

April 11, 2017

VIA HAND-DELIVERY

Joseph H. Orlando, Clerk
Superior Court of New Jersey, Appellate Division
Richard J. Hughes Justice Complex
P.O. Box 006
25 Market Street, 5th Floor
Trenton, NJ 08625-0006

RE: In the Matter of Grant of Charter Renewal of the Red Bank Charter School


Dear Mr. Orlando:

Enclosed for filing, please find the original and five (5) copies of the following:

- Notice of Appeal;
- Civil Case Information Statement and Addendum;
- Consent Order entered into March 20, 2007 in *In re Grant of Renewal of Application of the Red Bank Charter School, Monmouth County*, Docket No. EDUOT 04169-2004S;
- February 28, 2017 Decision of Acting Commissioner Kimberly Harrington Granting Charter Renewal to the Red Bank Charter School; and
- A certificate of service.

If you have any questions or concerns, please do not hesitate to contact me. Thank you for your kind attention to this matter.

Respectfully submitted,



Lawrence S. Lustberg

cc: Kimberly Harrington, Acting Commissioner, New Jersey Department of Education, w/encs.
via FedEx
Meredith Pennotti, Director, Red Bank Charter School, w/encs. via FedEx



New Jersey Judiciary
Superior Court - Appellate Division
Notice of Appeal

Type or clearly print all information. Attach additional sheets if necessary.

Title in Full (As Captioned Below)
In the Matter of Grant of Charter Renewal of the Red Bank
Charter School

Attorney/Law Firm/Pro Se Litigant

Name
Lawrence S. Lustberg, Esq./Gibbons P.C.

Street Address
One Gateway Center

City
Newark

State
NJ

Zip
07102

Telephone Number
(973) 596-4500

Email Address:
llustberg@gibbonslaw.com

On Appeal from

Trial Court Judge
Comm'r. Kimberly Harrington

Trial Court or State Agency
Department of Education (DOE)

Trial Court or Agency Number
N/A

Notice is hereby given that Fair Schools Red Bank (FSRB) & Latino Coalition (LCNJ), appeals to the Appellate Division from a ☐ Judgment or ☐ Order entered on _____, in the (select one)

☐ Civil, ☐ Criminal, or ☐ Family Part of the Superior Court ☐ Tax Court or from a
☒ State Agency decision entered on 02/28/2017.

If not appealing the entire judgment, order or agency decision, specify what parts or paragraphs are being appealed.

FSRB and LC appeal from the February 28, 2017 decision of Acting Commissioner Kimberly Harrington renewing the charter of Red Bank Charter School (RBCS) for five years, through June 30, 2022.

Have all issues, as to all parties in this action, before the trial court or agency been disposed of? (In consolidated actions, all issues as to all parties in all actions must have been disposed of.) ☒ Yes ☐ No

If not, has the order been properly certified as final pursuant to R. 4:42-2? ☐ Yes ☐ No

For criminal, quasi-criminal and juvenile actions only:

Give a concise statement of the offense and the judgment including date entered and any sentence or disposition imposed:

This appeal is from a ☐ conviction ☐ post judgment motion ☐ post-conviction relief.

If post-conviction relief, is it the ☐ 1st ☐ 2nd ☐ other _____
specify

Is defendant incarcerated? ☐ Yes ☐ No

Was bail granted or the sentence or disposition stayed? ☐ Yes ☐ No

If in custody, name the place of confinement:

Defendant was represented below by:

☐ Public Defender ☐ self ☐ private counsel _____
specify

Notice of appeal and attached case information statement have been served where applicable on the following:

	Name	Date of Service
Trial Court Judge		
Trial Court Division Manager		
Tax Court Administrator		
State Agency	Department of Education (DOE)	04/11/2017
Attorney General or Attorney for other Governmental body pursuant to R. 2:5-1(a), (e) or (h)	Attorney General of the State of New Jersey	04/11/2017

Other parties in this action:

Name and Designation	Attorney Name, Address and Telephone No.	Date of Service
Red Bank Charter School	[Counsel unknown] Meredith Pennotti, Director, 58 Oakland Street, Redbank, NJ 07701, (732) 450-2092	4/11/2017
Department of Education	[Counsel unknown] Kimberly Harrington, Acting Comm'r., P.O. Box 500, Trenton, NJ 08625 (609) 292-4450	4/11/2017

Attached transcript request form has been served where applicable on the following:

Name	Date of Service	Amount of Deposit
Trial Court Transcript Office	N/A	
Court Reporter (if applicable)		
Supervisor of Court Reporters		
Clerk of the Tax Court		
State Agency		

Exempt from submitting the transcript request form due to the following:

☒ No verbatim record.

☐ Transcript in possession of attorney or pro se litigant (four copies of the transcript must be submitted along with an electronic copy).

List the date(s) of the trial or hearing:

☐ Motion for abbreviation of transcript filed with the court or agency below. Attach copy.

☐ Motion for free transcript filed with the court below. Attach copy.

I certify that the foregoing statements are true to the best of my knowledge, information and belief. I also certify that, unless exempt, the filing fee required by N.J.S.A. 22A:2 has been paid.

04/11/2017

Date

Signature of Attorney or Pro Se Litigant

Appendix VII



New Jersey Judiciary
Superior Court - Appellate Division
Civil Case Information Statement

Please type or clearly print all information.

Title in Full
In the Matter of Grant of Charter Renewal of the Red Bank Charter School

Trial Court or Agency Docket Number
N/A

• Attach additional sheets as necessary for any information below.

Appellant's Attorney

Email Address: llustberg@gibbonslaw.com

☐ Plaintiff ☐ Defendant ☒ Other (Specify) Fair Schools Red Bank (FSRB) & Latino Coalition (LCNJ)

Name
Lawrence S. Lustberg, Esq.

Client
FSRB & LCNJ

Street Address
One Gateway Center

City
Newark

State
NJ

Zip
07102

Telephone Number
(973) 596-4500

Respondent's Attorney*

Email Address:

Name

Client

[Unknown]

Street Address

City

State

Zip

Telephone Number

* Indicate which parties, if any, did not participate below or were no longer parties to the action at the time of entry of the judgment or decision being appealed.

Give Date and Summary of Judgment, Order, or Decision Being Appealed and Attach a Copy:

Fair Schools Red Bank and the Latino Coalition appeal from the February 28, 2017 decision of the Acting Commissioner of Education, Kimberly Harrington, renewing the charter of the Red Bank Charter School for five years. Acting Commissioner Harrington's letter granting renewal is attached.

Are there any claims against any party below, either in this or a consolidated action, which have not been disposed of, including counterclaims, cross-claims, third-party claims and applications for counsel fees?

☐ Yes☒ No

If so, has the order been properly certified as final pursuant to *R. 4:42-2*? (If not, leave to appeal must be sought. *R. 2:2-4, 2:5-6*)

☐ Yes☐ No

(If the order has been certified, attach, together with a copy of the order, a copy of the complaint or any other relevant pleadings and a brief explanation as to why the order qualified for certification pursuant to *R. 4:42-2*.)

Were any claims dismissed without prejudice?

☐ Yes☒ No

If so, explain and indicate any agreement between the parties concerning future disposition of those claims.

Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? (*R. 2:5-1(h)*)

☐ Yes☒ No**Give a Brief Statement of the Facts and Procedural History:**

[See attached addendum.]

To the extent possible, list the proposed issues to be raised on the appeal as they will be described in appropriate point headings pursuant to R. 2:6-2(a)(6). (Appellant or cross-appellant only.):

- I. The Commissioner's February 28, 2017 renewal decision ("Renewal Decision") violated the New Jersey Charter School Program Act of 1995, N.J.S.A. 18A:36A-1 et seq. because the Commissioner failed to consider whether RBCS is worsening imbalance in Red Bank district schools along lines of race, ethnicity, socio-economic class, and English-language proficiency;
- II. The Renewal Decision violated the Thorough and Efficient Education Clause, N.J. Const. art. VIII, sec. 4, para. 1, because the Commissioner failed to prevent segregation in New Jersey's public schools;
- III. The Renewal Decision violated N.J. Const. art. I, para. 5, because the Commissioner failed to prevent segregation on the basis of race or national origin in New Jersey's public schools;
- IV. The Renewal Decision was arbitrary and capricious because it failed to consider or address RBCS's sibling preference and inadequate recruitment as segregative, and otherwise ignored enrollment data suggesting impermissible segregative effect.

