I/M/O THE VERIFIED PETITION FOR THE PROPOSED CREATION OF A PK-12 ALL-PURPOSE REGIONAL SCHOOL DISTRICT BY THE BOROUGH OF SEA BRIGHT, BOROUGH OF HIGHLANDS, BOROUGH OF ATLANTIC HIGHLANDS, HENRY HUDSON REGIONAL SCHOOL DISTRICT, ATLANTIC HIGHLANDS SCHOOL DISTRICT, AND HIGHLANDS BOROUGH SCHOOL DISTRICT, MONMOUTH COUNTY.	SUPREME COURT OF NEW JERSEY Docket No.: 090182 SUPERIOR COURT OF NEW JERSEY APPELLATE DIVISION DOCKET NO.: A-0716-23T4 ON PETITION FOR CERTIFICATION FROM THE FINAL JUDGMENT OF THE SUPERIOR COURT OF NEW JERSEY, APPELLATE DIVISION SAT BELOW: Hon. Thomas W. Sumners, Jr., P.J.A.D. Hon. Lisa Perez Friscia, J.A.D. Hon. Stanley L. Bergman, J.S.C., t/a

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OPPOSITION BRIEF OF RESPONDENT BOROUGH OF SEA BRIGHT

PORZIO, BROMBERG & NEWMAN, P.C.
100 Southgate Parkway
Morristown, NJ 07962-1997
(973)538-4006
Attorneys for Borough of Sea Bright

Of Counsel:
Vito A. Gagliardi, Jr. vagagliardi@pbnlaw.com (024821989)
Kerri A. Wright kawright@pbnlaw.com (018042005)

On the Brief:
Thomas J. Reilly tjreilly@pbnlaw.com (245552017)

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PRELIMINARY STATEMENT

Appellants Oceanport Board of Education's and Shore Regional Board of Education's petition for certification asks this Court to ignore the plain language of the school laws, the Legislature's stated intent to expand school regionalization, and the deference appellate courts must provide to an agency's interpretation of statutes within its unique area of expertise. In seeking their requested relief, Appellants do not explain why this matter warrants certification. Indeed, they do not reference or even cite *Rule* 2:12-4, the Rule that provides the standard for this Court to grant certification. Nor do they discuss at all that the Appellate Division reached its holding by relying on well-established appellate principles granting deference to the Commissioner's interpretation of the statutory scheme at issue. Even putting aside these procedural deficiencies, both of which are independently fatal to Appellants' petition, Appellants' position puts forth a strained and illogical interpretation of the school regionalization laws that suits no interest other than their own transparent effort to keep Sea Bright within their districts against Sea Bright's will. For these reasons, the Court should deny certification.

In 2021, the Legislature revised the school regionalization statutes contained in chapter 13 of the school laws (Title 18A of the New Jersey statutes). As revised, chapter 13 permits both boards of education **and municipalities** to

seek to withdraw from a regional or consolidated school district. The school laws also expressly state that chapter 13, including its withdrawal provisions, apply to municipalities containing former non-operating school districts that have since merged with other districts. Sea Bright is one such municipality.

In 2009, Sea Bright ceased to be a non-operating school district and was consolidated by operation of law with Oceanport. In 2022, after the Legislature amended the regionalization statute, Sea Bright began an effort, consistent with the new statute, to withdraw from Oceanport and Shore Regional and to join a new all-purpose PK-12 Henry Hudson Regional School District, which would be comprised also of students from the Boroughs of Highlands and Atlantic Highlands. Both the Commissioner of Education and the Appellate Division determined that chapter 13 grants Sea Bright the right to seek to withdraw from Oceanport and Shore Regional. The Commissioner and the Appellate Division based their decisions both on the plain statutory language and on the Legislature's stated intent to incentivize, expand, and simplify school regionalization.

Though the Legislature's stated intent to expand school regionalization is beyond dispute, Appellants argue that the Legislature intended to exclude Sea Bright and the 12 other municipalities like it from a statutory process that otherwise empowers every board of education and municipality in the state to

seek school regionalization. Appellants do not support this argument with plain statutory language or stated legislative intent, but with a contrived and conclusion-driven interpretation of the school regionalization laws. They argue that chapter 13 does not apply to "merged" districts such as Sea Bright, but rather only to "consolidated districts." As stated above, the school laws expressly provide that chapter 13 applies to "merged" districts. Moreover, the school laws do not define or otherwise create a legally cognizable difference between "merged" and "consolidated" school districts, and the regulations use the terms interchangeably. Appellants have strained to create a non-existent difference in terminology to argue that the statutes do not apply, and that cuts against the Legislature's stated intent to expand school regionalization.

