

Arthur H. Lang

Attorney at Law

918 East Kennedy Blvd. • Lakewood, New Jersey 08701 • Phone: 732-609-5530
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May 17, 2016

Honorable John S. Kennedy, ALJ
Office of Administrative Law
Quakerbridge Plaza, Building 9
Mercerville, NJ 08625-0049

Re: Leonor Alcantara et. al., v. David Hesse et. al.

OAL Docket No: EDU 11069-2014 S

Agency Ref. No. 156-6/14

Dear Judge Kennedy:

As you are aware, I represent the petitioners in the above action.

The State Monitor approved the 2016-17 Lakewood School Budget on May 11, 2016 overriding its rejection by the elected Board of Education. The budget includes enhanced adjustments to the local tax levy growth limitation not in the March 21, 2016 draft. This permitted the monitor to increase local taxes significantly above the statutory 2% cap.

It should be noted that Respondents have imposed the burden solely upon local taxpayers. Respondents have not contributed any revenue. The budget still eliminates ten teaching positions and one administrator even though enrollment has increased. Notably, the German program was eliminated so that Spanish is the only foreign language now offered in Lakewood High School.

I certify that the enclosed exhibits are true copies of my OPRA requests and the respective answers including a May 13, 2016 letter from the Commissioner approving the use of N.J.S.A. 18A:7F-38(b)* due to excessively large class sizes.

*"3.a. Notwithstanding the provisions of any other law to the contrary, a school district shall not adopt a budget . . . with an increase in its adjusted tax levy that exceeds . . . the tax levy growth limitation calculated as follows: the sum of the prebudget year adjusted tax levy and the adjustment for increases in enrollment multiplied by 2.0 percent, and adjustments for an increase in health care costs. . . .

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Respectfully,

/s/ Arthur H. Lang

Arthur H. Lang
Attorney at Law

Cc: Geoffrey Stark, DAG
Paul L. Tractenberg, Participant

"b. (1) The allowable adjustment for increases in enrollment authorized pursuant to subsection a. of this section shall equal the per pupil prebudget year adjusted tax levy multiplied by EP, where EP equals the sum of: (a) 0.50 for each unit of weighted resident enrollment that constitutes an increase from the prebudget year over 1%, but not more than 2.5%; (b) 0.75 for each unit of weighted resident enrollment that constitutes an increase from the prebudget year over 2.5%, but not more than 4%; and (c) 1.00 for each unit of weighted resident enrollment that constitutes an increase from the prebudget year over 4%.

"(2) A school district may request approval from the commissioner to calculate EP equal to 1.00 for any increase in weighted resident enrollment if it can demonstrate that the calculation pursuant to paragraph (1) of this subsection would result in an average class size that exceeds 10% above the facilities efficiency standards established pursuant to P.L.2000, c.72 (C.18A:7G-1 et al)." N.J.S.A. 18A:7F-38.

BOE Agenda March 21, 2016, Petitioners' Reply, Exhibit 2

V. REPORTS AND RECOMMENDATIONS OF THE BUSINESS ADMINISTRATOR/ BOARD SECRETARY:

A. Move that the Board of Education authorize the Business Administrator to solicit for Request for Proposals for the following Contracted Professional Services for the 2016-2017 school year:

- General Counsel
- Special Counsel

B. **BE IT RESOLVED** that the Lakewood Board of Education approve the submission of the Proposed School District's fiscal year 2016-2017 Tentative Budget as follows:

	BUDGET	LOCAL TAX LEVY
TOTAL GENERAL FUND	\$123,273,533.00	\$92,744,616.00
TOTAL SPECIAL REVENUE FUND	\$46,945,293.00	\$0.00
TOTAL DEBT SERVICE	\$2,247,387.50	\$1,286,268.50
TOTAL	\$172,466,213.50	\$94,030,884.50

C. **BE IT RESOLVED**, that there should be raised an additional \$5,156,817 for General Funds in the same school year 2016-2017. These taxes will be used exclusively for employing district staff as follows: 68 Teaching Staff (Kindergarten through 12th Grade). Approval of these taxes will result in a permanent increase in the district's tax levy. These proposed additional expenditures are in addition to those necessary to achieve the Core Curriculum Content Standards.

D. **BE IT RESOLVED**, that there should be raised an additional \$258,000 for General Funds in the same school year 2016-2017. These taxes will be used exclusively for employing district staff as follows: 3 Guidance Counselors. Approval of these taxes will result in a permanent increase in the district's tax levy. These proposed additional expenditures are in addition to those necessary to achieve the Core Curriculum Content Standards.

