

Toms River, New Jersey, July 3, 2024

A Special Meeting of the Board of Education of the Toms River Regional Schools took place at High School North, 1245 Old Freehold Road, Toms River, on Wednesday, July 3, 2024 at 5:00 P.M.

Board President Ms. Kathy Eagan read the following Opening Statement:

“Good Evening, Welcome to a Special Meeting of the Board of Education of the Toms River Regional Schools.”

“This meeting was announced to the public through a notice published in The Star Ledger on June 28, 2024 and the Asbury Park Press on June 29, 2024, which constituted at least 48 hours notice as required by law under the Open Public Meetings Act.”

A roll call of attendance indicated the following Board Members were present: Mr. James Capone, Mrs. Melissa Morrison, Mrs. Anna Polozzo, Mr. Joseph Nardini and Ms. Kathy Eagan.

Mrs. Jennifer Howe arrived at 5:05 p.m.

Mr. Kevin Kidney arrived at 5:09 p.m.

Mrs. Ashley Lamb arrived at 5:05 p.m.

Mrs. Paola Pascarella was absent.

Also in attendance were Superintendent Citta, Assistant Superintendents Ricotta, Thomas, Business Administrator Doering, Board Secretary Saxton, Board Attorney Burns and Special Counsel Blackburn.

EXECUTIVE SESSION - 5:01 P.M.

A motion was made by Mr. Nardini, seconded by Mrs. Polozzo and carried that the following Executive Session Resolution be approved:

Resolved, that the Board of Education, at this time, move to a closed session to be held in High School North Executive Session Meeting Room, 1245 Old Freehold Road, Toms River, New Jersey, for the purpose of:

Executive Session – To *Include* – Personnel; Legal/Litigation; Other. Subject to change.

as outlined under the Open public Meetings Act.

RETURN TO REGULAR SESSION – 5:52 P.M.

A motion was made by Mr. Nardini, seconded by Mrs. Polozzo and carried that the Board return to Regular Session at 5:52 P.M.

All members present voting Aye.

PLEDGE OF ALLEGIANCE

Board President Ms. Kathy Eagan led the Board and audience in the Pledge of Allegiance.

SUPERINTENDENT COMMENTS

Superintendent Michael Citta wished everyone a Happy Fourth of July. Superintendent Michael Citta stated that over the last 7 years, the Toms River Regional School District has been decimated by the state’s funding formula and the S2 legislation that created a \$137 million dollar cumulative loss for Toms River students, the district, and taxpayers. All the while the District has been mandated to tax the Toms River communities to the maximum of the allowable 2% cap annually. Toms River has already cut over 250 jobs, including administrative positions, as well as teachers, and has reduced its programming for students along the way. We have used all of the District’s surplus and reserves, and monetized the District’s assets, rented facilities and sold trees to make up the shortfall. Even with all of those actions, there is no way to make up the \$137 million dollar cut with the allowable 2% tax levy increase over a 7 year period. We have worked with our Executive County Superintendent and Business Administrator and sought suggestions they may have to address our crisis. The fallout has pushed the “most cost efficient” and lowest spending District in the State of New Jersey to bankruptcy as districts that spend far more and tax less have benefited with major aid increases to their budgets, leading to wasteful spending and ridiculous salary increases and non-essential pet projects.

Superintendent Michael Citta stated we have been clear and transparent for the last year that because of these decisions made by the Department of Education and the State of New Jersey, Toms River is \$26.5 million dollars short on its budget to complete the 24-25 school year. Myself, my team and the Board have been working nonstop to communicate, lobby, negotiate, testify, and pursue the shortfall and address the funding issues. Members at the County level and State level of the Department of Education who

are experts in school finance have agreed with the District's number of a negative \$26.5 million, and agree that it is a revenue problem not a spending problem. We have continued to take the high road and work with local and state legislators and the Governor's office directly to receive a solution to the District's problem, all the way up until last night Friday when the budget was signed and Toms River was left to deal with the financial cliff the State of New Jersey created! Superintendent Michael Citta reiterated, the State of New Jersey knowingly created this problem for the District and the District's neighbors in Brick, Jackson, Lakewood, Lacey, Plumsted and Stafford, just to name a few. Why? How can they do that to the 15,000 students that deserve the same opportunities as every child in this great state? \$26.5 million dollars removed from this District's budget would eliminate 368 more jobs, putting class sizes in the hundreds and eliminating all extra-curricular and athletic programs from the District. It would also eliminate kindergarten completely. There is no way to even propose that.

What they have done is nothing short of legislative child abuse and neglect! Superintendent Michael Citta stated I have done my job of presenting tonight a balanced budget, but unfortunately it does not provide a structural revenue solution and only compounds the problems for our District moving forward. Because of the malfeasance of the Department of Education, this year, the District was \$91.5 million dollars under adequacy, which is the amount the state's constitutionally-approved formula tells us we should be spending to provide a thorough and efficient education. Being \$26.5 million dollars short increases that number to \$118 million dollars under adequacy. The Commissioner now says that number is just a suggestion.

