

Township Committee Statement on School Referendum

The Township Committee strongly supports a school that provides a thorough and efficient system of education for all students and further supports the allocation of adequate resources to ensure that education is available to all students. Please know that the Township Committee has no control over the school budget or its tax burden, which consumes more than two thirds (2/3rds) of all tax revenue collected from Township residents.

So why is the Township Committee ("TC") bringing a legal action against the School District?

Background:

In the November 2, 2021 General Election, South Hunterdon Regional School District ("District") submitted a public question to its constituent municipalities, Lambertville, Stockton, and West Amwell Township ("WAT"), seeking the approval of a bond issuance in the amount of \$33,412,000 (the "Public Question"). The Public Question presented a plan (the "Plan") to upgrade the Lambertville school - which all K-4th grade students would attend - to eliminate the WAT elementary school, and to build a new 5th – 8th grade school on the high school grounds. A significant majority of Township voters (72.5%) voted against the Public Question and, at the end of all ballot counting, the referendum passed by a mere two votes. Because the vote count was so close and WAT's residents had voted strongly against the referendum, the TC requested a recount. The recount did not change the result, but it exposed a number of vote-by-mail ballots that were submitted by voters who had not lived in Lambertville or WAT for many years. In addition to the legal issues presented by these vote-by-mail ballots, the TC believes that the District and Board of Education ("BOE") may have violated ethics rules leading up to the referendum vote. Accordingly, the TC decided to bring legal action against the District challenging the District's actions as well as the eligibility of certain voters.

Issue – Voters:

The TC questioned how voters who reside in the United Kingdom, Peru, California, Massachusetts, and other remote locations managed to vote in the local election. Despite demonstrating that many of these remote voters have not lived in New Jersey for many years (not to attend college, not a temporary job location, not in the military), the judge nonetheless upheld their eligibility to vote in our local elections, reasoning that the "voters had intentions to return to New Jersey" and therefore their votes would count.

Issue – Plan:

TC members participated in a committee organized by the District to evaluate options for the regional schools and a number of options were presented, along with an indication of what options would be most acceptable to the represented municipalities. Pros and cons of renovating the Lambertville and/or WAT elementary schools were discussed, as were the pros and cons of constructing a new school to accommodate K-6th grade students. As everyone knows, Lambertville has limited space on which to

locate a school, logistics challenges with its congested roads, and the current school property is in a flood zone. The Plan presented by the District was not one of the options recommended to or by the committee, but rather, it was an option chosen by the BOE members from Lambertville where certain BOE members made it clear that Lambertville was going to have its way. The TC, on behalf of its constituency, objects to the Plan.

Issue – Plan Presentation:

Referenda are supposed to follow a very rigorous set of rules. Specifically, any Board of Education is prevented by law from advocating on either side of a referendum question it is originating. The problem is that the District did not follow the law on these rules. Rather, we believe the BOE conspired with the District Superintendent to obscure the imperfections of the referendum plan from the public and to vigorously promote a “Yes” vote on the referendum. Key communicators were identified to promote the Plan, while the District worked to strip all derogatory information about their Plan out of their presentations; therefore, the voters were never presented with the information necessary to make an informed decision.

Issue – School Board Representation:

Lambertville has five (5) board seats, WAT has three (3) board seats, and Stockton has one (1) board seat. Accordingly, regardless of how WAT and Stockton may feel about a material matter brought before the District, Lambertville has a majority and may overrule the other two municipalities.

Legal Action:

Ultimately, the trial court dismissed the allegations of ethics violations against the District on jurisdictional grounds and upheld the validity of certain vote-by-mail ballots, despite substantial evidence of voter ineligibility. If just one “yes” vote is overturned, it would require the referendum question to be put before the public again. In addition, if the District executes on their plan, the TC questions what benefit the public will get for \$33.4 million, given the greatly increased cost of materials and labor (inflation) since the District received its estimates. The TC does not believe that the public will get what was promised in the referendum. Accordingly, the TC appealed the trial court’s decision. At present, it is estimated that the appeal will be heard in early 2023, with a decision hopefully to be issued shortly thereafter. Filing and defending legal actions are not free, but the cost is immaterial when compared to WAT’s share of the \$33.4 million cost of the Plan.

Other Actions:

In order to ensure the fair administration of the District, the TC is exploring other options to recommend changes that could be made at the BOE and/or in the existing regional District.

Why does TC want to hold SHRSD Board of Education accountable?

1. Questionable Process and Plan

- 72.5% of the Township voted not to approve the referendum, which passed by only two votes. TC has questioned the BOE's presentations and support for a "yes" vote on the referendum when they were supposed to remain neutral:
 - Proposed plans were different than plans discussed with the Township, moving all grades 1-4 to LPS
 - The Lambertville BOE members derailed every option that didn't include 'walkability' to LPS in its plans
 - Costs have significantly increased (supply chain, labor, interest rates) - so what is the Township really going to get for \$33.4 million?
- As one option, the TC proposed that the District acquire the ESC school property (15 acres with excellent gym facilities) as a site for the elementary school at a cost of ~\$500,000. Rehabilitation of this site would have cost taxpayers exponentially less than the proposed BOE plans.

2. School Costs and Performance

- The Township was promised a reduction in administrative costs from regionalization, and administrative numbers and it appears that costs have only increased.
- SHRSD has one of the highest revenues per pupil (top 8%) in the state and it has the 8th highest admin costs per pupil in school's enrollment group, yet performance continues to decline.
- Comparable SHRSD admin costs in Bergen County schools where 72% of students are proficient in math and 87% in reading (vs 37% in math and 69% in reading at SHRSD).
- SHRSD has the lowest student/teacher ratio in the state, yet its elementary schools are ranked in the bottom 50% of state school districts and the high school is at the bottom of the top 50% of state school districts.
 - West Amwell Elementary School – 693 of 1317 (47th percentile)
 - Lambertville Elementary School – 845 of 1317 (36th percentile)
 - High School – 193 of 405 (52nd percentile). As a comparison, Hunterdon Central is 99/405 and Hopewell Valley is 51/405 and their performance is increasing.
- The grading system for many of the kids appears to be social promotion, just passing students into the next grade regardless of their skill set and not adequately preparing them for higher education or the workplace.