E. **BE IT RESOLVED**, that there should be raised an additional \$372,886 for General Funds in the same school year 2016-2017. These taxes will be used exclusively for employing district staff as follows: 3 Administrative Staff. Approval of these taxes will result in a permanent increase in the district's tax levy. These proposed additional expenditures are in addition to those necessary to achieve the Core Curriculum Content Standards.

F. **BE IT RESOLVED**, that there should be raised an additional \$240,000 for General Funds in the same school year 2016-2017. These taxes will be used exclusively for

BOE Agenda May 11, 2016

IV. ROLL CALL

V. Approval of the 2016-2017 FY Budget:

(A) BE IT RESOLVED, that the Lakewood Board of Education adopts the school district's FY 2016-2017 budget as follows:

	<u>Budget</u>	<u>Local Tax Levy</u>
Total General Fund	\$127,778,005	\$94,088,028
Total Special Revenue Fund	\$47,344,166	N/A
Total Debt Service Fund	<u>\$2,247,388</u>	<u>\$1,286,269</u>
Total	\$177,369,559	\$95,374,297

BE IT FURTHER RESOLVED, that the Lakewood board of Education approves the following Tax Levy Cap/Tax Levy Growth Limitations and adjustments as follows:

Adjustment for the increase in Enrollment	\$1,137,807
Adjustment for increase in Health Care costs	\$781,531

BE IT FURTHER RESOLVED, that the Lakewood Board of Education approves this budget after a Public Hearing held on Thursday, May 5, 2016 and;

BE IT FURTHER RESOLVED, that the Lakewood Board of Education authorizes this budget be submitted to the executive Ocean County Superintendent of Schools and;

BE IT FURTHER RESOLVED that with this budget the district has proposed programs and services in addition to the Core Curriculum Content Standards adopted by the State Board of Education and;

BE IT FURTHER RESOLVED, that the Lakewood Board of Education approves the maximum General Fund budgeted travel and related expense reimbursements not to exceed \$35,500 at the OMB rate for the 2016-2017 school year and;

BE IT FURTHER RESOLVED, that the Lakewood Board of Education established a travel and related expense reimbursement amount not to exceed \$22,500 at the OMB rate for the 2015-2016 school year with total expenditures of \$2,154.85 and;

BE IT FURTHER RESOLVED, that the total amount of travel expenditures supported by Federal Funds for the 2014-2015 school year was \$1,078.08 and;

BE IT FURTHER RESOLVED that the total amount of travel expenditures supported by Federal Funds budgeted for the Pre-Budget year 2015-2016 school year was \$9,020 and projected related reimbursement expenses of \$50,00.00 at the OMB rate for the 2016-2017 school year and;

BE IT FURTHER RESOLVED, that the Lakewood Board of Education approves the maximum amounts for contracted services as follows:

Legal Services \$675,000

(B) SEPARATE PROPOSAL FOR ADDITIONAL FUNDS

Resolved, that there should be raised an additional \$2,000,000.00 for General Funds in the same school year (2016-2017). These taxes will be used exclusively for Debt Reduction. Approval of these taxes may result in a permanent increase in the district's tax levy. These proposed additional expenditures are in addition to those necessary to achieve the Core Curriculum Content Standards.

- VI. PRESENTATIONS –
 - 1. Superintendent's Recognition Award
 - 2. OCPGA Counselor of the County 2016
 - 3. NJ FCCLA Recognition
 - 4. NJSIAA Scholar Athlete
 - 5. Shore Conference Sportsmanship Awards:
Shana Rayside, Sean Barksdale
 - 6. LHS Basketball Presentations: Amir Tyler, Sean Barksdale
 - 7. LHS Wrestling Presentation: Marco Quintero
 - 8. B South Coach of the Year & Ocean County Coach of the Year: Randy Holmes

- VII. MINUTES
 - Executive Minutes – January 20, 2016
 - Executive Minutes – February 17, 2016
 - Executive Minutes – March 16, 2016
 - Executive Minutes – April 13, 2016
 - Public Minutes – April 13, 2016

- VIII. COMMITTEE REPORTS

- IX. CORRESPONDENCE AND COMMUNICATIONS

- X. RECOGNITION OF THE PUBLIC

STATEMENT BY BOARD PRESIDENT

Pursuant to Board Policy 0164, Roberts' Rules of Order shall govern the Board of Education in its deliberations and in the conduct of its meetings. As such, all comments from the public and from other members of the Board should be directed to the Board President who is responsible for presiding over the meeting.