If you are appealing from a judgment entered by a trial judge sitting without a jury or from an order of the trial court, complete the following:

1. Did the trial judge issue oral findings or an opinion? If so, on what date? _____ ☐ Yes ☐ No
2. Did the trial judge issue written findings or an opinion? If so, on what date? _____ ☐ Yes ☐ No
3. Will the trial judge be filing a statement or an opinion pursuant to R. 2:5-1(b)? ☐ Yes ☐ No

Caution: Before you indicate that there was neither findings nor an opinion, you should inquire of the trial judge to determine whether findings or an opinion was placed on the record out of counsel's presence or whether the judge will be filing a statement or opinion pursuant to R. 2:5-1(b).

Date of Your Inquiry: _____

1. Is there any appeal now pending or about to be brought before this court which:
 - (A) Arises from substantially the same case or controversy as this appeal? ☐ Yes ☒ No
 - (B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? ☐ Yes ☒ No
2. Was there any prior appeal involving this case or controversy? ☒ Yes ☐ No

If the answer to either 1 or 2 above is Yes, state:

Case Name:

In re Red Bank Charter School, 367 N.J.Super. 462 (App. Div. 2004)

Appellate Division Docket Number:

Docket No. A-005811-01T2

Civil appeals are screened for submission to the Civil Appeals Settlement Program (CASP) to determine their potential for settlement or, in the alternative, a simplification of the issues and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question. A negative response will not necessarily rule out the scheduling of a preargument conference.

State whether you think this case may benefit from a CASP conference.

☐ Yes ☒ No

Explain your answer:

The parties are unlikely to benefit from a CASP conference as this matter is not susceptible of compromise. RBCS has worsened demographic imbalance in Red Bank's district schools for nearly 20 years, despite a decision of the Appellate Division and the subsequent Consent Decree and in violation of law. Appellants seek a remand for the Commissioner to conduct a proper review of the RBCS renewal application.

Whether or not an opinion is approved for publication in the official Court Reporter books, the Judiciary posts all Appellate Division opinions on the Internet.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

Fair Schools Red Bank & Latino Coalition

Name of Appellant or Respondent

4/11/2017

Date

Lawrence S. Lustberg, Esq.

Name of Counsel of Record
(or your name if not represented by counsel)

Signature of Counsel of Record
(or your signature if not represented by counsel)

Lawrence S. Lustberg, Esq.
Avram D. Frey, Esq.
GIBBONS P.C.
One Gateway Center
Newark, New Jersey 07102

Edward Barocas, Esq.
American Civil Liberties Union of New Jersey
P.O. Box 32159
Newark, New Jersey 07102

Attorneys for Appellants
Fair Schools Red Bank and Latino Coalition

In the Matter of Grant
of Charter Renewal of the
Red Bank Charter School.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

Civil Action

On Appeal From:
February 28, 2017 Approving Charter
Renewal of the Red Bank Charter School

Sat Below:
Acting Commissioner Kimberly
Harrington

**ADDENDUM TO CIVIL CASE INFORMATION
STATEMENT**

Brief Statement of the Facts and Procedural History:

The Red Bank Charter School (RBCS) opened in 1998. In 2001, RBCS sought renewal and expansion; the Red Bank Board of Education opposed this on the grounds that RBCS was increasing racial segregation in the Red Bank public schools. That dispute

produced the decision in *In re Red Bank Charter School*, 367 N.J.Super. 462 (App. Div. 2004), which held that under the New Jersey Charter School Program Act of 1995, N.J.S.A. 18A:36A-1 et seq., "the Commissioner must vigilantly seek to protect a district's racial/ethnic balance during the charter school's initial application, continued operation, and charter renewal application." 367 N.J.Super. at 472. The Appellate Division also held that Red Bank's use of a sibling preference policy "is not mandatory and in particular circumstances, might not be appropriate, especially if its operation exacerbates existing racial/ethnic imbalance." The Court remanded for the Commissioner to "conduct an appropriate hearing to determine whether any aspect of the Charter School's operation of the lottery, waiting list, sibling preference, and student withdrawal practices, together with any other actions following enrollment, exacerbate the district's racial/ethnic imbalance." *Id.* at 481-82.

The parties thereafter entered into a Consent Order on March 20, 2017 (attached). The Consent Order bound RBCS to "use its best efforts to assure that the gender, race/ethnicity, economic status and limited English proficient percentages of the students attending the Charter School equate as closely as practicable with the gender, race/ethnicity, economic status and limited English proficient percentages of the students residing

in the Borough of Red Bank," (Consent Order ¶ 9), and further required RBCS to undertake particular recruitment efforts with respect to the Latino community in Red Bank, (*id.* ¶ 11), to provide the Red Bank School Board with annual notices "concerning the impact of its sibling policy on the enrollment demographics of the Charter School[,]" (*id.* ¶ 13).

Despite the Appellate Division decision and subsequent Consent Decree, RBCS has continuously maintained a student body that does not reflect the demographics of the Red Bank public schools. RBCS has at all times and to the present day enrolled more white students and fewer Latino students, fewer students receiving free or reduced price lunch, and fewer students with limited English-language proficiency than the Red Bank public schools.

On September 15, 2016, RBCS submitted its most recent renewal application. Fair Schools Red Bank (FSRB) and the Latino Coalition (LCNJ), membership organizations with parents of school age children in Red Bank, opposed this renewal in repeated correspondence with the New Jersey Department of Education (NJDOE) because RBCS is worsening the demographic imbalance in Red Bank's public schools along lines of race, ethnicity, English-Language proficiency, and socio-economic status. NJDOE nonetheless granted the renewal application on February 28, 2017. This is an appeal from that decision.

McOMBER & McOMBER, P.C.
54 Shrewsbury Avenue
Red Bank, NJ 07701
(732) 842-6500
Attorneys for the Board of Education of the
Borough of Red Bank, in the County of Monmouth

I/M/O GRANT OF RENEWAL
APPLICATION OF THE RED BANK
CHARTER SCHOOL, MONMOUTH
COUNTY.

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW

OAL Docket No.: EDUOT 04169-2004S

Agency Ref. No.: 170-5/04

CONSENT ORDER

THIS MATTER, being opened to Honorable John Tassini, A.L.J. pursuant to the consent of the Board of Education of the Borough of Red Bank, in the County of Monmouth ("Red Bank Board"), by its counsel, McOmber & McOmber, P.C., R. Armen McOmber, Esquire, appearing; the Red Bank Charter School ("Charter School") by its counsel, McCarter & English, Esquires, David C. Apy, Esquire, appearing; and the Commissioner of Education of the State of New Jersey by her counsel, Carolyn Grace Labin, Deputy Attorney General, appearing, and it appearing that the parties have agreed to the form and content of the within Consent Order, and for other good and sufficient cause, it is on this 20th day of March, 2007;

ORDERED as follows:

1. In accordance with the provisions of *N.J.A.C. 6A:11-7.2*, in order for a student residing in the Borough of Red Bank to apply for enrollment or continued enrollment in the Charter School, the student must first register with the Red Bank Board,

and upon submission of a registration form, the Red Bank Board shall process the registration of the student for the subsequent school year. All registrations shall be processed in a timely manner by the Red Bank Board including an assessment of residency. Further, in the event that the Charter School becomes aware that the residency of any student attending the Charter School and registered by the Red Bank Board shall change at any time, the Red Bank Superintendent shall immediately be notified, in writing, by the Charter School. Further, the Charter School shall in concert with the Red Bank Board continue to use reasonable efforts to assess the residency of all of its students. All present Charter School students and students expected to begin attendance in September of 2007 will be registered with the Red Bank Board by September 1, 2007. ✓