The Appellate Division's opinion affirming the Commissioner's decision provides a logical interpretation of the school laws in accordance with settled law and the Legislature's intent, and grants the Commissioner appropriate deference. To hold otherwise would leave Sea Bright unable ever to withdraw from Oceanport and Shore Regional and as one of a select few municipalities unable to pursue school regionalization on its own terms. The Legislature could not possibly have intended such an arbitrary and irrational result in a statutory scheme otherwise intended to facilitate school regionalization. The Court therefore should deny Appellants' petition for certification.

STATEMENT OF THE MATTER AND PROCEDURAL HISTORY[1]

The underlying facts and procedural history leading to the present petition are long and complex, involving multiple actions before the Commissioner of Education involving these same parties. Appellants' petition for certification concerns the Commissioner of Education's September 2023 decision regarding Sea Bright's ability to pursue withdrawal from Oceanport and Shore Regional. Accordingly, for purposes of brevity, Sea Bright relies on the statement of facts and procedural history set forth in its appellate brief and in the Appellate Division's published decision and adds only the following brief points.

Sea Bright has for years pursued an effort to seek to withdraw from the Oceanport and Shore Regional school districts. It has done so because the effort is overwhelmingly popular with its voters. This past November, Sea Bright residents voted in favor of a non-binding ballot question concerning whether they wished to explore property tax relief through Sea Bright's entry into the Henry Hudson Regional School District. Residents voted in favor of the question by an overwhelming margin of 715-146.[2]

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[1] The procedural history and statement of the matter involved have been combined for the Court's convenience because they are inextricably intertwined.

[2] The Court is permitted to take judicial notice of the election results. *See N.J.R.E.* 201(b)(2), (b)(3); *Nordstrom v. Lyon*, 424 N.J. Super. 80, 89 (App. Div. 2012). The results are available at https://www.nj.com/monmouth/2024/11/nj-election-day-2024-monmouth-county-live-results.html.

Sea Bright residents seek to leave Oceanport and Shore Regional for the same reason Oceanport and Shore Regional want Sea Bright to remain – because Sea Bright pays a disproportionate share to educate its students at Oceanport's and Shore Regional's schools. Unsurprisingly, Oceanport and Shore Regional have aggressively fought all of Sea Bright's efforts to withdraw, including by presenting the argument at issue here that Sea Bright never can leave and must forever remain at their mercy unless it somehow first "demerges" from Oceanport – a process that Oceanport and Shore Regional know the school laws do not permit or contemplate.

In 2021, the Legislature extensively amended and supplemented the school regionalization laws to promote, simplify, and expand the school regionalization process. (Pa25) Sea Bright petitioned the Commissioner of Education for permission to withdraw from Oceanport and Shore Regional based on one of the new statutory provisions: *N.J.S.A.* 18A:13-47.11, part of chapter 13 of the school laws and enacted by the Legislature in 2021. In September 2022, over objection from both Oceanport and Shore Regional, the Commissioner issued a decision holding that *N.J.S.A.* 18A:13-47.11 permits Sea Bright to seek to withdraw from Oceanport and Shore Regional. (Aa19) Relying on the statute's plain language, the Commissioner determined that "the governing body of a municipality constituting a constituent district of a limited purpose regional

school district" is one of the "governmental bodies that may request withdrawal to join or form an enlarged regional school district." Therefore, "[t]he statute contemplates that a municipality, such as Sea Bright, may seek withdrawal from a regional or consolidated school district." (Aa19)

Oceanport and Sea Bright appealed. In their appellate brief, they raised essentially three arguments: (1) *N.J.S.A.* 18A:13-47.11 does not apply to Sea Bright because it no longer is a school district after it "merged" with Oceanport in 2009; (2) there is a legally significant difference between "consolidated districts," which are covered by *N.J.S.A.* 18A:13-47.11, and "merged" districts, which are not; and (3) the Legislature expressly "intended to exclude Sea Bright" from the list of entities eligible to seek regionalization through the statute.

The Appellate Division wisely dismissed these arguments as unsupported by the plain statutory language and wider statutory scheme. The panel also framed its analysis by properly deferring to the discretion vested in the Commissioner of Education to interpret the school laws, a statutory scheme that falls within the Commissioner's unique expertise. Though Appellants go to great lengths to criticize the Appellate Division's interpretation of the statutes, they say almost nothing of the legal principle that the Appellate Division is required to defer to the Commissioner's expertise.

