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Borough of Red Bank

BOARD OF EDUCATION OF THE
BOROUGH OF RED BANK,

Plaintiff,

RED BANK CHARTER SCHOOL
AND COMMISSIONER OF
EDUCATION OF THE STATE OF
NEW JERSEY,

Defendants.

SUPERIOR COURT OF NEW JERSEY
MONMOUTH COUNTY

Docket No.:

Civil Action

Motion for Summary Proceeding to Enforce
Agency Order, pursuant to *Rule 4:67-6*

VERIFIED COMPLAINT

Plaintiff, Board of Education of the Borough of Red Bank, through its Superintendent of Schools, Dr. Jared Rumage (“Plaintiff” or “Board”), by and through the Board’s attorneys, The Busch Law Group, LLC, by way of Verified Complaint against Defendant, Red Bank Charter School (“RBCS” or “Defendant”), alleges as follows:

PRELIMINARY STATEMENT

1. This is an action to enforce a Consent Order confirmed as a final agency decision by the Commissioner of Education of the New Jersey Department of Education on April 12, 2007. The subject Consent Order emanated from a remand by the Appellate Division in which the Plaintiff had appealed the renewal of Defendant RBCS’s Charter. Rather

than proceeding with a plenary hearing on remand, the Plaintiff, RBCS, and the Commissioner through their respective counsel, entered into the Consent Order which imposes certain, clearly enumerated obligations on RBCS, one of which it refuses to fulfill, leading to the present application by Plaintiff for relief from this Court.

PARTIES

2. Plaintiff Board is a corporate entity empowered to sue and be sued, in accordance with *N.J.S.A. 18A:11-2*.
3. The Board operates the Red Bank Borough Public School District which provides educational services to students residing in the Borough in grades Kindergarten - 8.
4. Although the Commissioner of Education was a party to the appeal by Plaintiff which led to the Consent Order at issue herein, the Commissioner is not the focus of the present action.
5. Defendant RBCS is a Charter School, operating under the provisions of the *Charter School Program Act of 1995, N.J.S.A. 18A:36A-1*, et seq.
6. RBCS and the Red Bank School District co-exist within the approximately two-square-mile confines of the Borough of Red Bank and both provide educational services to members of the Red Bank Community.
7. Plaintiff's School District is the designated "District of Residence" for RBCS—*i.e.*, the school district in which the Charter School is located. (see *N.J.A.C. 6A:11-1.2*).
8. Plaintiff and Defendant have a long history of litigation, one outcome of which was the issuance of the Consent Order which forms the basis of the present action.

VENUE

9. Venue is properly laid in Monmouth County pursuant to R.4:3-2, as both Plaintiff and Defendant RBCS are located in Monmouth County.

HISTORY OF LITIGATION BETWEEN PLAINTIFF AND DEFENDANT
LEADING TO THE CONSENT ORDER

10. RBCS first applied to the New Jersey Department of Education (“DOE”) for approval to operate its school in advance of the 1998-1999 academic year. (see accompanying Certification of Nicholas Celso III, (“Celso Cert.”) ¶10)
11. On January 21, 1998, the DOE granted preliminary approval of RBCS’s Charter. (Celso Cert, ¶11).
12. The Board appealed the Commissioner’s decision to grant RBCS’s original Charter to the State Board of Education, arguing that the Commissioner had not considered the anticipated segregative impact on the Board’s schools before granting RBCS’s initial Charter application. (Celso Cert, ¶12).
13. The State Board of Education denied the Board’s appeal, reasoning that the Board’s concerns about RBCS’s segregative impact were speculative because no students had yet been admitted to the school. (Celso Cert, ¶13).
14. On October 21, 2001, RBCS applied to renew and amend its Charter. Renewal applications must be submitted every five years. *N.J.S.A. 18A:36A-17*. (Celso Cert., ¶14).
15. Again, the Board appealed the Commissioner’s decision, based in large part on the (no-longer-only-speculative) segregative impact RBCS was having on the School

District. (Celso Cert., ¶15, see, In re Red Bank Charter Sch., 367 N.J. Super. 462 (App. Div. 2004), certif. denied, 180 N.J. 457 (2004)).