2. No later than October 30th of each school year, the Red Bank Superintendent shall submit in writing to the Charter School and the Charter School shall submit to the Red Bank Superintendent, the number of students by grade level, their gender, race/ethnicity, economic status *i.e.* the percentage of students entitled to free and reduced lunch and the number of students who are limited English proficient, attending the Red Bank District School and the Charter School, respectively. ① DC memo re: rules data
② Oct 15

3. No later than January 15th of each school year, the Charter School shall submit to the Red Bank Superintendent, in writing, the number of students by grade level, their gender, race/ethnicity, economic status and the number of students who are limited English proficient from each district selected for enrollment from the initial recruiting period of the Charter School for the following school year, *N.J.A.C.* at 6A:11-4.4(b). 7/10/07
9/20/07
10/15/07
11/15/07
12/15/07
1/15/08
Oct 15 ✓

4. In accordance with the provisions of *N.J.A.C. 6A:11-4.5*, the Charter School shall continue to maintain a waiting list and shall provide a written copy of the waiting list to the Red Bank Superintendent, including the district of residence, no later than October 15th, January 15th and May 15th of each school year.

5. In accordance with the provisions of *N.J.A.C. 6A:11-4.7*, the Charter School shall provide an enrolled limited English proficient student with all required courses and support services to meet the New Jersey Core Curriculum Content Standards for High School Graduation in accordance with *N.J.S.A. 18A:7A-4* and 5 and *N.J.A.C. 6A:15*.

6. Within ten (10) days of the date of the approval of the Minutes of each Open Public Meeting of the Charter School, copies of the Minutes shall be provided to the Red Bank Superintendent, without any additional request, and the Red Bank Board shall pay all statutory costs therefor. Additionally, copies of the formal agendas for all of the Open Public Meetings of the Charter School shall be forwarded to the Red Bank Superintendent at least twenty-four (24) hours prior to the Open Public Meeting without any additional request therefor and the Red Bank Board shall pay all statutory costs therefor. The Red Bank Board will receive written notice of all Open Public Meetings of the Charter School and at least forty-eight (48) hours' notice of any changes in the times, dates or places of such Open Public Meetings.

7. In accordance with the provisions of *N.J.A.C. 6A:11-5.1*, all classroom teachers, principals and professional support staff employed by the Charter School shall hold appropriate New Jersey Certification in accordance with *N.J.A.C. 6A:11-3.1* and be

"highly qualified" in accordance with Section 9101(23) of the *Elementary and Secondary Education Act*, also known as the No Child Left Behind federal legislation ("NCLB"). In accordance with the provisions of the *Elementary and Secondary Education Act*, in the event that any of the classroom teachers, principals and professional staff employed by the Charter School are not "highly qualified" in accordance with Section 9101(23), letters shall be sent to parents advising them of same in accordance with NCLB and copies shall be sent to the Red Bank Board.

8. In the event that the Charter School Child Study Team determines that an out-of-district residential or non-residential placement of one of its students is warranted based on the student's individualized educational program, written notice shall be given to the Red Bank Superintendent prior to the placement in order that same may be evaluated by the Red Bank Schools' Child Study Team; provided however, that the Charter School Child Study Team shall, subject to law, make the final decision on the student's individualized educational program.

9. The Charter School shall use its best efforts to assure that the gender, race/ethnicity, economic status and limited English proficient percentages of the students attending the Charter School equate as closely as practicable with the gender, race/ethnicity, economic status and limited English proficient percentages of the students residing in the Borough of Red Bank.

