



On April 14, 2017, counsel for the Highland Park Board of Education filed a notice of appeal with the Appellate Division of Superior Court, challenging the recent approval by the State's Acting Commissioner of Education of Hatikvah International Academy Charter School's application to again expand its enrollment and implement a weighted lottery for admissions. The Highland Park Board previously filed an appeal challenging Hatikvah's prior expansion request that was granted in 2015, which matter is still pending before the Court. The Board will be represented in both appeals by David Rubin, Esq., of Metuchen, an attorney with substantial experience representing school districts in important legal matters before our appellate courts, as well as our General Counsel, Jonathan Busch, Esq., and Douglas Silvestro, Esq. In this latest appeal, the Highland Park Board is joined by the Piscataway Township Board of Education in opposition to this action by the Commissioner.

The Board has consistently expressed its opposition to Hatikvah's continued expansions, which threaten to intensify the drain on our scarce resources, likely requiring the loss of additional programs and possibly staff. Although Hatikvah has been denied expansion requests in the past due to a "decline in the school's academic performance," among other reasons, the Commissioner has again approved the latest expansion request despite Hatikvah's numerous, undeniable issues.

Hatikvah was originally approved to serve students in East Brunswick, but now draws students from approximately 22 districts spread across several counties. In its latest expansion request, Hatikvah lauds the fact that less than half of its student body actually resides in East Brunswick, the community it claims to have been created to serve. Hatikvah has gone so far as to utilize taxpayer dollars to engage in an advertising and recruitment drive in multiple communities surrounding East Brunswick in an attempt to expand its student enrollment and increase its drain on public school districts.

The organizers of the school initially claimed that they intended to offer small class sizes in an intimate school setting, but have now abandoned their own educational philosophy to increase the school's share of school tax dollars. Hatikvah takes far fewer special education, limited English proficient, low-income and minority students than any of the affected school districts, and has become an exclusive boutique institution that does not reflect the community it claims to serve.

In this appeal, as with the appeal currently pending, the Board will challenge the reasonableness of the Commissioner's approval of the school's expansion, and the procedures by which it was granted which have disenfranchised Highland Park and other districts whose vital resources are at stake. We also will challenge the assessment of tuition from Highland Park for Hatikvah students, which we contend is beyond the scope of the charter school legislation itself. We are hopeful that the court will look favorably on our legal arguments, and will keep the Highland Park community informed as this litigation moves forward.