16. The Board's opposition again was unsuccessful. Ibid.

17. Although the Appellate Court affirmed the Commissioner's decision granting RBCS's charter renewal and amendment, it also remanded, specifically ordering the State Board of Education to:

. . . conduct a hearing to determine whether the lottery, waiting list, sibling preference and withdrawal policy, and any other practices of the Charter School . . . [were] adversely impacting the Red Bank district's racial/ethnic imbalance [and that,] . . . if the Commissioner finds merit in the local Board's claims, he shall develop an appropriate remedy which properly balances our strong policy in favor of non-segregated schools with our policy of fostering the development of effective charter schools."

I/M/O Grant of Renewal Application of the Red Bank Charter School, Monmouth County, 367 N.J. Super. 462 (App. Div. 2004), certif. denied, 180 N.J. 457 (2004), at 486.

18. On March 2007, despite the remand order, a hearing was not held. Instead, the parties through their respective attorneys entered into the subject Consent Order. (Celso Cert., ¶17).

19. Among other things, the Consent Order requires RBCS to provide a written copy of its waiting list to Plaintiff's Superintendent not later than October 15th, January 15th, and May 15th of each school year. (Rumage Cert., Ex. A, ¶ 4). (Wait listed students are those who were not accepted for immediate enrollment by RBCS but who may, in time, be able to enroll.)

20. Following the Commissioner's approval of the Consent Order, upon information and belief, RBCS complied with the foregoing requirement, until the present controversy

which developed following the Board’s continuing opposition to RBCS’s renewal applications, subsequent to its 2021 application.

21. On or about November 12, 2021, the Board submitted its opposition to the Commissioner regarding RBCS’s ensuing 2021 renewal application. (Celso Cert., ¶18).
22. On or about December 22, 2021, RBCS filed a response with the Commissioner, among other things, alleging discriminatory use of the waiting lists by the Board. (Rumage Cert., ¶15, Ex. B annexed thereto, p. 7)
23. On February 1, 2022, the Commissioner approved the renewal of RBCS’s charter for the five-year period ending on June 30, 2027. (Celso Cert., ¶20).
24. On March 8, 2022, the Board appealed to the Appellate Division. (Celso Cert., ¶21).
25. While the appeal was pending, on March 8, 2023, the US Department of Education, Office for Civil Rights (“OCR”), notified the Board’s Superintendent that RBCS had filed a complaint, alleging discrimination by the Board against Hispanic students emanating from the District’s use of waiting list information. (Rumage Cert, ¶19, Ex. C).
26. On April 4, 2023, the OCR complaint was dismissed in its entirety. (Rumage Cert., ¶20, Ex. D).
27. Notwithstanding the dismissal by OCR, RBCS continued to argue in its appellate brief filed on April 14, 2023 the identical allegation that the Board’s use of the waiting lists was discriminatory and illegal. (Celso Cert., ¶24).
28. On April 25, 2024, the Appellate Division remanded the Board’s appeal of the Commissioner of Education’s February 1, 2022 renewal of RBCS’s Charter without

comment regarding the waiting lists issue, but ordered the Commissioner to provide an Amplification decision regarding the standard by which impermissible segregation would be assessed in considering charter school applications in the future. (Celso Cert., Ex A, at 38-41).

29. On December 2, 2024, the Commissioner issued his Amplification Decision which also does not address or modify the requirement in the Consent Order that RBCS annually provided the waiting lists at the specified intervals. (Celso Cert, Ex. B).

30. The Board did not appeal, thus ending the litigation between the parties.

31. None of the foregoing decisions by the Appellate Court or the Commissioner modify the obligation of RBCS to provide waiting lists to the Board on a regular basis, as set forth in the Consent Order.

