

From: Shawn Giordano
To: vclark@laceyschools.org
Subject: Fwd: 1st Amendment and 2nd
Date: Friday, April 12, 2019 11:23:38 AM

FYI

Begin forwarded message:

From: Thompson J & D <JDTHOMPSONSRET@msn.com>
Date: April 11, 2019 at 4:41:32 PM EST
To: "sgiordano@laceyschools.org" <sgiordano@laceyschools.org>
Subject: 1st Amendment and 2nd

Just a speculation that it might be a good idea to have some of your administrators and "anti-bullying coordinators" take a refresher course on the 1st and 2nd Amendments.

https://reason.com/blog/2019/04/11/high-school-gun-snapchat-suspension-aclu?fbclid=IwAR31s-7avd8GKwwMo49b9_OlOxYzuDPTGgShKKpEj72pESZNoRxbYHfbzIE



High School Suspends
2 Students for Posting
Gun Range Photos on
Snapchat, ACLU Files
Suit

reason.com

"Sharing our completely legal weekend activities on Snapchat should not result three days of in-school suspensions," Cody Conroy told Reason.

From: Clark, Vanessa
To: [Michael Kulzy](#)
Cc: [Gregory Brandis](#)
Subject: Fwd: Eyewitness News Inquiry...
Date: Wednesday, April 10, 2019 5:06:34 PM

Hi Mr. Kulzy ~

I realize you probably already know this, but as a reminder, please do not respond to this inquiry as all media inquiries are handled out of my office.

Thank you.

Vanessa P. Clark, Ph.D.
Superintendent of Schools
Lacey Township School District
vclark@laceyschools.org
609-971-2000, ext. 1002

----- Forwarded message -----

From: Rodriguez, Omar D. <Omar.D.Rodriguez@abc.com>
Date: Wed, Apr 10, 2019 at 4:22 PM
Subject: Eyewitness News Inquiry...
To: vclark@laceyschools.org <vclark@laceyschools.org>, gbrandis@laceyschools.org <gbrandis@laceyschools.org>, mkulzy@laceyschools.org <mkulzy@laceyschools.org>

Hi,

Is there a statement from Lacey Township School District regarding a lawsuit filed today on behalf of two students former students who were suspended in March 2018 for posting photos of firearms to social media made entirely outside of a school context?

It's my understanding that they were suspended for three days.

Thanks

Omar Rodriguez | Assignment Editor • WABC-TV

7 Lincoln Square, NY, NY 10023, 4th Floor

o: 917-260-7700 | **m:** 646-874-4974

Omar.D.Rodriguez@abc.com abc7NY.com | [Live Kelly and Ryan](#)



From: Rodriguez, Omar D.
To: yclark@laceyschools.org; gbrandis@laceyschools.org; mkulzy@laceyschools.org
Subject: Eyewitness News Inquiry...
Date: Wednesday, April 10, 2019 4:22:50 PM

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7 Lincoln Square, NY, NY 10023, 4th Floor
o: 917-260-7700 | m: 646-874-4974
Omar.D.Rodriguez@abc.com abc7NY.com | [Live Kelly and Ryan](#)



From: Sergio Bichao
To: yclark@laceyschools.org
Subject: Media inquiry RE: ACLU lawsuit
Date: Wednesday, April 10, 2019 3:18:09 PM

Dr. Clark,

Would you care to provide us with a statement regarding the ACLU lawsuit against the district?

https://www.aclu-nj.org/files/2115/5490/9808/2019_4_10_lacey_filed.pdf

Thank you,

Sergio Bichao
Deputy Digital Editor NJ1015.com
Townsquare Media
New Jersey 101.5

Phone: 609-359-5348
[Twitter.com/sbichao](https://twitter.com/sbichao)
[Facebook.com/sergio.bichao](https://facebook.com/sergio.bichao)

109 Walters Ave.
Ewing, NJ 08638

From: Jeff Goldman
To: yclark@laceyschools.org
Subject: NJ.com/Star-Ledger asking about Cody Conroy's lawsuit against the district.
Date: Wednesday, April 10, 2019 2:15:03 PM

Good afternoon Dr. Clark,

This is Jeff Goldman, a reporter with NJ.com and the Star-Ledger. I was writing to see if the district wanted to comment on the lawsuit filed against the school district by former student Cody Conroy and the ACL regarding Conroy's suspension last year for the gun photos posted on Snapchat.

