

**HENRY HUDSON REGIONAL SCHOOL DISTRICT, ATLANTIC HIGHLANDS
SCHOOL DISTRICT, HIGHLANDS ELEMENTARY SCHOOL DISTRICT**

RESOLUTION

JANUARY 31, 2023

WHEREAS, the Board of Education of Atlantic Highlands currently educates its resident students in grades PK-6 at the Atlantic Highlands Elementary School operated by the Atlantic Highlands School District; and

WHEREAS, the Board of Education of Highlands currently educates its resident students in grades PK-6 at the Highlands Elementary School operated by the Highlands Board of Education; and

WHEREAS, both the Atlantic Highlands and Highlands Boards are members of the Grade 7-12 limited-purpose Henry Hudson Regional High School District (“Henry Hudson”), whereby students in Grades 7-12 residing in the Boroughs of Atlantic Highlands and Highlands are educated in schools operated by Henry Hudson; and

WHEREAS, above named boards of education (“Boards”) and municipal governments (“Municipalities”) were the recipients of state grants, pursuant to the *Local Efficiency Achievement Program* (“LEAP”), *N.J.S.A. 18A:13-47.2*; and

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

WHEREAS, the respective feasibility studies concluded that all of the factors enumerated in the pertinent statute (*N.J.S.A. 18A: 13-47.3*) regarding a regionalization application had been or would be met, and;

WHEREAS, although disagreeing on some points, the respective feasibility studies joined in supporting the conversion of the limited-purpose Henry Hudson Regional School District to an all-purpose, PreK-12 regional district with the immediate addition of Atlantic Highlands and Highlands, and;

WHEREAS, the study completed for the Municipalities recommended the addition of students residing in Sea Bright Borough who currently attend both the Oceanport and Shore Regional Schools; and

WHEREAS, the study completed for the Boards, while acknowledging the potential tax savings benefits associated with Sea Bright’s possible addition to a new all-purpose regional district, expressed concern and cautioned against the potential adverse financial impact that might be caused by any delay in Sea Bright’s attempted withdrawal from Oceanport and/or Shore Regional, particularly with respect to the loss of state aid cost savings; and

WHEREAS, the study commissioned by the Boards therefore recommended that a two-step process should be considered whereby, in step-one, a limited-purpose regional would be expanded to an all-purpose regional district and Atlantic Highlands and Highlands would be immediately joined as its constituent members; and, in step-two, Sea Bright would be joined once it had received approval from the Commissioner to withdraw from Oceanport and Shore Regional; and

WHEREAS, upon approval of resolutions by the Boards and Municipalities, the Boards authorized their special legal counsel, The Busch Law Group LLC, to join as co-petitioners with the Municipalities to file a joint petition with the Commissioner of Education seeking approval for a public referendum to be held in November 2022, in accordance with the above stated two-step process; and

WHEREAS, in or about June 2022, the Oceanport School District, later joined by Shore Regional School District, initiated litigation challenging the validity of the Boards' resolutions due, among other things, to the alleged illegality of Sea Bright's attempted withdrawal from Oceanport and Shore Regional; and

WHEREAS, the Petition to Regionalize that was filed jointly by the Boards and the Municipalities on or about July 15, 2022 remains stalled as the aforesaid litigation continues at this time with no clear end date in sight; and

WHEREAS, the Boards are being harmed financially and otherwise due to the delay, and will suffer further loss regarding state aid incentives in the event of further delay beyond the current fiscal year and there is good cause at this time for them to move forward with the conversion of Henry Hudson to an all-purpose PreK-12 regional school district and to add Atlantic Highlands and Highlands as constituent districts at the earliest possible date;

NOW, THEREFORE. BE IT RESOLVED that the Busch Law Group LLC is authorized to take all appropriate legal action, including but not necessarily limited to, filing motions, petitions, withdrawals and otherwise which in its judgment, in consultation with the Superintendent, will best facilitate the placement of a public question on a referendum in or about September of 2023 or as soon thereafter as may be permitted, seeking voter approval of the conversion of Henry Hudson to a PreK-12 all-purpose regional district with the immediate addition of Atlantic Highlands and Highlands School Districts and continuing the current apportionment of annual and special appropriations on the following basis: 0% Enrollment/100% Equalized Valuation, which the Board hereby approves in accordance with *N.J.S.A. 18A: 13-34*, subject to approval by the Commissioner and the voters; and

BE IF FURTHER RESOLVED, in accordance with *N.J.S.A. 18A:13-46.2*, that the membership on the board of education of the proposed all-purpose regional district shall be based on the number of each constituent district's inhabitants, except that each constituent district shall have at least one member; and

BE IT FURTHER RESOLVED, that the Superintendent and Board President are authorized to sign all documents on behalf of the Board needed in conjunction with the foregoing.

Motion made by: _____

Motion seconded by: _____

_____Ayes _____Nays _____Abstentions