

Keith Kaplan

Teaneck, NJ 07666

keith@teanecktoday.com

KEITH KAPLAN,

Plaintiff, pro se,

vs.

TEANECK BOARD OF EDUCATION,
SEBASTIAN RODRIGUEZ,
VICTORIA FISHER, EDWARD HA,
NADIA HOSEIN, DENNIS KLEIN,
KASSANDRA REYES, JONATHAN
RODRIGUEZ, DENISE SANDERS,
AND CLARA WILLIAMS,

Defendants.

NEW JERSEY SUPERIOR COURT
BERGEN COUNTY-LAW DIV,
DOCKET NO. BER-L-000121-24

**NOTICE OF MOTION TO
ENFORCE LITIGANT'S RIGHTS**

TO: Stephen J. Edelstein, Esq.
WEINER LAW GROUP LLP
629 Parsippany Road
Parsippany, New Jersey 07054-0438

Attorneys for Defendants:

Teaneck Board of Education, Sebastian Rodriguez, Victoria Fisher,
Edward Ha, Nadia Hosein, Dennis Klein, Cassandra Reyes, Jonathan
Rodriguez, Denise Sanders, and Clara Williams

PLEASE TAKE NOTICE that on August 30, 2024 at 9:30 a.m, the undersigned will move before the Honorable Carol Novey Catuogno, at the Bergen County Superior Court at the Bergen County Courthouse in Hackensack, New

NOTICE OF MOTION TO ENFORCE LITIGANT'S RIGHTS

Jersey, or virtually, or as soon thereafter as Plaintiff can be heard for an Order Enforcing Litigant's Rights pursuant to R. 1:10-3 and assessing penalties against Defendants Teaneck Board of Education, et al.

PLEASE TAKE FURTHER NOTICE that the undersigned will rely upon the attached Certification of Keith S Kaplan, Certification of Pedro H. Valdes, III and the Memorandum of Law and Exhibits in support of the Motion.

PLEASE TAKE FURTHER NOTICE that, pursuant to R. 1:6-2, it is requested that the court consider this motion on the papers.

A proposed form of order is attached.



Keith S Kaplan
Plaintiff, Pro Se

Dated: August 23, 2024

Keith Kaplan

Teaneck, NJ 07666

keith@teanecktoday.com

KEITH KAPLAN,

Plaintiff, pro se,

vs.

Teaneck board of education, Sebastian Rodriguez, Victoria Fisher, Edward Ha, Nadia Hosein, Dennis Klein, Kassandra Reyes, Jonathan Rodriguez, Denise Sanders, AND Clara Williams,

Defendants.

**NEW JERSEY SUPERIOR COURT
BERGEN COUNTY-LAW DIV,
DOCKET No. BER-L-00121-24**

**MEMORANDUM IN SUPPORT
OF MOTION TO ENFORCE
LITIGANT’S RIGHTS**

“I am compelled to begin by looking at the Supreme Court decision in Polillo versus Dean 74 NJ 562 in which the Supreme Court of the state of New Jersey rejects the idea that substantial compliance with the open public meetings Act is sufficient and rather holds that a strict adherence to the letter of the law is required. And it's through that lens that I'm going to go through the counts of the complaint.”
- Judge Carol Novey Catuogno (Jul. 18, 2024)

“Is a lawsuit really needed for us to make sure that we're printing in two newspapers when we're also printing online? Newspapers are kind of outdated”
- Kassandra Reyes Vice-President, Board of Education (Aug. 21, 2024)

TABLE OF CONTENTS

Statement	1
I. Despite a clear requirement to abide by the OPMA, the very first meeting of the Board violated the OPMA in seven respects	1
• The Board did not properly notice the August 21, 2024 meeting.	1
• The Presiding Officer Violate the OPMA by Refusing to Enter Objections into the Record	2
• The Board did not properly notice an agenda for the August 21, 2024 meeting	3
• The Board did not properly inform the public as to topics of discussion to be held in Executive Session	3
• The Board did not cure the deficient meetings in a manner that is recognized under OPMA	5
• Board action on August 21, 2024 violated “Other Law”	9
• The Board acted in a manner that is violative of the purpose of OPMA.	10
II. The Board Failed To Cure The Errors Cited By the Court	11
Conclusion	12

STATEMENT

On July 18th, 2024, this Court issued an Order finding that the Teaneck Board of Education (“Board”) violated the Open Public Meetings Act (“OPMA”) and issued Injunctive Relief (the “Injunction”):

“ORDERED that the Teaneck Board of Education shall adhere strictly to all the mandates of the New Jersey Open Public Meetings Act and shall remain in full compliance with same moving forward” (see Ex __ to Kaplan Certification)

I. Despite a clear requirement to abide by the OPMA, the very first meeting of the Board violated the OPMA in seven respects.