10. The Charter School will use its best efforts to comply with its File Code 5131 entitled "Conduct/Discipline" and will exhaust all reasonable methods to enforce that policy before suggesting that a student return to the Red Bank District Schools. In

no event will a student be transferred from the Charter School to the Red Bank District Schools within a period of 24 weeks prior to a statewide standardized test. Further, the Charter School shall use its best efforts to comply with Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

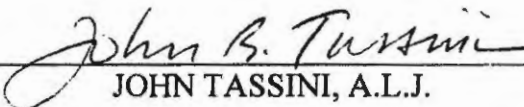
11. In accordance with Section 6.1.3 of the Policies and Procedures of the Charter School entitled "Recruitment Activities", recruitment efforts shall include newspaper advertisements and press releases in Spanish to be placed in Spanish newspapers including, but not limited to, *El Diario, Nosotros and Nuestra Comunidad*. Further, community flyers and community announcements shall be in both English and Spanish and to the greatest extent possible, the Charter School shall seek to recruit students by grade level, gender, race/ethnicity and economic status to be in general conformity with the students residing in the Borough of Red Bank. Additionally, the Charter School shall send announcements of its annual lottery in both English and Spanish to the Red Bank Board and to all Red Bank clubs, groups, churches and other public and quasi-public organizations. Commencing with the lottery for the 2007-2008 school year, the Charter School shall use its best efforts to assure that the applicants entered into the lottery are in the same proportions of Caucasian, African-American and Hispanic Limited English Proficient students as reside in the Borough of Red Bank. ✓

12. Written notice of the time, date and location of the annual student lottery of the Charter School shall be provided, in writing, to the Red Bank Superintendent at least ✓

ten (10) days prior to the lottery in order that representatives of the Red Bank Board may attend the lottery.

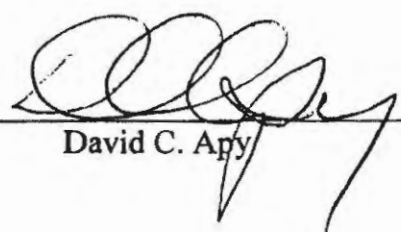
13. Commencing on October 15, 2007 and on each October 15th thereafter, the Charter School shall provide to the Red Bank Board written information concerning the impact of its sibling policy on the enrollment demographics of the Charter School. Said information shall include how many of the students selected under the sibling policy are Caucasian, African-American, Hispanic and/or limited English proficient. The Red Bank Board reserves the right to challenge the sibling policy of the Charter School should it be demonstrated that said policy is having an adverse impact on the gender, race, ethnic and/or limited English proficient balance of the student population of the Charter School.

14. The entry of this Consent Order shall only be dispositive of the issues directly relating to this matter and shall neither restrict nor prejudice in any way, the rights of the parties to pursue against each other any legal action with respect to any claim or violation of law, rule or regulation.

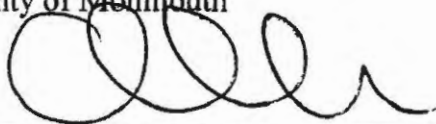

JOHN TASSINI, A.L.J.

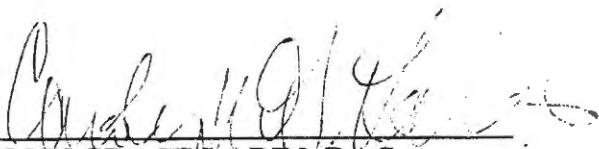
I hereby consent to the form and entry of the within Consent Order.

McCARTER & ENGLISH, ESQUIRES
Attorneys for the Red Bank Charter
Charter School

By: 
David C. Apy

McOMBER & McOMBER, P.C.
Attorneys for the Board of Education
of the Borough of Red Bank, in the
County of Monmouth

By: 
R. Armen McOmber



CAROLYN GRACE LABIN, DAG
Attorney for the Commissioner of Education
of the State of New Jersey



State of New Jersey

DEPARTMENT OF EDUCATION

PO Box 500

TRENTON, NJ 08625-0500

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

KIMBERLEY HARRINGTON
Acting Commissioner

February 28, 2017

Mr. Roger Foss, President
Board of Trustees
Red Bank Charter School
58 Oakland Street
Red Bank, NJ 07701

Dear Mr. Foss:

Red Bank Charter School opened in 1998 and is currently in its 19th year of operation. The school submitted its renewal application on September 15, 2016, and has been evaluated by the New Jersey Department of Education (Department) on its academic performance, fiscal viability, and operational stability. Pursuant to N.J.S.A. 18A:36A-17 and N.J.A.C. 6A:11-2.3(b), the Department has completed a comprehensive review of the school including but not limited to, the renewal application, annual reports, student performance on statewide assessments, a structured interview with school officials, public comments, and fiscal impact on sending districts in order to make a renewal decision.

