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By the EdLaw Group at Lindabury

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TWO ALERTS

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Withdrawing from Regional Districts; Sanctions for Frivolous Board Complaints

By Jason B. Levoy

Withdrawing from Regional Districts Proves Difficult

The Appellate Division recently affirmed two Board of Review denials of attempts to withdraw from a regional school district. In one case, the Borough of Oradell petitioned to hold a referendum to withdraw from the River Dell Regional High School District. The other case involved the Township of Liberty seeking withdrawal from the Great Meadows Regional School District.

In the Oradell matter, Oradell’s withdrawal would have resulted in the dissolution of the regional district. It was determined that the dissolution would have created an excessive debt burden for River Edge, the other district in the region. It would have required additional high school administration and teachers, which the Board held would prevent either district from providing a thorough and efficient education without excessive costs.

Great Meadows Regional consists of the districts of Liberty and Independence. It was held that Liberty’s withdrawal would also have resulted in dissolution of the regional district, creating an excessive debt burden on Liberty and thwarting the thorough and efficient education without high costs. In addition, Independence would have been underutilized because programs would be eliminated and Liberty would have had to add more teachers and staff.

Although every district is different, these two examples show the difficulty of withdrawing from a regional district and what districts might expect from similar attempts to withdraw. Regionalization is becoming a hot topic and most likely will continue to be at the forefront of district discussions in the next few years.

Maximum Fine for Parent for Filing Frivolous Complaint Against Board Member

Frivolous complaints are nothing new. One type of remedy available for use by the Ethics Commission to deter the filing of frivolous complaints is the issuance of sanctions against the filer, which authority is granted pursuant to *N.J.S.A. 18A:12-29(e)*. (cont'd ▶)

Generally, the amount of sanctions has ranged from \$100 to \$250 per offense. However, the Ethics Commission recently handed down the maximum sanction allowed under the statute for the filing of frivolous complaint that was considered a personal attack against a board member.

In *Elain Young v. A.J. Kreimer, Moorestown Township Board of Education, C02-08*, the complainant was sanctioned the maximum penalty of \$500 for filing a frivolous complaint against a school board member. The complaint, filed in 2008, concerned an alleged violation by the board member of the School Ethics Act that occurred in 2001. The complaint alleged that the board member used his public office to secure financial gain by filing a petition seeking a grade adjustment for his child. The initial petition did seek reimbursement for costs and attorneys' fees, but these demands were later dropped. The complaint with the Ethics Commission, the Commission noted, was filed at the same time the complainant was involved in a dispute with the district involving her own child's grade, and which had been proceeding unfavorably.

The Ethics Commission concluded that there was no evidence to support the parent's claim that the board member used his public office to secure financial gain and thus dismissed the claim. In addition to the dismissal, the Commission also granted the board member's request for sanctions.

Sanctions are justified and the Commission has the authority to grant them when it determines that a complaint, (1) is commenced, used or continued in bad faith, solely for the purpose of harassment, delay or malicious injury; or (2) is one which the complainant knew was without any reasonable basis in law or equity and could not be supported by a good faith argument for an extension, modification or reversal of existing law.

In this case, the complaint filed by the parent met both criteria for sanctions. However, this case differed from other frivolous complaints because the complaint made accusations of a personal nature against the board member rather than assert claims to safeguard the public's trust. By ordering the maximum penalty for the complainant, the Ethics Commission provides us with a clear signal for how it views frivolous complaints against board members that are based on personal attacks rather than meritorious claims.



The information provided here is necessarily general and is not intended as legal advice or a substitute for legal advice. If you have any questions regarding this Alert, please contact Anthony P. Sciarrillo of the EdLaw Group at edlawgroup@lindabury.com.



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Before making your choice of attorney, you should give this matter careful thought. The selection of an attorney is an important decision.

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