The President shall direct all inquiries or comments to the appropriate Administrator or Board member for response, as appropriate. The law requires a period of public comment at our meetings, not a question or answer session or debate. The board president at his discretion

24. Approve Laura A. Winters, to take the course, “Doctoral Study Intensive (Educ-8090)” Course Dates: 05/02/2016 through 08/21/2016, at a cost of \$5,511.00, as per contract.
- 25. Motion to abolish the LHS German Program as of June 30, 2016.
26. Approval of the 2016-2017 Four-Year Preschool Expansion Program Plan Annual Update and Budget Plan.
27. Approval to accept the BAPT/Zonar Grant in the amount of \$50,000.00 for the 2016-2017 School year.
28. Approve LLAMAME, INC to provide Sheltered English Instruction workshops, July 18, 2016 and August 22, 2016, at a rate of \$2,000.00 per diem, for a cost of \$4,000.00, to be paid through 2016-2017 Title III, budget account #20-241-200-300-15-0015. **Pending the FY 2017 Notice of Award from NJDOE for Title III funds.*
29. Approve the following OSS staff to attend one of the Sheltered English Instruction workshops, presented by LLAMAME, INC, July 18, 2016 or August 22, 2016, at a rate of \$40.00 per hour, 6 hours per workshop, for a maximum cost of \$240.00 per teacher, to be paid through 2016-2017 Title III, budget account #20-241-200-100-15-0015. **Pending the FY 2017 Notice of Award from NJDOE for Title III funds.*

July 18, 2016	August 22, 2016
Bukowinski, Stephen	Alvarez, Angela
Cittadino, Jennifer	Cano, Melinda
Cunha, Vera	Carpenter, Dawn
Czech, Margaret	Correia, Rondalyn
Galloway, Joan	Courtney, Carrie
Jennifer Ware	Crewe, Dana
Natoli, Christy	Francese, Joanna
Patella, Jennifer	Hoffman, Kyle
Singer, Estera	Kawka, Shannon
Tsivis, Kristin	Klagholz, Suzanne
	Malgeri, Gissela
	Manzoli, Andrea
	McLoughlin, Stephanie
	O’Hara, Gina
	Stripto, Nicole
	Tortorella, Jamie

NEW JERSEY DEPARTMENT OF EDUCATION
OPEN PUBLIC RECORDS ACT REQUEST FORM
 200 Ramsey Avenue
 Lakewood, NJ 08701-2895
 Tel: 732-364-2400; FAX: 732-905-3887
 Thaddeus Thompson, Business Administrator

Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information - Please Print

First Name Arthur MI H Last Name Lang
 E-mail Address alang@Piners.org or lakewoodlaw@gmail.com
 Mailing Address 918 East Kennedy Blvd
 City Lakewood State NJ Zip 08701
 Telephone 732-367-2240 FAX _____
 Preferred Delivery: Pick Up _____ US Mail _____ On-Site Inspect _____ Fax _____ E-mail
 If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.
 Signature Arthur H. Lang Date May 12, 2016

Payment Information

Maximum Authorization Cost \$ _____
 Select Payment Method
 Cash Check Money Order
 Fees: Letter size pages - \$0.05 per page
 Legal size pages - \$0.07 per page
 Other materials (CD, DVD, etc) - actual cost of material
 Delivery: Delivery / postage fees additional depending upon delivery type.
 Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

What is the \$1.1 million enrollment adjustment in the budget, ~~ref~~ to increase the cap? Is it pursuant to NJAC 6A:23A-11.2 and if so, can please provide letter from Commissioner approving use of NJS A 18A:7F-38(b). If not, why was this not in the draft budget?

AGENCY USE ONLY

AGENCY USE ONLY

AGENCY USE ONLY

Est. Document Cost _____
 Est. Delivery Cost _____
 Est. Extras Cost _____
 Total Est. Cost _____
 Deposit Amount _____
 Estimated Balance _____
 Deposit Date _____