I wrote about it last year so I know you weren't the superintendent at the time this happened.

Thanks,

Jeff

Jeff Goldman | Reporter

NJ Advance Media/NJ.com/Star-Ledger

Woodbridge Corporate Plaza [485 Route 1](#) South | Iselin, NJ 08830

p: 732-824-2748

e: jeff_goldman@njadvancemedia.com

From: Dustin F. Glass
To: [David Healy](#); [Gerard Dalton](#); [James Edwards](#); [Charles Sampson](#); [Sean Boyce](#); [Vanessa Clark](#); [DeGeorge, Patrick](#); [alfieri@weymouthtsd.org](#); [palmieri@weymouthtsd.org](#); [goldsmith@weymouthtsd.org](#); [Marciante, John](#); [vwolf@mersnj.us](#); [Stephen Genco](#); [Ken Jannarone](#); [Michelle Richardson](#); [William Doering](#); [jnardini@trschoools.com](#)
Cc: [Mark A. Tabakin](#); [Stephen J. Edelstein](#)
Subject: RE: OPRA denial
Date: Wednesday, April 10, 2019 9:47:01 AM
Attachments: [image001.png](#)

David,

Please accept this email in response to your below inquiries. It is true that someone challenging a denial of access under the Open Public Records Act (OPRA) may “institute a proceeding to challenge the custodian’s decision by filing an action in Superior Court” and if the requestor prevails, he/she “shall be entitled to a reasonable attorney’s fee.” N.J.S.A. 47:1A-6. However, our litigation is not a challenge to the denial of an OPRA request (although it may tangentially be so). Further, such a challenge would have needed to have been filed with the Superior Court (not Commissioner of Education/Office of Administrative Law) within 45 days of the OPRA denial. See Mason v. City of Hoboken, 196 N.J. 51, 68 (2008). Accordingly, the fee-shifting provision of the OPRA statute would not apply to this case. More generally, none of our allegations/causes of action are subject to “fee-shifting” provisions and the traditional American Rule would still apply to this cause of action.

Regards,

Dustin

WEINER LAW GROUP_{LLP}

Dustin F. Glass, Esq.
629 Parsippany Road
P.O. Box 0438
Parsippany, New Jersey 07054
Phone: 973-403-1100
Fax: 973-403-0010
Email: dglass@weiner.law
Web: www.weiner.law

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Begin forwarded message:

From: David Healy <dhealy@trschoools.com>
Date: April 5, 2019 at 9:58:51 AM EDT

To: David Healy <dhealy@trschoools.com>, "Mark A. Tabakin" <MTabakin@weiner.law>, Gerard Dalton <gdalton@brickschools.org>, James Edwards <jedwards@brickschools.org>, Charles Sampson <csampson@frhsd.com>, Sean Boyce <sboyce@frhsd.com>, Vanessa Clark <vclark@laceyschools.org>, "DeGeorge, Patrick" <pdegeorge@laceyschools.org>, "alfieri@weymouthtsd.org" <alfieri@weymouthtsd.org>, "palmieri@weymouthtsd.org" <palmieri@weymouthtsd.org>, "goldsmith@weymouthtsd.org" <goldsmith@weymouthtsd.org>, "Marciante, John" <jmarciante@mersnj.us>, "vwolf@mersnj.us" <vwolf@mersnj.us>, Stephen Genco <sgenco@jacksonsd.org>, Ken Jannarone <kjannarone@oceanschools.org>, Michelle Richardson <mdrichardson@jacksonsd.org>, "Stephen J. Edelstein" <sedelstein@weiner.law>, William Doering <wdoering@trschoools.com>, Joseph Nardini <jnardini@trschoools.com>
Subject: OPRA denial

