



## State of New Jersey

DEPARTMENT OF EDUCATION

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*Acting Commissioner*

February 23, 2024

### **VIA E-MAIL**

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**Re:** Leonor Alcantara, et al. v. Angelica Allen-McMillan, Acting Commissioner of the Department of Education, et al.  
Agency Dkt. No. 156-6/14; Commissioner Decision No. 149-21; Appellate Dkt. No. A-3693-20

Dear Counsel:

This letter serves as an update regarding the Department of Education's comprehensive review of the Lakewood School District in the above-referenced matter, and also sets forth a briefing schedule prior to my final agency decision — as discussed more fully in correspondence from the previous Acting Commissioner, Angelica Allen-McMillan, Ed.D., dated May 12 and August 22, 2023. As an initial matter, Acting Commissioner Kevin Dehmer is recused from this matter as he testified in the matter before the Office of Administrative Law.

As you are aware, on March 6, 2023, the Appellate Division issued an opinion finding that Lakewood's public school students are not receiving a thorough and efficient education. Alcantara v. Allen-McMillan, 475 N.J. Super. 58 (App. Div. 2023). As such, it remanded the matter to the Acting Commissioner for a

determination as to whether the School Funding Reform Act (SFRA) is unconstitutional as applied to Lakewood. Id. at 67.

In light of the Appellate Division’s decision, and to execute her obligations under the remand, Acting Commissioner Allen-McMillan directed the Department to expedite its comprehensive review of the Lakewood School District in a letter to counsel for the petitioners dated May 12, 2023. She explained that the comprehensive review would provide her with additional and more current information, that an updated record is “required in order to make an appropriate informed decision about the SFRA and its application to Lakewood[,]” and that an updated record would also “allow the Department to better identify the root causes that led to the education deprivations identified by the court and determine the appropriate responses.”

Following Acting Commissioner Allen-McMillan’s directive, Dr. Kimberley Harrington Markus, a former Commissioner of the Department, was retained to oversee the comprehensive review and author a report and recommendations at its conclusion. Public Consulting Group and Jeremiah Ford were also retained to assist Dr. Harrington in her review. As Acting Commissioner Allen-McMillan explained in her letter dated August 22, 2023, the experts were retained to collaborate with the Department to examine the Lakewood School District’s operations and performance in several key areas, including educational policy, special education, administration and governance, and accounting. The review was also to include, but not be limited to, an examination of the particular areas of concern raised by petitioners in these proceedings, such as transportation costs for the Lakewood School District’s students, and special education funding.

Dr. Harrington’s report containing her findings and recommendations is expected to be issued **no later than March 1, 2024**. Upon receipt of her report, the Department of Education, Office of Controversies and Disputes, will immediately release the report to counsel for the petitioners and counsel for the Board of Education for the Lakewood School District. Upon release of the report, the Lakewood School District and the petitioners will be permitted to respond to Dr. Harrington’s report and recommendations. All submissions shall be filed with the Office of Controversies and Disputes **no later than ten days** from the date Dr. Harrington’s report is released. **A final agency decision will then be issued no later than April 1, 2023. This briefing scheduled shall be considered peremptory in nature. No extensions will be granted absent extraordinary circumstances.**

Sincerely,



Cary Booker  
Assistant Commissioner

CB/hl  
c: Christopher Huber