32. Defendant refuses to comply with its obligations under the Consent Order.

33. Specifically, RBCS refuses to comply the requirement that it provide a written copy of its waiting list to the Board's Superintendent not later than October 15th, January 15th, and May 15th of each school year. (Rumage Cert., Ex. A, p.3, ¶4).

34. Plaintiff's repeated requests for waiting lists have been denied. ("Rumage Cert. ¶¶14, 18, 21, 23, 24).

35. Defendant RBCS, therefore, is in violation of the Consent Order.

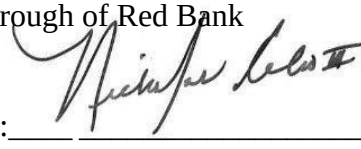
WHEREFORE, Plaintiff demands judgment against Defendant RBCS, as follows:

(a) An Order enforcing the decision of the Consent Order approved by the Commissioner of Education; and

- (b) Permanent injunctive relief prohibiting Defendant RBCS from further refusing to comply with its obligation to timely and regularly remit its waiting lists in accordance with the Consent Order, and
- (c) Such other legal and equitable relief as the Court may deem just and proper.

THE BUSCH LAW GROUP, LLC

Attorneys for Plaintiff, Board of Education of the
Borough of Red Bank

By: 
Nicholas Celso III, Esq.

Dated: May15, 2025

Rule 4:5-1 CERTIFICATION

I hereby certify that the matter in controversy is not the subject of any other action pending in any other court or of any pending arbitration proceeding, that no other action or arbitration is contemplated, and that I know of no other party who should be joined in this action.

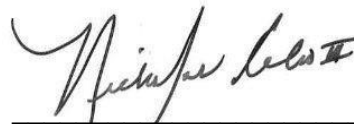


Nicholas Celso III, Esq.

Dated: May 15, 2026

RULE 1:38-8 CERTIFICATION

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).



Nicholas Celso III, Esq.

Dated: May 15, 2025

VERIFICATION

I, Dr. Jared Rumage, acting on behalf of and authorized by the Plaintiff Board of Education named in the foregoing Verified Complaint, state:

1. The allegations set forth in this Verified Complaint are true to the best of my personal knowledge and belief, except as to those allegations which are made upon information and belief.
2. As to the allegations made upon information and belief, I believe those to be true.
3. All documents appended as exhibits to the Verified Complaint are true and accurate copies of said documents.

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.

Date: 5/14/25



Dr. Jared Rumage

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BOARD OF EDUCATION OF THE
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 Agency Order, pursuant to *Rule* 4:67-6

CERTIFICATION OF DR. JARED RUMAGE

I, Dr. Jared Rumage, certify as follows:

1. I am employed by the Red Bank Borough Board of Education as Superintendent of Schools of the Red Bank Borough Public School District ("Board").
2. I make this Certification in support of the Board's efforts to enforce the Consent Order (**Exhibit A**, annexed hereto) issued by the Commissioner of Education of the State of New Jersey on April 12, 2007.
3. Specifically, I ask this Court to compel the Red Bank Charter School ("RBCS") to comply with its obligations under the Consent Order, as set forth in the accompanying Verified Complaint and also discussed below.

