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Susan M. Scarola
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LETTER ORDER

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RE: Leonor Alcantara, Individually and as Guardian ad Litem for E.A. et al v. David Hespe, Commissioner of Education, New Jersey State Board of Education and New Jersey Department of Education

OAL DKT. NO. EDU 11069-14
AGENCY DKT. NO. 156-6/14

Dear Counsel:

1. The Order of August 20, 2018, is hereby supplemented. The State shall provide the names of the school districts for which a monitor was

appointed for 2018-2019, and the names of any districts that received any advance state aid and the amount for 2018-2019.

2. The participant's Lakewood BOE motion to intervene is denied. On September 2, 2014, the State filed a motion to join Lakewood as a party which Lakewood contested.¹

The State's motion was denied by Order entered on July 23, 2015, by the Hon. John Kennedy. Lakewood was permitted to participate, but was not designated as a party. This Order was not appealed.

Prior to the commencement of the hearing, the Township of Lakewood Board of Education (BOE), now represented by different counsel, moved to intervene as a party, which application was denied on February 7, 2018. This Order was not appealed.

The hearing commenced and was held on February 5, 7, 12, 13 and 22, 2018. Lakewood continued to move to intervene as a party. That motion was denied by Order dated August 20, 2018.

Notwithstanding these prior Orders, Lakewood again renews its motion to intervene as a party.

At this state of the proceedings – the petitioner's case is nearly concluded and a motion to dismiss has been filed by the State – the addition of another party would cause undue delay in concluding these proceedings which have been protracted. Further, the petitioner is capable of presenting this matter on behalf of the parents and children

¹ Lakewood was then represented by other counsel. The reason Lakewood chose to contest its participation as a party are not known, but do form the law of the case.

who attend Lakewood's schools. Lakewood's motion to intervene as a party is again denied.

3. The State shall be permitted to file an amended certification from Glenn Forney within five days if it deems it necessary.
4. The testimony of Melvin Wyns shall be taken at hearing scheduled for October 22, 2018.
5. Continued hearing dates are scheduled for December 18 and 19, 2018.

This order may be reviewed by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, either upon interlocutory review pursuant to N.J.A.C. 1:1-14.10 or at the end of the contested case, pursuant to N.J.A.C. 1:1-18.6.

October 9, 2018

DATE

SMS/cb



SUSAN M. SCAROLA, ALJ (Ret., on recall)