



HENRY HUDSON REGIONAL BOARD OF EDUCATION

SERVING THE BOROUGHES OF ATLANTIC HIGHLANDS AND HIGHLANDS

One Grand Tour · Highlands, New Jersey 07732-2039

Phone: 732-872-1517

Fax: 732-872-1315

Claire Kozic
Board President

Janet Sherlock
Business Administrator/Board Secretary

Dr. Tara Beams
Superintendent

CERTIFICATION OF BOARD ACTION HENRY HUDSON REGIONAL BOARD OF EDUCATION

The following is an excerpt from the minutes of the May 28, 2024 Henry Hudson Regional Board of Education meeting:

WHEREAS, pursuant to a state grant (*Local Efficiency Achievement Program* (“LEAP”)) awarded on April 22, 2021, the Boards of Education of Atlantic Highlands, Highlands and Henry Hudson Regional School District commenced investigation of the feasibility of converting the limited-purpose, grades 7 – 12 Henry Hudson Regional School District to an all-purpose, PreK-12 regional school district; and

WHEREAS, the Boards commissioned a feasibility study to determine the viability and impact of a proposed school district reconfiguration whereby all students in Grades PreK-12 residing in Highlands, Atlantic Highlands, and possibly Sea Bright would be educated in a single, consolidated school district; and

WHEREAS, the Boards’ feasibility study concluded that the addition of Sea Bright as a constituent district would be warranted; and

WHEREAS, on July 13, 2022, the Boards authorized the filing of a Petition to the Commissioner jointly with the Boroughs of Atlantic Highlands, Highlands and Sea Bright (“Boroughs”) which would have included Sea Bright students, as soon as Sea Bright might be permitted by the Commissioner to join, and authorizing the Boards to proceed with their regionalization in the event that Sea Bright’s withdrawal from Oceanport and/Shore Regional was delayed or prohibited; and

WHEREAS, on July 15, 2022, the Boards and Boroughs jointly filed a Verified Petition for Regionalization (“Joint Petition”); and

WHEREAS, on June 23, 2022, before the Joint Petition could be filed, Oceanport filed a Petition of Appeal with the Commissioner, challenging Sea Bright’s legal authority to withdraw from Oceanport in order to join the proposed all-purpose regional district, followed on July 19, 2022 by a Petition for Declaratory Ruling filed by Shore Regional. Although the Boards and the Boroughs joined in a motion to dismiss, the legal challenges remained unresolved for several months; and

WHEREAS, when it became clear that the legal challenges lodged by Oceanport and Shore Regional were stalling movement on the proposed regionalization effort, the Boards opted to move forward by filing an Amended Petition seeking the

Commissioner's approval to proceed to referendum to regionalize without Sea Bright's inclusion initially, again indicating their willingness to add Sea Bright once it was cleared to withdraw from Oceanport and Shore Regional; and

WHEREAS, on March 17, 2023, the Boards filed an Amended Petition; and

WHEREAS, on April 3, 2023, although the Commissioner issued a decision dismissing Oceanport's and Shore Regional's Petitions, they promptly filed an appeal with the New Jersey Superior Court, Appellate Division challenging the Commissioner's decision and again including the Boards as co-respondents, continuing to press their claim that Sea Bright is unable legally to withdraw from Oceanport and Shore Regional; and

WHEREAS, on July 21, 2023, the Acting Commissioner approved the Boards' Amended Petition, authorizing them to proceed to a public referendum calling for the expansion of the Henry Hudson Regional School District to an all-purpose regional district that did not include Sea Bright students; and

WHEREAS, with the special election scheduled to occur on September 26, 2023, legal counsel for Sea Bright and Highlands Boroughs, independently of the Boards, submitted a request to the Commissioner that Sea Bright be permitted to withdraw from Oceanport and Shore Regional to join the proposed, expanded regional district, as set forth in the original Joint Petition; and

WHEREAS, on September 22, 2023, the Commissioner issued a decision dismissing the Joint Petition as moot, in view of the Commissioner's July 21, 2023 decision that had granted the Boards' Amended Petition; and

WHEREAS, the voters of Atlantic Highlands and Highlands overwhelming approved the referendum on September 26, 2023, authorizing the conversion of Henry Hudson to a PreK-12 regional school district; and

WHEREAS, the PreK-12 Henry Hudson Regional School District became effective, legally, twenty days following the September 26, 2023 special election; and

WHEREAS, Oceanport and Shore Regional filed a second appeal with the New Jersey Superior Court, Appellate Division, on or about November 8, 2023.

WHEREAS, the Appellate Court issued an Order on December 14, 2023, dismissing Oceanport's and Shore Regional's first appeal as moot; and

WHEREAS, on January 4, 2024, a transitional board of education was established to govern the affairs of the newly established PreK-12 Regional School District; and

WHEREAS, the PreK-12 Regional School District Transitional Board is scheduled to take control of all operations and property of the Atlantic Highlands and Highlands School Districts on or about July 1, 2024, at which time Atlantic Highlands and Highlands School Districts shall cease to exist; and

WHEREAS, the second appeal by Oceanport and Shore Regional remains open and pending before the Appellate Division; and

WHEREAS, even if the Appellate Court were to rule in favor of the Boards and the Boroughs in the currently pending appeal, it is likely that Oceanport and Shore Regional will continue to challenge Sea Bright's efforts to withdraw, continuing the Boards' involvement; and

WHEREAS, an offer of settlement ("Settlement Agreement") has been received from Oceanport and Shore Regional that would permanently dismiss the Boards from the pending litigation;

WHEREAS, the aforementioned litigation has spanned nearly two years now and continues with no clear end in sight;

NOW THEREFORE, BE IT RESOLVED, that after careful consideration, the Boards of Atlantic Highlands, Highlands, and Henry Hudson Regional (7-12) School Districts approve the concept of Settlement of the matter, in accordance with the options discussed in closed session with legal counsel and hereby authorize counsel and the Presidents of the Boards, to negotiate a resolution with opposing counsel and if consistent with the parameters provided to Counsel, to execute the Settlement Agreement revised in accordance therewith, in the matter of *I/M/O the Verified Petition for the Proposed Creation of a PK-12 All-Purpose Regional School District by the Borough of Sea Bright, Borough of Highlands, Borough of Atlantic Highlands, Henry Hudson Regional School District, Atlantic Highlands School District, and Highlands Borough School District, Monmouth County, Docket No. A-0716-23T4*, and

BE IT FURTHER RESOLVED, that the Board Presidents are authorized to sign the Settlement Agreement on behalf of the Boards; and

BE IT FURTHER RESOLVED, that the Settlement Agreement shall be made a part of the official minutes of the Boards' meeting held on May 28, 2024, when available.

Moved: Ms. Bollinger **Seconded: Ms. Higgins**

Roll Call:

Aye: 7 **Nay: 0** **Abstain: 0** **Absent: 2**

CERTIFICATION: I, Janet Sherlock, School Business Administrator/Board Secretary of the Henry Hudson Regional Board of Education, certify that this is a true copy of an excerpt from the minutes of the meeting of the Henry Hudson Regional Board of Education held May 28, 2024.

Attest: 
Board Secretary/School Business Administrator

Date: May 28, 2024