4. RBCS provides educational services to Red Bank Borough students, in accordance with the *Charter School Program Act of 1995*, N.J.S.A. 18A:36A-1, et seq.
5. RBCS and the Red Bank School District co-exist within the approximately two-square-mile confines of the Borough of Red Bank.
6. The Red Bank School District is the “District of Residence” for RBCS—*i.e.*, the school district in which the Charter School is located. (see N.J.A.C. 6A:11-1.2).
7. For many years, as discussed in the accompanying Certification of Nicholas Celso III (“Celso Cert.”), the Board has sought judicial relief from RBCS’s enrollment of a disproportionately white/non-Hispanic, socio-economically-advantaged, native-English-speaking, and general-education/non-special-education student body.
8. As a result of a portion of that litigation, the afore mentioned Consent Order was approved by the Commissioner of Education in April 2007.
9. The present motion emanates from RBCS’s refusal to comply with a specific provision in the Consent Order which requires that it provide a written copy of its waiting list to me not later than October 15th, January 15th, and May 15th of each school year. (Ex. A, ¶ 4).
10. The waiting lists provide the identity of those students who, although not initially admitted to RBCS, are “in line” for possible future admission. We use the data primarily to address potential class sizes which significantly dictate annual budget needs and planning. For example, if several of my students are on the wait list, that impacts potential class sizes and the number of sections I may or may not need and

the corresponding staffing of them. Without this information, I have no way of forecasting our needs regarding these variables.

11. Although the Appellate Court had ordered the State Board of Education to conduct a hearing regarding a number of factors, including RBCS's waiting list (see Celso Cert., ¶ 17), RBCS and the Board, with the intervention of the Attorney General representing the Commissioner of Education, instead agreed to resolve the matter through a negotiated settlement in accordance with the terms set forth in the subject Consent Order.
12. Since my commencement of employment with the Board as Superintendent on July 1, 2014, RBCS has complied with its obligation to supply the waiting lists, until it eventually refused to do so in or about the 2021-2022 school year as litigation between the parties continued with further challenges by the Board to subsequent RBCS renewal applications.
13. On or about November 12, 2021, the Board submitted its opposition to the Commissioner regarding RBCS's 2021 application.
14. Commencing in or about the 2021-2022 school year, RBCS's Director withheld the required waiting list.
15. On or about December 22, 2021, RBCS's legal counsel alleged that the Board was using the waiting list information to send letters to parents "with an obvious attempt to chill their interest in RBCS with the intention of suppressing Hispanic enrollment." (**Ex. B**, Letter of Thomas Johnson, Esq., dated December 22, 2021, p. 7)
16. On February 1, 2022, the Commissioner approved the renewal of RBCS' Charter for the period ending on June 30, 2027 (**Ex. F**).

17. On March 8, 2022, the Board appealed to the Appellate Division. (Celso Cert., ¶21)
18. RBCS continued to refuse to provide the waiting lists.
19. On March 8, 2023, the US Department of Education, Office for Civil Rights, notified me that RBCS had filed a complaint, alleging discrimination by the Board against Hispanic students emanating from the district's use of waiting list information. (Ex. C).
20. On April 4, 2023, the OCR complaint was dismissed in its entirety. (Ex. D).
21. Notwithstanding dismissal by the OCR, on May 22, 2023, RBCS's Director, Dr. Kristen Martello, persisted in her refusal to turn over the waiting lists required by the Consent Order. (Ex. E).
22. As litigation with RBCS was ongoing before the Appellate Court, (see Celso Cert., ¶¶21-25), I understood that RBCS would not comply with any further requests for the waiting lists.
23. However, after the litigation ended (see Celso Cert., ¶¶26-27), and RBCS continued to withhold the waiting lists, I once again requested that RBCS supply them, as required. (Ex. E).
24. On April 4, 2025, RBCS's Director again refused to comply. Ibid.
25. Among my most important duties as Superintendent is the preparation and recommendation to the Board of an annual budget that will meet the needs of the ever-changing community.
26. Having periodic wait list data is essential to my ongoing planning regarding the financial and operational needs of the Board and, therefore, is an integral component of the Consent Order.

27. RBCS's cavalier refusal to honor the terms of the Consent Order is a clear violation of the terms to which the parties agreed as a condition of not proceeding with a further hearing as ordered by the Appellate Division and should not be tolerated by this Court.

I certify that the foregoing statements made by me are true and accurate to the best of my knowledge and belief and if willfully false that I am subject to punishment.

Dated: 5/14/25


Jared Ramage, Ed.D.

