

# **Mountain Lakes/Boonton Township Negotiations Update**

## Prior 10-Year Send/ Receive Contract-

- From 2012/13 to 2022/23 school years.
- Tuition increases yearly at a flat 2% rate.
- Payback Provision- If the amount of tuition paid by BT is higher than the later determined State Certified Tuition, MLSD will reimburse BTSD for the difference.
  - No provision to pay MLSD if BTSD payments were less than State Certified Tuition.
- Outcome: Over the entire send/receive agreement the total payments from BTSD were \$1.9 million less than the actual cost (State Certified Tuition Rates) to educate students at MLHS.
- The \$1.9 million gap exists because the costs to educate students increase more than 2% a year.

# Proposed Send/Receive Agreement & Timeline-

- November 2022- BTBOE provides MLBOE a proposal for a new 10-year agreement keeping the same terms as the previous agreement.
- March 2023- MLBOE sends BTBOE a counter proposal for a 10-year agreement with key provisions:
  - Tuition would be based on the most recent state certified rate, plus CPI or 2.5%
  - Payback Provision:
    - If the amount BTSD paid MLSD was above the later determined State Certified Tuition, BTSD pays reimbursed the difference.
    - If the amount BTSD paid MLSD was below the later determined State Certified Tuition, BT pays MLSD the difference.

# Proposed Send/Receive Agrmt & Timeline (Continued)

- April 2023 - ML BA contacted BT BA, to schedule a meeting to discuss the proposals.
  - BT BA informed ML BA that BTBOE was not interested in meeting with MLBOE. BTBOE wanted attorneys to handle terms of agreement.
- June 2023- Without an agreement between MLBOE and BTBOE, as required by NJ Statues, MLSD forwarded the BTBOE a one-year tuition contract.
  - To date, BTSD has not executed the contract.

# Proposed Send/Receive Agrmt & Title (Continued)

- September 2023-
  - BTSD did not make a September tuition payment to MLSD.
  - ML Board Attorney contacted the Morris County DOE Superintendent to assist in mediating a send/receive agreement negotiation.
  - Mediation session was scheduled and took place on December 1, 2023.

# Mediation Session- December 1, 2023-

- The mediation session was facilitated by Morris County DOE Superintendent, Nancy Gartenberg.
- Outcomes of the meeting were as follows:
  - BT requested and ML agreed to suspend the ML petition seeking payment of the full tuition specified in the one-year contract, providing BTSD submit payments for 2023/2024 to MLSD at last year's tuition + 2% until new terms are agreed upon in upcoming negotiations.
  - BT requested and ML agreed to waive any additional tuition to which it is entitled under the regulations for resource room and services of similar programs for the duration of the contract.
  - BT and ML both express interest in a long-term agreement.

# Mediation Session- December 1, 2023 (Continued)

- Outcomes:
  - No agreement was reached on tuition- BT offered to increase their proposed year-on-year increase from 2% to 2.5%. While ML wanted to set tuition based on State Certified Tuition Rates.
  - BT did not propose a 3% increase in tuition.
  - BT requested and ML agreed to send the details of the past 2 years tuition calculations to BTBOE. These were sent on December 14, 2023. ML offered to walk BTBOE through the details of these documents.
  - The parties agreed to meet on January 11, 2024, to continue discussions on the send/receive agreement.

## Petition Filed-

- Regarding statements on MLBOE commencing litigation:
  - MLBOE filed a petition to the Commissioner of Education seeking payment of tuition from BTSD.
  - Filing such a petition is required to be made within 90 days of when a payment is delinquent.
  - MLBOE did not commence litigation.
  - At the December 1 meeting, MLBOE agreed to suspend any action on the petition for payment for two reasons:
    - BT agreed to make immediate payments to MLSD of tuition owed.
    - BT and ML had agreed to meet on January 11, 2024 to continue discussions on the send/receive agreement.



## Moving Forward-

- MLBOE is encouraged that ML and BT have agreed to meet and discuss the send/receive agreement on January 11, 2024 and a reasonable offer can be considered per the information on the press release