Disposition Notes
 Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

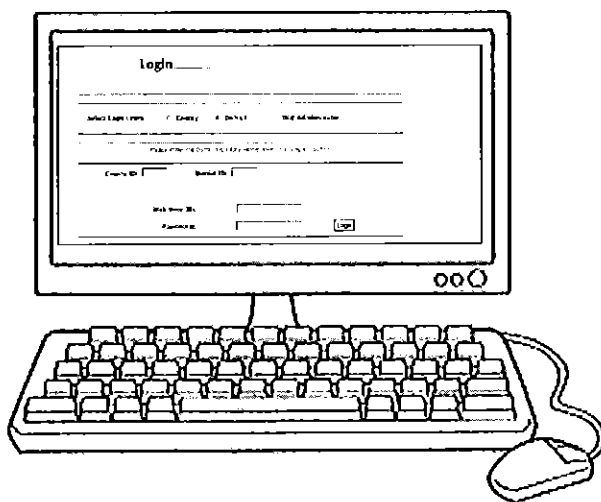
In _____
 Progress - Open _____
 Denied - Closed _____
 Filled - Closed _____
 Partial - Closed _____

Tracking Information		Final Cost
Tracking #	_____	Total _____
Rec'd Date	_____	Deposit _____
Ready Date	_____	Balance _____
Total Pages	_____	Due _____
		Balance _____
		Paid _____
Records Provided _____		
Custodian Signature _____		Date _____

New Jersey Department of Education

**BUDGET GUIDELINES AND
ELECTRONIC DATA COLLECTION
MANUAL**

2016-17 Budget Statement



Division of Field Services

Office of School Finance

for non-permanent separate proposals preloaded on line (C2), and Community Disaster Loan amounts used in 2016-17 as entered on line (C3). Increases to prior year levy are Community Disaster Loan and Community Development Block Grants budgeted in 2015-16, preloaded on line (C4).

There will be an edit check that the district's proposed budget includes a tax levy that equals or exceeds the minimum levy as calculated above. There will also be an edit check that the amount entered as the CDL and CDBG on line C3 is not greater than revenue lines 700 plus 565.

Minimum Tax Levy Calculation		
Line	Name	Amount
A	District Adequacy Budget	\$11,198,385
B	Required Local Share	\$10,344,857
C1	2015-16 General Fund Levy	\$11,140,358
	Less:	
C2	Non-Permanent Separate Proposals 2015-16	\$0
C3	CDL budgeted in 2016-17	\$0
	Plus:	
C4	CDL and CDBG budgeted in 2015-16	\$0
C5	Adjusted 2015-16 General Fund Levy	\$11,140,358
D	Minimum Tax Levy = Lesser of (A) or (B) or (C5)	\$10,344,857
*Amount Shown on Line 100 or 110 in 2016-17 Must Equal or Exceed Line D		
Save Data Export Excel Export PDF		

3. PREBUDGET YEAR LEVY AND ENROLLMENT ADJUSTMENT

There is no entry required on this form.

Pursuant to N.J.S.A. 18A:7F-38, local and regional districts shall not adopt a budget with an increase in their general fund tax levy that exceeds their "tax levy growth limitation" of a 2 percent increase over the prior year levy, with limited adjustments. The budget software calculates the tax levy cap on line (G) of the Tax Levy Cap Calculation. Line (A) of the Tax Levy Cap Calculation Report is preloaded by the software from line (R) of the Adjusted Prebudget Year Tax Levy and Enrollment Adjustment Report. Line (R) represents the prebudget year adjusted tax levy, including weighted increases for enrollment, inflated by 2 percent.



2520-LAKEWOOD TWP

2016-17 School District Budget Statement - Tax Levy Cap

Date : 05/11/2016

Time : 14:58:45

Line	Name	Amount
A	Prebudget year adjusted tax levy, including weighted increases for enrollment, inflated by 2%	\$93,317,735
B	Adjustment for increase in health care costs	\$781,531
C	Adjustment for increase in certain normal and accrued liability pension contributions (pension deferral)	\$0
D	Adjustment for responsibility assumed by district	\$0
E	Adjustment for responsibility shifted to another district or entity	\$0
F	Use of Banked Cap	\$0
G	Tax Levy Cap = sum (A) through (F)	\$94,099,266

Note:
2016-17 tax levy recorded on line 100 of the budgeted revenues cannot exceed the amount on line G above, unless the result of a merged separate proposal. Any additional levy increases must be pr...