Mark: Please see the excerpt below from an advisory opinion we recently requested and received from our school board attorney group with regard to fee shifting. Although I'm sure you are aware of this information please see below and be advised of the following:

In terms of TR's OPRA request and the DOE's denial of such request and the subsequent lawsuit and subpoena to gain access to the information requested in the OPRA, please indicate separately on your billing invoices and to date, legal fees related directly to the OPRA denial, the subsequent subpoena and the like. TRBOE is not exempt from fee shifting and therefore I assume that government agencies such as the DOE are not exempt either unless fee shifting is not applicable when it is one government agency against another?

With this said, and if eligible, I want us to be able recover all legal expenses incurred by TR and the other similarly affected plaintiff districts related to the OPRA denial when we prevail in our suit.

Please advise.

Sincerely,

David Healy, TR Superintendent of Schools

"The rationale behind the American Rule is that it allows parties to bring matters before a court without the fear of incurring excessive attorney's fees if they lose the case.

An exception to the American Rule are those cases which permit a prevailing

party in certain types of litigation to **recover their reasonable attorney's fees under fee**

shifting statutes created by legislative enactment.

Examples of the type of litigation which the Toms River Board of Education may

become involved are as follows:

(1) New Jersey Law Against Discrimination (LAD);

(2) The New Jersey Conscientious Protection Act (CEPA);

(3) Open Public Records Act (OPRA).

*The underlying rationale to allow fee shifting in these types of cases is to afford access to the courts by individuals, who otherwise may be unable to afford attorney's fees, in cases where their adversaries have superior resources to defend such claims, i.e. corporations, public bodies. The fee shifting provisions are available in OPRA cases to the prevailing party as a means of **ensuring that governmental records which are available to the public are not improperly withheld by a governmental entity.** When there is a general discussion of fee shifting statutes regarding the award of attorney fees, it is often argued that the underlying purpose is to "level the playing field" for the parties involved.*

David M Healy

Superintendent of Schools

Toms River Regional School District

1144 Hooper Avenue

Toms River, NJ 08753

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From: DA Daily Newsletter
To: VCLARK@LACEYSCHOOLS.ORG
Subject: School consultants; ESSA waivers; New York safety audit
Date: Wednesday, April 10, 2019 6:46:06 AM

The Two-Minute Briefing for K12 Leaders



Published by District Administration
04/10/2019

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Trending on DA

DA op-ed: Students apply science and math to real-life situations

DA

Dayton Public Schools' Challenger Learning Center in Dayton, Ohio, is one of 44 centers around the globe aimed at engaging students in "hands-on exploration and discovery opportunities that strengthen knowledge in science, technology, engineering and mathematics." [Read more>>](#)



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Grading reform is a moral imperative, says national assessment panel

Sponsored by Learning Sciences International

Assessment experts Tom Guskey, Susan Brookhart, Jay McTighe and Dylan Wiliam urge K-12 leaders to attend historic panel discussion on grading reform July 29 at the University of Maryland. [Read more>>](#)

DA op-ed: 4 strategies to retain new teachers

DA

Given the data around the number of new teachers leaving the profession within their first few years, it's clear that efforts toward retaining teachers must begin as early as possible in a teacher's career. [Read more>>](#)

Top News

Los Angeles hired consultants to 're-imagine' its school system

Chalkbeat

Consultants hired by the country's second-largest school district recommended a

dramatic restructuring of LAUSD, documents show. The documents lay out an aggressive timeline for assigning schools to 32 support networks, giving principals more power and cutting the central office by fall 2019. [Read more>>](#)

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PowerGistics Towers' unique vertical design offers a small footprint and open concept to allow for visual inventory of devices even while locked securely.

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Wash. school librarians demonstrate to protest funding cuts

Peninsula Daily News

Seattle Public School librarians are hoping the state will provide additional funding for libraries in Seattle and across the state; they said funding has been cut because of lowered amounts districts can seek in voter-approved levies.