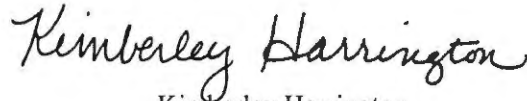
Based on this review, it is my pleasure to inform you that I am renewing Red Bank Charter School for a period of five years through June 30, 2022. I confirm the school's maximum approved enrollment below for the approved district of residence of Red Bank.

Grade Level	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022
Pre-K	20	20	20	20	20
K	20	20	20	20	20
1	20	20	20	20	20
2	20	20	20	20	20
3	20	20	20	20	20
4	20	20	20	20	20
5	20	20	20	20	20
6	20	20	20	20	20
7	20	20	20	20	20
8	20	20	20	20	20
9					
10					
11					
12					
TOTAL	200	200	200	200	200

Mr. Roger Foss, President
Page 2
February 28, 2017

My best wishes are extended to you and your school's community as you continue to serve the students of New Jersey and provide quality public school options for families.

Sincerely,

A handwritten signature in black ink that reads "Kimberley Harrington". The script is cursive and fluid, with the first name and last name clearly distinguishable.

Kimberley Harrington
Acting Commissioner

KH/CSE/KC/JB/S: 2016-17 Renewals/ Renewal Letters/Red Bank Charter School Renewal

c: Colleen Schulz-Eskow

Katherine Czehut

Yut'se Thomas

Lester Richens

Jared Ramage

Lawrence S. Lustberg, Esq.
Avram D. Frey, Esq.
GIBBONS P.C.
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Newark, New Jersey 07102

Edward Barocas, Esq.
American Civil Liberties Union of New Jersey
P.O. Box 32159
Newark, New Jersey 07102

Attorneys for Appellants
Fair Schools Red Bank and Latino Coalition

In the Matter of Grant
of Charter Renewal of the
Red Bank Charter School.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

Civil Action

On Appeal From:
February 28, 2017 Approving Charter
Renewal of the Red Bank Charter School

Sat Below:
Acting Commissioner Kimberly
Harrington

CERTIFICATE OF SERVICE

I hereby certify that, on April 11, 2017 the original and five (5) copies of the following documents were delivered via hand-delivery to the Superior Court of New Jersey, Appellate Division, Richard J. Hughes Justice Complex, P.O. Box 006, Trenton, New Jersey 08625, Attn: Joseph Orlando, Clerk:

Notice of Appeal;

Civil Case Information Statement and Addendum;

Consent Order entered into March 20, 2007 in *In re Grant of Renewal Application of the Red Bank Charter School, Monmouth County*, Docket No. EDUOT 04169-2004S; and

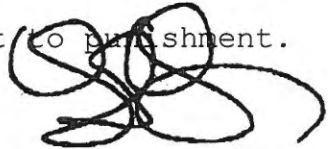
February 28, 2017 Decision of Acting Commissioner Kimberly Harrington Granting Charter Renewal to the Redbank Charter School.

I hereby certify that, pursuant to R. 2:8-1(b), on April 11, 2017, I caused a copy of the above-referenced documents to be served via FedEx overnight delivery upon:

*Respondent New Jersey Department
of Education*
KIMBERLY HARRINGTON
Acting Commissioner
New Jersey Department of Education
P.O. Box 500
Trenton, NJ 08625

Respondent Red Bank Charter School
MEREDITH PENNOTTI
Director
Red Bank Charter School
58 Oakland Street
Red Bank, NJ 07701

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Lawrence S. Lustberg, Esq.

Dated: April 11, 2017