After noting that it must defer to the Commissioner's expertise, the Appellate Division addressed Appellants' three primary arguments. As to Sea Bright's status as a school district after the merger, the panel explained that Appellants' argument "belies a rational reading of *N.J.S.A.* 18A:13-47.11 and, more importantly, the overall purpose of the school district regionalization statute set forth in the Act," particularly given that Appellants "have the burden to demonstrate their interpretation comports with how the Legislature manifestly intended this statute to be read as a whole when challenging the Commissioner's decision." (Pa22-23)

Contrary to Appellants' arguments, the panel explained that *N.J.S.A.* 18A:8-44 eliminated Sea Bright's status as a non-operating school district, but "Sea Bright as a municipality remained 'a separate local school district' pursuant to *N.J.S.A.* 18A:8-1." (Pa24) The panel stated that its interpretation was based both on the statute's plain language as well as the fact that the Legislature "clearly intended for a municipality like Sea Bright, although merged, to retain its status as a local school district thereby preserving its sovereignty from Oceanport." (Pa25) Furthermore, the panel held that chapter 13's expansive definition of the term "governing body," which includes not just boards of education but municipalities, "contemplates the scenario here where a school board of education entity does not exist." (Pa25)

As to the second issue, the Appellate Division held that the school laws do not provide any legally significant difference between the terms "merger" and "consolidate." The panel noted that "neither term is specifically defined" in the school laws, which the panel determined "strains [Appellants'] argument that the Legislature intended for these terms to be read differently than they would be ordinarily." (Pa26) Furthermore, the panel explained that Sea Bright now is defined as a merged district governed by the provisions of *N.J.S.A.* 18A:8-50, which in turn "requires Sea Bright to be governed by chapter 13 of Title 18A of the New Jersey Statutes." As the panel noted, chapter 13 "applies to regional school districts[,] including the pivotal statute at issue, *N.J.S.A.* 18A:13-47.11." (Pa27) The panel therefore concluded that "the Legislature intended to include merged districts such as Sea Bright into consolidated districts based on their identical definitions." (Pa27)

Finally, as to Appellants' third argument, the panel concluded that "Sea Bright would be robbed of its autonomy to make decisions concerning public education for its students" if Sea Bright never can withdraw under the current statutory scheme. (Pa30) Given Oceanport's size compared to Sea Bright, it would be "difficult if not impossible" for Sea Bright ever to take any action on its own accord without Oceanport's approval. (Pa31) Sea Bright therefore would be "unable to unilaterally withdraw from the Oceanport and Shore Regional

districts through the normal elective process," which would leave it with "little to no real ability to ever withdraw." (Pa31) The panel therefore determined:

> without a specifically enunciated statutory provision or legislative purpose stating otherwise, tethering municipalities like Sea Bright to the larger, more populous Oceanport and foreclosing its ability to withdraw and to regionalize with other districts does not fit into the overall legislative purpose of the Act which was enacted as part of an overall statutory scheme to encourage shared services, financial accountability, and consolidation and regionalization of school districts.
>
> (Pa31)

Given the Legislature's clearly stated purpose to encourage and expand school district regionalization, especially on a k-12 basis as presented here, the Appellate Division concluded that Appellants' position would "lead to a manifestly absurd result." (Pa32) Accordingly, the panel held that the "Commissioner's findings were not plainly unreasonable or contrary to public policy," "flow[] logically from the language in *N.J.S.A.* 18A:13-47.11," and "fulfill[] the legislative purpose of the Act[.]" (Pa33)

Appellants then petitioned this Court for certification.

LEGAL ARGUMENT

I. APPELLANTS' PETITION FOR CERTIFICATION SHOULD BE DENIED BECAUSE THEY PUT FORTH NO ARGUMENT EXPLAINING WHY THIS COURT SHOULD GRANT CERTIFICATION UNDER *R.* 2:12-4.

Appellants' petition for certification does not cite, let alone discuss, the standard for assessing petitions for certification under *Rule* 2:12-4. This Court's authority to grant certification is discretionary and "will not be allowed on final judgments of the Appellate Division except for special reasons." *R.* 2:12-4. Certification is appropriate under three limited circumstances: (1) where the matter "presents a question of general public importance which has not been but should be settled by the Supreme Court;" (2) where the decision below conflicts with the precedent of a same or higher court "or calls for the exercise of the Supreme Court's supervision;" and (3) in other matters "if the interest of justice requires." *Id.* None of these circumstances exists here.