[Read more>>](#)

DeVos pushes state chiefs to consider ESSA waivers

The 74

A year after Education Secretary Betsy DeVos told state chiefs their ESSA plans weren't up to snuff, she expressed an openness to hear amendments to those plans that could improve student achievement. [Read more>>](#)



Audit faults state and school districts on safety planning

Newsday

The state comptroller's audit found that the state Education Department and some New York school districts failed to file and update emergency plans. It also found that they sometimes failed to adequately communicate the plans with local police, as required under a law designed to make schools safer from mass shootings.

[Read more>>](#)

Rhode Island teachers unions, ACLU object to bill

Providence Journal

The state's two teachers' unions are objecting to a bill that would make sex between school employees and students a crime if the students are younger than 18 years old. One reason the union objects is because it criminalizes conduct by school employees while ignoring the other jobs in which adults supervise youth.

[Read more>>](#)

Wisconsin receives failing grade for addressing lead in school drinking water

Channel 3000

The Wisconsin Environment Research and Policy Center and WISPIRG released a new report, which gives Wisconsin an "F" after the groups say the state failed to protect children from lead exposure. The grade is based not on data showing high lead exposure in schools but on Wisconsin's policies for addressing the issue.

[Read more>>](#)

Opinion & Analysis

A social studies battle turns on the nation's values

The New York Times

Michigan spent five years debating how to teach American history. One of the biggest questions was how to describe the nation's government. [Read more>>](#)



Don't divert Florida money to private schools

The Gainesville Sun

State lawmakers need to start adequately funding those needs and bring per-pupil public school funding and teacher salaries up to respectable levels, rather than creating new ways to divert taxpayer money to private and religious schools.

[Read more>>](#)

Study finds that new principals can boost student achievement

The Hechinger Report

The Wallace Foundation spent \$85 million on a five-year project to improve school principals. Now, an analysis the foundation commissioned has found that these reforms in training, hiring, mentoring and reviewing the performance of principals tended to boost student achievement. [Read more>>](#)

Industry News

Maine school districts take safety practices online

PublicSchoolWORKS

PublicSchoolWORKS has expanded to Maine with partnerships at Vassalboro, Waterville and Winslow Public Schools. They are using the EmployeeSafe Suite, an online system that combines online software and content, industry expertise and people resources to provide a school safety and regulatory compliance solution. [Read more>>](#)

Forge industry partnership in K-12 assessments

Certica Solutions/Learnosity

Educators will be provided with seamless access to Certica Solutions's Navigate Item Bank of test questions via Learnosity's assessment tools. It will also allow Certica's Academic Benchmarks customers to leverage the Academic Benchmarks digitized standards and identifiers in an integrated manner within the Learnosity toolset. [Read more>>](#)

3P Learning expands partnership with Blake eLearning

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35 Nutmeg Drive, Suite 205
Trumbull, CT, 06611



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Subject: School consultants; ESSA waivers; New York safety audit
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From: David Healy
To: [Mark A. Tabakin](#); [Gerard Dalton](#); [James Edwards](#); [Charles Sampson](#); [Sean Boyce](#); [Vanessa Clark](#); [DeGeorge, Patrick](#); [alfieri@weymouthtsd.org](#); [palmieri@weymouthtsd.org](#); [goldsmith@weymouthtsd.org](#); [Marciante, John](#); [vwolf@mersnj.us](#); [Stephen Genco](#); [Ken Jannarone](#); [Michelle Richardson](#); [Stephen J. Edelstein](#); [William Doering](#); [Joseph Nardini](#)
Subject: Re: OPRA denial
Date: Tuesday, April 9, 2019 10:32:59 AM

Any response to this please?

On Fri, Apr 5, 2019, 9:58 AM David Healy <dhealy@trschoools.com> wrote:

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Superintendent of Schools

Toms River Regional School District

1144 Hooper Avenue

Toms River, NJ 08753

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