FIRST: The Board did not properly notice the August 21, 2024 meeting.

The OPMA contemplates three types of meetings: Regular, Special and Emergency. Regular meetings, when an annual meeting list is published pursuant to the OPMA do not require a noticed Agenda.

To be capable of using this exemption, an annual meeting list is required to be published pursuant to OPMA (see N.J.S.A. 10:4-18 and N.J.S.A. 18A:10-3(c)).

“Where annual notice or revisions thereof in compliance with section 13 of this act set forth the location of any meeting, no further notice shall be required for such meeting.” (N.J.S.A. 10:4-8(d)).

Neither the Teaneck School District page for public notices¹, the NorthJersey.com (Bergen record) Public Notice page, the NJ.com (Star Ledger) Public Notice page, nor the aggregating site for NJ Public Notices² contain any such notice for the August 21st meeting. (see Kaplan Certification).

By not informing the public as to the existence of it's meeting through adequate notice, the Board remains in violation of the Court's Order and Injunction.

SECOND: The Presiding Officer Violated the OPMA by Refusing to Enter Objections into the Record.

At the August 21, 2024 meeting, a Trustee raised concerns that the meeting was not properly noticed under the OPMA. (see Kaplan Certification) OPMA mandates that “[w]henever a member of a public body believes that a meeting of such body is being held in violation of the provisions of this act, he shall immediately state this at the meeting together with specific reasons for his belief which shall be recorded in the minutes of that meeting.” N.J.S.A. 10:4-17. Rather than directing the statement to be included in the minutes, the Board President characterized the litigation as “frivolous” and continued the meeting.

In response to these statements, counsel for Defendants, Mark Tabakin declared: “I spoke with the superintendent via email numerous times advising that

¹ <https://www.teaneckschools.org/PublicNotices.aspx>

² njpublicnotices.com

this meeting should be advertised in two newspapers of record including this agenda.”

Despite this legal advice, the notice and agenda were not adequately noticed.

THIRD: The Board did not properly notice an agenda for the August 21, 2024 meeting.

As this Court ruled, the Defendants did not properly notice the Annual Meeting list for 2024 and at the July 18, 2024 hearing stated: “I am confident that the message is clear that there does not appear to be an exception for this calendar year to filing an agenda um in addition to notices of the meetings.”

Neither the Bergen Record, Star Ledger, District Public Notice or Public Notice Aggregator pages indicate an Agenda for the August 21, 2024 meeting. The August 21, 2024 agenda stated that Notice was provided on January 23, 2024 (see Kaplan Certification).

By not informing the public as to its agenda through adequate notice, the Board remains in violation of the Court’s Order and Injunction.

FOURTH: The Board did not properly inform the public as to topics of discussion to be held in Executive Session.

In a 2002 amendment to the OPMA, the Legislature permitted the posting of an agenda to the internet, but mandated that such posting would not take the place of Adequate Notice requirements. See N.J.S.A. 10:4-9.1 (“a public body may

provide electronic notice of any meeting of the public body through the Internet.”) and N.J.S.A. 10:4-9.2 (“Nothing in this act shall be construed as affecting or superseding the adequate notice requirements that are imposed by the "Open Public Meetings Act," P.L. 1975, c.231 (C.10:4-6 et seq.) and no electronic notice issued pursuant to this act shall be deemed to substitute for, or be considered in lieu of, such adequate notice.”).

The Board posted an agenda on their website (www.TeaneckSchools.org) for the August 21, 2024 meeting. In the Agenda, the Board indicated it would enter executive session, but despite statutory requirements and an injunction from this Court to “adhere strictly” to the OPMA, no resolution was included within the agenda to provide the public with information regarding topics of discussion, to the extent known, for the Executive Session.

At the meeting, as has been common practice for years, the Board President walked in an oral resolution that the Board would enter Executive Session to discuss “Legal Updates and Special Education Legal Updates”.

This walk-in resolution violated N.J.S.A. 10:4-13(a) as the motion did not comply with the express requirements of the statute in that they did not give the public as much information [regarding the nonpublic meeting topics] as is consistent with full public knowledge without doing any harm to the public

interest. (See Houman v. Mayor Coun. Bor. Pompton Lakes, 155 N.J. Super. 129, 149-50 (Law Div. 1977)).

By not informing the public as to the topics to the extent they were known which would be discussed in Executive Session at the August 21, 2024 meeting, the Board remains in violation of the Court's Order and Injunction.