Superintendent Michael Citta spoke about what the District should not or cannot do:

#1. Toms River students come first! Our students deserve the programming they have and much more that we wish we could provide.

#2. Community, Strength, Resolve, Trust, and Commitment! The easiest thing to do is panic, point fingers and fight amongst ourselves. The fight is with the Department of Education and the State of New Jersey, the decision makers that have created these policies that harm our students, teachers, staff, and the community! Already we have heard and seen local politics try to step into this crisis and cause division. This is no different than Governor Murphy, or Commissioner Dehmer and the legislators that turned their backs on the 15,000 students and 50,000 plus families in our District when the budget was approved that provided over a billion dollars in extra spending in education

and \$700 million more in “Pork” or “Christmas Tree Money” for politician’s pet projects, while the students futures and opportunities are thrown away like yesterday’s garbage.

Politics have no place in any school, Superintendent Michael Citta said.

Superintendent Michael Citta discussed salaries. Last month the board made decisions on the agenda based on their beliefs that the District did not have a balanced budget. Nobody on this Board or in this office thinks that certain members of the administrative team are more essential than the next. Every one of the assistants and Business Administrator work their tails off for the students, staff, and the community. We are together focusing on a purpose which is our students. As we fight for our funding, all of my team including myself will freeze our salaries and work under last year’s contractual agreements.

The students of Toms River come first and there will be no distraction.

What we need now is the Toms River Regional Schools community to do what we do, come together, join this fight, and sign onto our pursuit. This fight goes beyond the borders and affects our entire county and all of the children and future children in it. Superintendent Michael Citta stated I call on all of you, our elected officials in the district and the county to stand with Toms River and join, because if we let this County Seat fall, we all fall. Together WE-R-TR!

BOARD ATTORNEY COMMENTS

Good evening, my name is William Bums, and I am the Board Attorney. The Board of Education, the Superintendent and the Business Administrator have asked me to address you to provide an overview regarding the budget and briefly outline the District's next steps.

Leading up to the State Budget vote on June 28, 2024, the District has been working with members of the State legislature, the Commissioner of Education, the Department of Education, the Governor's staff, including his chief of staff, and the Governor himself in an attempt to secure the minimum funding needed to provide the legally required thorough and efficient education to the students of Toms River Regional Schools. Our local legislators have supported our efforts and dedicated themselves to our cause, advocating for our students and criticizing the state budget for neglecting the children of

our district. We thank our Assemblymen and Senators and implore them to continue their zealous advocacy on our behalf in Trenton.

Our pleas for help, our legislators' impassioned speeches, and our attempts at collaboration with the State have failed. The fact that this revenue crisis is the direct result of the State of New Jersey cutting over \$137 million in funding over the last seven years, the State's fifteen-year failure to fully fund the school funding formula and the legislative imposition of a hard cap on school district's annual ability to gradually increase its local levy seems of no consequence to the New Jersey Department of Education.

The Commissioner himself has stated in what can only be described as a ultimate act of pure derogation of duty, that the people in Toms River, South Toms River, Beachwood, and Pine Beach can determine what kind of schools they want, calling it the ecology of local control, seemingly oblivious to his ultimate Constitutional duty to provide for a Thorough and Efficient Education for ALL of New Jersey's Children, not just those in certain zip codes. Instead of acting responsibly, the Commissioner is blaming the current crisis on this community, this Board and this Administration, demanding the Superintendent and Business Administration to certify an unconstitutional budget, and encouraging the District to burden the residents of this District by placing questions about the District's programs, whether educational, co-curricular, extra-curricular, or athletic on the ballot, regardless of the constitutional and statutory requirements.

To be clear: The School Funding Reform Act that was initially held to be constitutional by the New Jersey Supreme Court has been modified substantially blocking a local district's ability to reduce the impact of the state aid cuts. Then the State adopted S2 further reducing State funding for districts like Toms River Regional proclaimed to be "overfunded". Simply put, the State has taken away hundreds of millions of dollars of funding and simultaneously barred Districts from raising the local levy over the legislative imposed cap to make up for the massive revenue cuts.

To address the revenue shortfall caused and created by the State, TRRS Board Members and Administrators alike have driven across the state and pleaded with anyone who would listen, akin to Dickens's Oliver Twist: "Please sir, may I have some more."

The pleas for our students have been met with accusations, empty promises, and direct threats. A state takeover of our schools and school district has been threatened. The

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forced closure of district schools has been threatened. The slashing of jobs that have a direct impact on our classrooms and our kids has been threatened. And when Superintendent Michael Citta and Business Administrator William Doering pushed back, saying we cannot and will not cut programs or jobs that impact kids, and reminded the state that they were legally required to certify only a budget that provides for a Thorough and Efficient Education, the revocation and forfeiture of Mike and Bill's certificates were threatened.