There can be no unsettled question of public importance where the Appellate Division merely applied established law to the specific facts of the case. *See Bandel v. Friedrich*, 122 N.J. 235, 237 (1991). Moreover, cases generally do not implicate this Court's "supervisory powers" unless they conflict with another decision of an appellate court or otherwise "transcend[ ] the immediate interests of the litigants." *See Mahony v. Davis*, 95 N.J. 50, 51 (1983) (Handler, J., concurring). Finally, a matter does not warrant "invocation

of the Court's certification authority in the interest of justice" unless the decision below is "palpably wrong, unfair, or unjust." *Bandel*, 122 N.J. at 237.

Appellants address none of these issues. They do not argue that this matter concerns an unsettled issue of public importance, do not claim that the decision below conflicts with prior precedent, and do not claim that the interests of justice warrant this Court's intervention. They argue merely that they disagree with the Appellate Division's decision. *See In re Route 280 Contract*, 89 N.J. 1 (1982) (dismissing certification as improvidently granted where the Appellate Division did no more than apply settled principles of law and there were no unsettled issues of public importance that required this Court's consideration).

The primary principle of law the Appellate Division applied here was to defer to the Commissioner's interpretation of a statutory scheme that falls within the Commissioner's unique expertise. *E. Bay Drywall, LLC v. Dep't of Lab. & Workforce Dev.*, 251 N.J. 477, 493 (2022) (holding that appellate courts defer to agencies under an "enhanced deferential standard" and accept the agency's interpretation unless it is "plainly unreasonable" because the agency "brings experience and specialized knowledge" to areas "within its field of expertise"). There can be no question here that the Commissioner of Education possesses unique expertise to interpret and execute the school regionalization laws. The Appellate Division applied well-established precedent in deferring to that

expertise, particularly given that the plain statutory language and overall statutory scheme, for reasons Petitioner will explain below, does not support Appellants' interpretation, let alone support a conclusion that the Commissioner's decision was plainly unreasonable.

Much like their failure to address the standard for certification, Appellants do not provide substantive discussion regarding the deferential standard of review appellate courts provide to agency decisions of the type at issue here. Appellants attack the Appellate Division's holding, but say nothing of the appellate principle that courts must defer to an agency's expertise. *See Reilly v. AAA Mid-Atl. Ins. Co. of N.J.*, 194 N.J. 474, 485 (2008) (noting that courts must defer to agency expertise); *In re Herrmann*, 192 N.J. 19, 28 (2007) ("[A] court owes substantial deference to the agency's expertise and superior knowledge of a particular field."); *In re N.J. Tpk. Auth. v. Am. Fed'n of State, Cty., & Mun. Employees, Council 73*, 150 N.J. 331, 351 (1997) (noting similar principles). Appellants' petition thus fails to address the most important principle under which the Appellate Division framed its decision. This principle of deference is neither new nor controversial. Indeed, this Court's review would be required only if the Appellate Division *did not* defer to the Commissioner. Because the Appellate Division did no more than apply established principles, there is no reason for this Court to intervene.

II. THE COMMISSIONER'S DETERMINATION, AFFIRMED BY THE APPELLATE DIVISION, THAT SEA BRIGHT IS PERMITTED TO SEEK TO WITHDRAW FROM OCEANPORT AND SHORE REGIONAL IS SUPPORTED BY THE PLAIN STATUTORY LANGUAGE AND OVERALL STATUTORY SCHEME.

Points I-IV of Appellants' petition raise essentially the same arguments as Appellants raised in their first two arguments to the Appellate Division: (1) *N.J.S.A.* 18A:13-47.11 does not apply to Sea Bright because it no longer is a school district after it "merged" with Oceanport in 2009; and (2) there is a legally significant difference between "consolidated districts," which are covered by *N.J.S.A.* 18A:13-47.11, and "merged" districts, which are not. Appellants' view is a tortured and illogical interpretation of the statute that could result only from reasoning backwards to reach the result Appellants want. To adopt their position, this Court would have to assume that the Legislature intended to prevent 13 small municipalities ever from pursuing regionalization on their own terms -- while permitting every other board of education and municipality to do so -- without expressly stating such in a statutory scheme designed broadly to encourage regionalization. The Commissioner's interpretation, endorsed by the Appellate Division, is the only reasonable interpretation.