FIFTH: The Board did not cure the deficient meetings in a manner that is recognized under OPMA.

The entire purpose of the OPMA is to inform the public as to the actions of the Public Body.

Defendants themselves cited to Aronowitz v. Planning Bd. (257 N.J. Super. 347 (Law Div. 1992) 608 A.2d 451) as an exemplar of the manner in which compliance with the OPMA is to be handled in order to cure deficiencies, after a violation has occurred³.

Aronowitz Fixed the Deficiency Through Seven Steps

A. Notifying the Public

“It is uncontested that the board renotified the public that action would be taken on Airport's application at a meeting to be held on December 17.”

³ See Motion to Dismiss filed by Defendants on Feb. 5, 2024 at 4.:

“In addition to the language of the statute, see also, Aronowitz v. Planning Bd. of Tp. of Lakewood, 257 N.J. Super. 347 (App. Div. 1992). This kind of corrective action follows traditional Concepts.”

B. Publication of the Notice in Accordance with the OPMA

“It is conceded that the board arranged for actual publication of a notice of that meeting in two official newspapers more than 48 hours prior to the meeting.”

C. Additional Publication in the Building and Online

“The board also claims that on December 13, it posted a notice of the hearing on a bulletin board in the Lakewood Township municipal building and delivered a copy to the township clerk. The notice set forth the date, time, place and reason for the hearing.”

D. Informed the Public as to their Ability to Speak

“[The Notice] specifically informed any interested member of the public who failed to receive notification of the December 9 meeting and had an interest in the application, that they would be heard by the board on December 17.”

E. Informed the Public as to the Previous Discussions and Testimony

“The notice also advised members of the public that a tape recording of the December 9 session was available for review during the board's regular business hours.”

F. Statements were made at the Meeting to Cure

“At the commencement of the December 17 hearing, the board secretary

detailed compliance with the Open Public Meetings Act. Furthermore, counsel for the board recited actual publication of the notice in two newspapers in general circulation in Lakewood Township as well as compliance with the posting and filing requirements. He instructed the board to reopen the meeting to anyone who had not received notice of the December 9 meeting and who wished to be heard.”

G. An Opportunity was offered to Anyone Wishing to Comment

“Upon the conclusion of his testimony, the chair inquired whether anyone else in the audience wanted to speak.”

Teaneck Failed All Seven Aronowitz Steps

In contrast to the actions taken in Aronowitz, at the August 21, 2024 meeting, the Board took none of the steps above in Resolution 1 (the “Corrective Resolution”).

“The board was asked to vote for three resolutions under Board Operations on Wednesday's agenda, including the corrective Resolution 1: "Be it resolved, that the Teaneck Board of Education hereby ratifies and re-affirms all action items which were passed at its meeting of Jan. 17, 2024." That resolution was intended to

correct the errors in the two earlier meetings that were supposedly fixed on Jan. 17, but were not.”⁴

In connection with the corrective resolution, the Board continued to characterize compliance with the OPMA as no more than a speed bump, at best and capable of being ignored, at worst.

President Williams in a statement about the present action opined:

“I believe it's important to clarify what occurred in the Kaplan litigation so that the public may understand the reality of the situation as opposed to the spin that has been permeating social media. Mr. Kaplan filed a five-count complaint seeking to void all board actions taken since 2020. The court flatly refused to do so. Mr. Kaplan sought the court to find the, that the board violated certain individual civil rights. The court flatly refused to do so.” (see Kaplan Certification for full statement)

President Williams added after the vote: “I just would appeal to the community to talk to these people who are initiating frivolous costly suits where they can just speak to somebody and let us know you see us doing something incorrectly. We don't want to do it incorrectly. We'll correct it. It took a resolution, 5 minutes to fix it.”

Vice President Kassandra Reyes questioned whether the law matters:

“[R]egarding the court case Mr. Kaplan brought against the school district... it was more of a technicality as two newspapers merged into one.... yet, even though it was only published in one newspaper, they were also published online and those meetings were very well attended.... But these, you know, like Mr. Harley stated, is a lawsuit

⁴ Marsha A. Stoltz, "Teaneck school board attempts court-ordered fix for 'deficiencies'", BERGEN RECORD, August 22, 2024 (<https://www.northjersey.com/story/news/bergen/teaneck/2024/08/22/teaneck-nj-school-board-fix-court-ordered-deficiencies/74900613007/>)

really needed for us to make sure that we're printing in two newspapers when we're also printing online? Newspapers are kind of outdated, too.”