It is altogether fitting that today is July 3rd because the days of this District begging on bent knee before a tyrannical State government end here and now. We can no longer sit patiently, waiting for the State and the Department of Education to do the right thing, while the district falters. The State of New Jersey and the Department of Education have neglected their constitutional duty to ensure that all New Jersey Public School Students, including our students, receive a thorough and efficient education. This Board of Education has appointed the Busch Law Group, which includes Hope Blackburn who stands next to me, in consultation with David B. Rubin, to commence litigation against the State, including the Department of Education and the Commissioner. Simply put, the Busch firm has been tasked to exhaust all legal remedies for the District to receive the funding and resources necessary to provide Toms River Regional students with the constitutionally required thorough and efficient education.

To be clear, we are fighting tyranny, oppression, and persecution, not by a foreign entity, but by our own state government. We are fighting for the right of our students to receive the education they are legally entitled to and, more importantly, the education they deserve. The legal battle for Toms River Regional Schools will not be easy and will not be quick. There is much work to be done, and it is for us -parents, students, residents, teachers, administrators, staff, alumni, and friends -to be dedicated to this unfinished work. We cannot be consumed by our differences anymore, we must, and we will be united in our common interest, the students of Toms River Regional Schools.

The Toms River Regional Schools District calls on, our teachers, our staff, our parents, our students, our alumni, our residents and the entire TRRS community to join the fight for our schools and our kids. Call and write the State Senators and Assemblymen, call and write the Governor and the Commissioner of Education. Talk to your neighbors, your friends, and your family. Let everyone, including the State, know that this community stands together, and speaks in one united voice, that Toms River Regional School District will not go

quietly into the night; and will not close our schools without a fight. We will continue to operate, we will continue to educate, we will open our schools in September, and we are going to do what this District has always done: love and support our children and our community.

And when we win the day for our students and our community, to paraphrase Abraham Lincoln, "the world will little note nor long remember what I said here, but it will never forget what the Toms River Regional Schools Community did here." Thank you.

COMMENTS FROM GUESTS AND PRESS – AGENDA ITEMS ONLY *(limited to 3 minutes as per Board Policy # 0167 – Public Participation in Board Meetings, the first public session will be limited to a total of 30 minutes)*

Public comments were heard by Paul Kanitra.

Public comments were heard by Christopher Raimann.

Public comments were heard by Lawrence Cuneo.

APPROVAL OF THE SUBMISSION OF THE 2024-25 TENTATIVE BUDGET TO THE COUNTY OFFICE

A motion was made by Mr. Nardini, seconded by Mr. Kidney and carried that the Approval of the Submission of the 2024-25 Tentative Budget to the County Office be approved.

On roll call following the vote:

Ayes: None

Noes: Capone, Howe, Kidney, Lamb, Morrison, Polozzo, Nardini, Eagan

Recused: None

Abstained: None

Absent: Pascarella

APPROVAL OF THE RESOLUTION AUTHORIZING THE BUSCH LAW GROUP AND HARTMAN DUFF LLC. TO TAKE ALL ACTION NECESSARY AND PROPER TO COMMENCE LITIGATION IN STATE AND/OR FEDERAL COURTS AGAINST THE STATE OF NEW JERSEY INCLUDING ALL DEPARTMENTS, BOARDS, AND POLITICAL SUBDIVISION OF THE STATE

TO SEEK REDRESS FOR THE DAMAGES OF THE TOMS RIVER REGIONAL SCHOOL STUDENTS, RESIDENTS, AND STAKEHOLDERS CAUSED BY THE UNCONSTITUTIONAL ACTIONS AND/OR INACTIONS OF THE STATE OF NEW JERSEY

A motion was made by Mr. Kidney, seconded by Mrs. Polozzo and carried that the Approval of the Resolution Authorizing the Busch Law Group and Hartman Duff LLC. to Take All Action Necessary and Proper to Commence Litigation in State and/or Federal Courts Against the State of New Jersey Including All Departments, Boards, and Political Subdivision of the State to Seek Redress for the Damages of the Toms River Regional School Students, Residents, and Stakeholders Caused by the Unconstitutional Actions and/or Inactions of the State of New Jersey be approved.

On roll call following the vote:

Ayes: Capone, Howe, Kidney, Lamb, Morrison, Polozzo, Nardini, Eagan

Noes: None

Recused: None

Abstained: None

Absent: Pascarella

COMMENTS FROM GUESTS AND PRESS – AGENDA ITEMS ONLY *(limited to 5 minutes as per Board Policy # 0167 – Public Participation in Board Meetings)*

Public comments were heard by Thomas Rolzhausen.

MOTION TO ADJOURN

A motion was made by Mr. Nardini, seconded by Mrs. Howe and carried that the meeting be adjourned at 6:38 P.M.

All members present voting Aye.

Wendy L. Saxton, Board Secretary