A. Title 18A Does Not Create A Legally Significant Distinction Between "Merged" And "Consolidated" School Districts.

The particular statutory provision at issue here, *N.J.S.A.* 18A:13-47.11(a), is contained within chapter 13 of the school laws (Title 18A) and is titled "Withdrawal from local district to form, enlarge regional district." The Legislature enacted *N.J.S.A.* 18A:13-47.11 as part of a wider plan to encourage school regionalization. (*See* Pa31). It provides in pertinent part:

> Notwithstanding any other law, rule, or regulation to the contrary, a board of education of a local school district or of a local school district constituting part of a limited purpose regional district, the board of education or governing body of a non-operating school district, **or the governing body of a municipality constituting a constituent district of a limited purpose regional district . . . or part of a consolidated district may, by resolution, withdraw from a . . . limited purpose or consolidated school district in order to form or enlarge a limited purpose or all purpose regional district**[.]
>
> (emphasis added).

N.J.S.A. 18A:13-47.1 states that a "Governing body" for purposes of the regionalization statute "means and includes, in the event that a school district enumerated herein does not have a board of education . . . a municipality constituting part of a consolidated school district, and the governing body of a municipality constituting a constituent district of a limited purpose . . regional district." The statute also defines "'Board of education" as "the board of education of a local school district, consolidated school district, non-operating

school district, and the board of education of a limited purpose or all purpose regional district." *N.J.S.A.* 18A:13-47.1

Title 18A does not discuss or recognize a "merged" school district as a type or classification of school district distinct from consolidated or regional school districts. *N.J.S.A.* 18A:8-44(2)(a), titled "Elimination of non-operating district through merger," describes the process for merger, but does not state that such districts are subject to a unique classification separate and distinct from regional or consolidated school districts. The statute merely states that "the executive county superintendent of schools shall eliminate any non-operating district and merge that district with the district with which it participates in a sending-receiving relationship." *N.J.S.A.* 18A:8-44(2)(a).

The Department of Education's regulations further support the interpretation that there is no legally cognizable difference between "merged" and "consolidated" school districts for purposes of the regionalization statutes. *N.J.A.C.* 6A:23A-2.4(a)(1), which governs the elimination of non-operating school districts and therefore is directly on point, provides that the executive county superintendent shall submit a plan to the Commissioner to eliminate non-operating districts, and this plan shall include the executive county superintendent's "recommendation as to the most appropriate local public school district within the county for the . . . [non-operating district] with which

to **consolidate**[.]" (emphasis added). The regulations further require the plan to include "[a]n estimate of efficiencies and cost savings, if any, resulting from the **consolidation** of school districts" achieved through the merger. *N.J.A.C.* 6A:23A-2.4(a)(6) (emphasis added).

The plain statutory language therefore does not support Appellants' argument that "merged" and "consolidated" school districts are legally distinct under the school laws. The regulations go further to expressly provide that "merged" and "consolidated" districts essentially are interchangeable. Appellants therefore have failed to establish that the school laws support their position, namely that municipal entities of "consolidated" districts can pursue regionalization under the statute but municipals entities of "merged" districts cannot. They also have failed to establish that the Commissioner's interpretation to the contrary is "plainly unreasonable." Because the Appellate Division applied well-established principles of appellate and statutory review in affirming the Commissioner's decision, this Court should deny certification.

B. The School Laws Expressly Provide That Chapter 13 -- And Thus *N.J.S.A.* 18A:13-47 -- Apply To "Merged" School Districts.

Moreover, and even putting aside the fact that chapter 13 does not differentiate between "merged" and "consolidated" districts, the school laws expressly provide that municipalities containing former non-operating districts,

such as Sea Bright, that merge with other districts pursuant to *N.J.S.A.* 18A:8-44(2)(a), are entitled to invoke the statutory provisions permitting municipalities to withdraw from regional and consolidated school districts. In particular, *N.J.S.A.* 18A:8-50, titled "**Governing law**," provides: "Unless otherwise provided in this act, a new district formed pursuant to section 2 of this act [i.e., a municipality 'merged' into another district pursuant to *N.J.S.A.* 18A:8-44(2)(a)] **shall be governed by the provisions of chapter 13** of Title 18A of the New Jersey Statutes." (emphasis added). As discussed above, chapter 13 of Title 18A contains the statute at issue here: *N.J.S.A.* 18A:13-47.11. The Legislature thus has expressly stated that chapter 13, including its withdrawal provisions and in particular *N.J.S.A.* 18A:13-47.11, applies to municipalities such as Sea Bright.