State of New Jersey

DEPARTMENT OF EDUCATION

PO Box 500

TRENTON, NJ 08625-0500

CHRIS CHRISTIE

Governor

KIM GUADAGNO

Lt. Governor

DAVID C. HESPE

Commissioner

May 13, 2016

Mrs. Laura A. Winters, Superintendent
Lakewood School District
200 Ramsey Avenue
Lakewood, NJ 08701

Re: Response to request to adjust weight used in enrollment adjustment calculation pursuant to *N.J.S.A* 18A:7F-38 (b)(2)

Dear Mrs. Winters:

Pursuant to the provisions of *N.J.S.A* 18A:7F-38(b)(2), and at the recommendation for approval of the request submitted by the executive county superintendent in Ocean County, your district's request to use a weight of 1.0 in the calculation of the enrollment adjustment in the 2016-17 budget is approved. The resulting \$561,880 increase in the enrollment adjustment must only be used to achieve actual class size reduction, pursuant to *N.J.A.C.* 6A:23A-11.2 (c). The funds generated by this adjustment must be used to return teachers previously released through a reduction in force back to their classrooms, thereby achieving class size reduction, in compliance with the code section cited above.

The 2016-17 budget software will be updated to reflect the change in the calculation of the enrollment adjustment.

If you have any questions, please contact the Ocean County Office of Education.

Sincerely,

David C. Hespe
Commissioner

DCH:GF:MM:SG Y:\Bud16-17\Memos\Lakewood request to use 1 as weight for enroll adj May 2016.doc

cc: Robert Bumpus

Todd Flora

Kevin Dehmer

Charles Muller

Yut'se Thomas

Thaddeus Thompson

Glenn Forney

Michael Azzara

Michael Mindlin

David Shafter

Stephanie Gorman

www.nj.gov/education

NEW JERSEY DEPARTMENT OF EDUCATION
OPEN PUBLIC RECORDS ACT REQUEST FORM
 200 Ramsey Avenue
 Lakewood, NJ 08701-2895
 Tel: 732-364-2400; FAX: 732-905-3687
 Thaddeus Thompson, Business Administrator

Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information – Please Print

First Name Arthur MI _____ Last Name Lang
 E-mail Address alang@Piners.org
 Mailing Address 919 East Kennedy Blvd
 City Lakewood State NJ Zip 08701
 Telephone 732367-2240 FAX _____
 Preferred Delivery: Pick Up _____ US Mail _____ On-Site Inspect _____ Fax _____ E-mail
 If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.
 Signature Arthur Lang Date May 13, 2016

Payment Information

Maximum Authorization Cost \$ _____
 Select Payment Method
 Cash _____ Check _____ Money Order _____
 Fees: Letter size pages - \$0.05 per page
 Legal size pages - \$0.07 per page
 Other materials (CD, DVD, etc) – actual cost of material
 Delivery: Delivery / postage fees additional depending upon delivery type.
 Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

Please provide the number of staff positions that will be eliminated.
 Please update the current list of positions lost, reported as 68 in March, 2016. Include retirements and terminations of positions that will not be replaced. If possible, break the numbers in teachers, staff and administration.

AGENCY USE ONLY

AGENCY USE ONLY

AGENCY USE ONLY

Est. Document Cost _____
 Est. Delivery Cost _____
 Est. Extras Cost _____
 Total Est. Cost _____
 Deposit Amount _____
 Estimated Balance _____
 Deposit Date _____

Disposition Notes
 Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress _____ Open _____
 Denied _____ Closed _____
 Filled _____ Closed _____
 Partial _____ Closed _____

Tracking Information		Final Cost
Tracking # _____	Total _____	_____
Rec'd Date _____	Deposit _____	_____
Ready Date _____	Balance _____	_____
Total _____	Due _____	_____
Pages _____	Balance Paid _____	_____
Records Provided		
Custodian Signature _____		Date _____

RE: OPRA Number of position cut

Tricia McLaughlin

Sent: Friday, May 13, 2016 2:36 PM

To: Arthur Lang

Cc: Thaddeus Thompson

Hi Arthur,

The numbers are as such:

Ten teaching positions, and one assistant principal position was eliminated in the 2016-2017 via a reduction in force.

Four teaching positions were High School positions, and six were Elementary positions.

Of the ten eliminated teaching positions, two were retirements, and four were non-renewals. The administrative position was a non-tenured RIF.

Before printing this e-mail think if it is necessary. Think Green

Thank You,

Tricia McLaughlin

Executive Secretary to the Business Administrator

Lakewood Board of Education

200 Ramsey Ave.

Lakewood, NJ 08701

732-364-2400 ext. 7057

Fax: 732-364-2955

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-----Original Message-----

From: Arthur Lang

Sent: Friday, May 13, 2016 11:25 AM

To: Tricia McLaughlin

Cc: Laura Winters

Subject: OPRA Number of position cut

Dear Tricia,

Please see attached OPRA. Perhaps Ms. Winters can help with the numbers as the number originally reported as 68 positions has been modified.

Thank You,

Arthur