

**MICHAEL I. INZELBUCH**

**Attorney-at-Law**

**1340 West County Line Road**

**Jackson, New Jersey 08701**

**Member NJ and NY Bars**

***Phone: 732-905-0325***

***Fax: 732-905-5872***

**E-Mail: Michael@inzelbuchlaw.com**

**Staff E-Mail: Sandra@inzelbuchlaw.com / Taylor@inzelbuchlaw.com**

**Bookkeeping: Bookkeeping@inzelbuchlaw.com**

---

**VIA E-MAIL ,FAX and OVERNIGHT (35 Pages)**

June 18, 2019

The Honorable Susan Scarola, ALJ  
The Honorable Director Lisa James Beavers, Director  
The Honorable Ellen Bass, Deputy Director  
The Honorable Edward J. Delanoy , Assignment Judge <sup>1</sup>  
Office of Administrative Law  
9 Quakerbridge Plaza  
P.O. Box 049  
Trenton, New Jersey 08625

**Re: Alcantara, Leonor, Individually and as G/A/L for E.A. et. als.**

**v.**

**Hespie, David, Comm. of Ed., NJ State Bd. of Ed. & NJ Dept. of Ed.**

**OAL Dkt. No.: EDU-11069-2014 S / Agency Ref.: 156-6/14**

**INITIAL REQUEST FOR EMERGENT RELIEF AND  
DETERMINATION OF MOOTNESS**

---

<sup>1</sup> Upon information and belief ALJ Scarola is on vacation. Thus, this correspondence is directed to the Administration of OAL due to the emergent nature of this request , to wit, the irrevocable harm that is occurring and will continue to occur, and only worsen , to the more than 6100 public school students, a majority of whom are minority students , with 100% being on free and reduced lunch as well as the dedicated public school staff of Lakewood schools .

The Honorable Susan Scarola, ALJ  
Re: Alcantara et. als. v. Hesper et als.  
OAL Dkt. No.: EDU-11069-2014 S / Ref.: 156-6/14  
Page - 2 -  
June 18, 2019

Dear Judges Scarola, James-Beavers, Bass, Delanoy :

As Your Honor is aware this office represents the interests of the Lakewood Township Board of Education (“Board” and/or “District”) in connection with the above-referenced matter.

**As ALL are aware and do NOT dispute<sup>2</sup>:**

**2015-2016**

1. The Lakewood School District (“LSD”) did receive a State aide *advance* in 2015-2016 in the sum of \$4,500,000.00;
2. The Lakewood School District (“LSD”), however, did have a Budget Deficit of **\$6,824,592.00** in the 2015-  
2016 school year;

**2016-2017**

---

<sup>2</sup> Credit must be given to attorney Arthur Lang, Esq for his filing of the initial Petition herein several years ago as well as all of his efforts to date .

3. The Lakewood School District (“LSD”) did receive a State aid advance in 2016-2017 in the sum of **\$5,640,183.00**;
4. The Lakewood School District (“LSD”) did have a Budget ***Deficit*** of \$ - **4,353,898.00** according to the Districts Annual Audit Report dated June 30, 2017 which was provided to the New Jersey Department of Education (“NJDOE”) in accordance with law;

**2017-2018**

5. The Lakewood School District (“LSD”) did receive a State aid advance in 2017-2018 of **\$8,522,678.00**;
6. The Lakewood School District (“LSD”) is estimated to have **unaudited** Budget Deficit of approximately **\$4,000,000.00** , information the State has been apprised of by the District and State Monitor;

Most importantly, since the 2015-2016 school year the Lakewood School District (“LSD”) has been provided with State aide advances of **\$46,844,951.00** and has paid back *approximately* \$3,500,000.00 since the 2016-2017 school year including, but not limited to, this year,

**2018-2019**

7. The Lakewood School District (“LSD”) did list, with DOE approval, in its Budget as a “receivable” a State aid advance (“Loan) of **\$28,182,090.00**, as this was **the only way a “balanced “ Budget could be presented .<sup>3</sup>**

Up to and including yesterday, ALL agree that, in addition to the above,

8. The Lakewood student PUBLIC population has remained relatively “stable” over the last several years, as opposed to surrounding school districts according to the Department website (See Exhibit “A”)<sup>4</sup>
9. The Lakewood school District received NOTICE on or about March 7, 2019 from the Department of Education that it was to receive an additional \$30,050,890.00 dollars based on NEED, (See Exhibit “B”)
10. To the credit of the Governor, the Department, etc. the Governor’s Budget for 2019-20 contained the above referenced

---

<sup>3</sup> **Reference is made to the results of the OPRA request *the undersigned filed with the DOE wherein it was clearly demonstrated that for years and over numerous Administrations ALL agreed that the Lakewood school district required millions of dollars (as delineated above) to provide a “Thorough and Efficient Education”, in part, referenced in ALJ Scarola’s prior DECISION of January 8, 2019 (Exhibit “C”) .***

<sup>4</sup> It should also be noted that the undersigned agrees with Toms River, Brick, and Jackson school districts and numerous others require additional funds.

additional monies ONLY after months of data review and study by the Department of Education, the Attorney General's office, etc.:

11. Yesterday, without any delineated basis the Senate and Assembly Budget Committees approved a Budget that did NOT contain the above monies
12. The upcoming fiscal school year commences July 1, 2019
13. Whether the Governor accepts or rejects the Senate/Assembly Budget of yesterday (that does not contain the needed monies for Lakewood public schools) Lakewood schools needs to function and provide a "Thorough and Efficient" ("T and E") education to its PUBLIC school students including, but not limited, to Extended School Year services to its most fragile special education students at the Oak Street , LECC, and LAKEWOOD Middle and High School that is approximated at 410 public school students as well as approximately 343 out of district public school students who attend NJDOE approved schools such as Collier, Alpha, Ocean Academy , Center for Education, and SCHI
14. The cost of ESY is approximately \$ 5,520,156.00

15. The Lakewood school district does NOT have an approved Budget<sup>5</sup> as it awaits “word” from the Department <sup>6</sup>as to the following issues: (1) The amount of monies needed for Audit recoveries and payments with regard to prior State loans that are NOT included in the \$30,000,000.00 additional State aid monies<sup>7</sup> (2) The final amount of the “REBILL” *determined by the Department* (NOT the District) as to State approved private schools for the disabled that is approximately \$4,221,730.00<sup>8</sup>, etc.

Based on the above it is the position of the Lakewood school district and presumably ALL herein that:

- (1) Summary Judgment/Decision is mandated as this Court has no authority other than to make recommendations to the very Department that agrees that Lakewood Board of Education requires the above delineated monies; and

---

<sup>5</sup> The Lakewood Board of Education is set to meet on June 24, 2019 to finalize its Budget that cannot occur without notice from the Department as to monies available, etc. Thus, Lakewood school district will be in violation of Code.

<sup>6</sup> The District was assured that same would be received prior to the June 24<sup>th</sup> Board of Education meeting and has now been advised that same, in all likelihood, will not be forthcoming .

<sup>7</sup> Said amount is estimated to be approximately \$5,982,972.00

<sup>8</sup> This is a partial listing.

- (2) The matter herein is moot as there are no remaining issues as to the District requires additional funds as determined by the Department;
- (3) The matter herein is emergent as Lakewood public schools has NO Budget, and, thus no spending authority as of July 1, 2019 ---less than 13 days away;
- (4) The likelihood of success is guaranteed as the State and the District agree that Lakewood requires additional funds, that Lakewood has no Budget, that Lakewood has an obligation to provide for its public-school students
- (5) More harm will occur to Lakewood public school students than the Department should emergent relief not be granted
- (6) The merits of the relief sought herein outweigh any and all other considerations

A conference call "on the record" is respectfully requested immediately. While I appreciate ALJ Scarola is currently out of the country, my own experience with OAL is that emergent situations do not prevent calls and argument, if needed, to occur as I have personally experienced while in Italy, Israel, and across the continental United States of America.

The Honorable Susan Scarola, ALJ  
Re: Alcantara et. als. v. Hespe et als.  
OAL Dkt. No.: EDU-11069-2014 S / Ref.: 156-6/14  
Page - 8 -  
June 18, 2019

---

Respectfully submitted,

*Michael I. Inzelbuch, Esquire*  
**MICHAEL I. INZELBUCH, ESQ.**

MII/sn

cc: Arthur Lang, Esquire (for Petitioners)  
Paul Tractenberg, Esquire (Participant)  
Jennifer Hoff, DAG (for Respondent)  
Geoffrey N. Stark, DAG (for Respondent)  
Laura Winters, Superintendent of LBOE  
Robert Finger, Interim BA  
State Monitor David Shafter  
Board of Education Members  
Governor Phil Murphy  
Commissioner Lamont Repollet  
Deputy Commissioner Kevin Dehmer  
Deputy Assistant Commissioner Glen Forney  
Senate President Stephen Sweeney  
Lakewood Public Schools  
Attorney General Grubir Grewal  
Governor's Chief Counsel Matt Platkin  
David Sciarra, ELC  
Others

Dictated Only

**CERTIFICATION**

We, Superintendent Laura A. Winters and Interim Business Administrator, Robert Finger, agree and certify to the above.

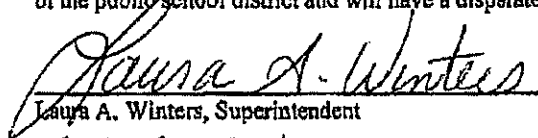
We also must specifically state that the public-school students have and will continue to suffer irreparable harm should monies not be immediately allocated to Lakewood as proposed by the Governor and Department.

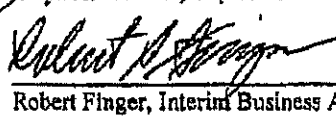
We fully understand that the OAL can not order the Legislature nor Governor to issue monies, however, a recommendation from the OAL is what has been sought, in part, in this matter from its inception.



The Honorable Susan Scarofa, ALJ  
Re: Alcantara et. als. v. Hespe et als.  
OAL Dkt. No.: EDU-11069-2014 S / ReE: 156-6/14  
Page - 9 -  
June 18, 2019

Lastly, we cannot recommend that " RICE " notices be served on dedicated public school teachers and staff nor cut public programs that the NJDOE has previously agreed are needed for a "T and E" education as late as yesterday, with no reason to believe would change today, based on a thorough and exhaustive educational review and analysis by the district, the Department, and the Governor's office and Agencies. To allow same to occur would be the death knell of the public school district and will have a disperate impact on our students.

 6/18/19  
\_\_\_\_\_  
Laura A. Winters, Superintendent

 6/18/19  
\_\_\_\_\_  
Robert Finger, Interim Business Administrator

 6/18/19  
\_\_\_\_\_  
Moshe Bender, Board President