including the withholding or recovery of state aid if Montague paid tuition to Port Jervis for the secondary students attending there and in a separate letter to revoke the Certifications of both our Business Administrator and Chief School Administrator. As a result of these threats from the State jeopardizing our ability to function as a school district, we have only paid tuition to Port Jervis for our 8th, 11th, and 12th graders.

Not surprisingly, Port Jervis has objected that we have not paid tuition for the other Montague students attending there as permitted by the clear terms of the statute and has filed suit in Federal Court in New York to recover unpaid tuition.

Now, we have just received notice from Port Jervis's lawyer to our attorneys that their Board of Education has authorized their Superintendent to issue letters to the parents of Montague students whose tuition has not been paid that their children will be "disenrolled" from Port Jervis effective February 29, 2016 unless tuition is brought current.

In response to that ultimatum our Board wants the community to know that since last April we have been, and continue exerting every effort and exploring all avenues, formal and informal, to reach a fair, reasonable, and just resolution with our paramount objective being to work in the best interest of Montague students, including those that the statute was intended to protect.

Our special litigation counsel, Dan Perez, Esq., has filed a motion in the Office of Administrative Law for emergent relief and an expedited hearing date for a determination that NJSA 18A:38-21.1 allows our secondary students now enrolled at Port Jervis to continue there so that we can pay the tuition that is owed, free from the threats and coercions from the Department of Education.

Secondly, our Board of Education counsel, Gary Kraemer, Esq., will respond to Port Jervis's suit in Federal Court and seek to stop the threat of disenrollment of our secondary school pupils.

Lastly, we continue efforts to keep avenues of communication open to enable informal discussion with all parties to explore creative ways to achieve a resolution that all parties can live with.

We are doing everything in our power to see to it that the present status quo remains in effect while our efforts to resolve the issues continue unabated on all fronts, so that no students are disenrolled on February 29, 2016.

Yours truly,
MONTAGUE TOWNSHIP BOARD OF EDUCATION

By: _____

Tacia Johnson, President