Relatedly, *N.J.S.A.* 18A:8-51 states that "[n]othing in this act [governing non-operating districts] shall be construed to prohibit an executive county superintendent from including a **former non-operating district** [*i.e.,* Sea Bright] in the consolidation plan submitted by the executive county superintendent to the commissioner pursuant to" *N.J.S.A.* 18A:7-8(h). In turn, *N.J.S.A.* 18A:7-8(h) tasks the executive county superintendent with devising "a school district consolidation plan . . . through the establishment or enlargement

of regional school districts," which "**shall be established or enlarged in accordance with chapter 13 of Title 18A**." (emphasis added).

Chapter 13's applicability to districts such as Sea Bright therefore is unassailable, even before accounting for the deference an appellate court must provide to the Commissioner's decision. This Court's intervention therefore is not required and Appellants' petition for certification should be denied.

III. THE APPELLATE DIVISION PROPERLY HELD THAT APPELLANTS' ARGUMENTS THAT THE LEGISLATURE EXPRESSLY CHOSE TO EXCLUDE MUNICIPALITIES SUCH AS SEA BRIGHT FROM WITHDRAWING FROM REGIONAL OR CONSOLIDATED SCHOOL DISTRICTS BOTH IGNORES THE WIDER LEGISLATIVE SCHEME AND LEADS TO AN ABSURD RESULT.

Appellants' final argument is that the Legislature specifically intended to restrict Sea Bright and the twelve other municipalities like it from pursuing regionalization while providing every other board of education and municipality in the state with the authority to do so. To support that argument, Appellants claim that Sea Bright's withdrawal actually would "unravel the fiscal stability" created through Sea Bright's merger into Oceanport, and that Sea Bright's rights are fully represented within Oceanport. These arguments are an intentional distraction that do not inform the issue. There is no evidence in the record concerning Appellants' "fiscal stability" argument, nor did they raise the issue until now. On that basis alone, the Court should disregard it.

To support their argument regarding Sea Bright's representation in Oceanport, Appellants rely on a non-binding Chancery Division case from 2010, *Borough of Rocky Hill v. State of New Jersey*, 420 N.J. Super. 365 (Ch. Div. 2010). That case concerned the constitutional doctrine of "one person, one vote" under the Fourteenth Amendment and is of no instructive value here. Sea Bright has not alleged a violation of its residents' constitutional rights, nor did the Commissioner or the Appellate Division undertake any such analysis. Rather, the Appellate Division determined that the Legislature did not intend to expand and incentivize regionalization for every board of education and municipality in the state except for the 13 that were merged into other districts in 2009. Had the Legislature intended that result, it would have been expressly stated.

Appellants' position to the contrary not only is unsupported by the plain statutory language but also creates an irrational and profoundly absurd result whereby almost all municipalities may withdraw from a regional or consolidated school district, but a limited few, such as Sea Bright, may not. The Legislature could not possibly have intended such an arbitrary and irrational result in a statutory scheme designed to encourage regionalization. To further compound the inherent lack of logic in Appellants' position, municipalities such as Sea Bright are those most in need of the ability to withdraw from a regional or consolidated school district. Without that power, they stand at the mercy of the

district into which they have merged. It is inconceivable that the Legislature intended to leave these vulnerable few municipalities without the autonomy to pursue regionalization, and incomprehensible that it would have done so without express instruction in the statute. *See State v. Frye*, 217 N.J. 566, 575 (2014) (holding that courts "have the responsibility to avoid" a statutory interpretation that would "create a manifestly absurd result, contrary to public policy, [such that] the spirit of the law should control." (alteration in original)).

The Commissioner's decision is a fair, practical, and unassailable interpretation of the plain language of *N.J.S.A.* 18A:13-47 that comports with the statutory scheme and the Legislature's expressed intent to facilitate increased school regionalization. The Appellate Division applied well-established standards of review and statutory construction to affirm the Commissioner's decision. This Court's review therefore is unwarranted.

CONCLUSION

Based on the foregoing, Respondent Borough of Sea Bright respectfully requests that the Court deny Appellants' Petition for Certification.

Respectfully submitted,

PORZIO, BROMBERG & NEWMAN, P.C.
Attorneys for Borough of Sea Bright

By: _____
Vito A. Gagliardi, Jr.

Date: March 3, 2025