While their comments indicate it was clear to the Board that passing the Corrective Resolution was meant as an action to cure deficiencies at both the December 21, 2023 and January 3, 2024 meetings, the meeting was not adequately noticed by the Board, the Agenda was not adequately noticed by the Board, and the public was not able to know that the corrective action was connected to the Meetings of December 21, 2023 and January 3, 2024, since no information was provided as to what votes were being reviewed.

The Corrective Resolution put forward stated in its entirety:

“BE IT RESOLVED, that the Teaneck Board of Education hereby ratifies and reaffirms all action items which were passed at its meeting of January 17, 2024.”

EXPLANATION: Agenda item submitted by Dr. Spencer

By taking actions that do not comply with OPMA, the Board remains in open violation of the Order of this Court.

SIXTH: Board action on August 21, 2024 Violated “Other Law”

Whenever personnel are a topic of discussion at a meeting, a notice must be issued pursuant to Rice v. Union Cty. Reg’l High Sch. Bd. Of Educ., 155 N.J. Super 64 (App. Div. 1977).

Despite the failures of the Board to properly notice the December 21, 2023 meeting, the meeting was well attended only because the “Rice Notice” required to

be sent for discussion of personnel, enabled Mr. Valdes to encourage members of the public to attend. The August 21, 2024 meeting did not have widespread attendance for the “de novo” corrective action because despite discussion of personnel inherently necessary in the underlying vote, no Rice notice was sent to personnel affected by the votes taken (through what the board alleges is the corrective action). (See Certification of Pedro H. Valdes, III).

Because the provisions of OPMA require that the Board “take corrective or remedial action by acting de novo at a public meeting held in conformity with this act and other applicable law”, and Rice notices were not issued, the actions of the Board fail to abide by OPMA and the Defendants’ continue to fail to abide by the Order requiring them to abide strictly by OPMA’s requirements.

SEVENTH: The Board Acted in a Manner that is Violative of the Purpose of OPMA.

In crafting NJ’s Sunshine Law, the legislature intended to insure “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies...” (see N.J.S.A. 10:4-7).

At the January 17th, 2024 meeting, the Board attempted to cure the defects present in their prior meetings. Despite the intended purpose to inform the public

of its actions, in advance, the Board walked in a Resolution at the January 17th meeting, after the expiration of all public comment periods.

While the OPMA holds that “that a public body may take corrective or remedial action by acting de novo at a public meeting held in conformity with this act and other applicable law regarding any action which may otherwise be voidable pursuant to this section” (N.J.S.A. 10:4-15), it defeats the very purpose of the Sunshine law to allow a public body to sneak in a resolution, which was not published in an agenda. But while a walked-in resolution to take corrective action states what is taking place, the Board cannot say as much regarding its action on August 21, 2024.

The Board is operating under an “onion type” theory. The January 17th meeting (if it were legal, which this Court has previously ruled, it was not) would have cured the previous OPMA errors of December 21, 2023. Therefore, by redoing the January 17th, 2024 meeting, the Board is attempting to redo dozens of votes from January 17th, 2024 in one fell swoop, with a single resolution--which include dozens of votes from multiple previous meetings.

II. The Board Failed to Cure the Errors Cited by the Court

One Board member at the August 21st meeting indicated he was “not given full details” about the December meeting, which included closed session discussions that took place before he was a member of the Board of Education. If

Board members did not have enough information to understand the vote at issue, how could the public?

When the state Legislature crafted the Sunshine Law, it is hard to believe they expected the public to view it as a Matryoshka doll: The December actions can be seen when look in the belly of the January actions, which can be seen in the belly of the August actions of the Board. Transparency shouldn't require a decoder key.

Having previously identified a set of criteria (under Aronowitz) that would adequately correct their prior OPMA deficiencies, the obfuscatory methods chosen cannot cure the prior OPMA defects, noted by the Court. When a public body hides the actions it takes, the Public cannot be properly informed as to the undertaking(s) of the Board. The Board's continued violation of the Order demands accountability.

Conclusion

The meeting of August 21, 2024 must be voided and an appropriate order must be entered to enforce Plaintiff's (and the public's) rights.

Dated: August 23, 2024

Respectfully submitted,



Keith Kaplan,
Plaintiff pro se.

Keith Kaplan

Teaneck, NJ 07666

keith@teanecktoday.com

KEITH KAPLAN,

Plaintiff, pro se,

vs.

TEANECK BOARD OF EDUCATION,
SEBASTIAN RODRIGUEZ,
VICTORIA FISHER, EDWARD HA,
NADIA HOSEIN, DENNIS KLEIN,
KASSANDRA REYES, JONATHAN
RODRIGUEZ, DENISE SANDERS,
AND CLARA WILLIAMS,

Defendants.

NEW JERSEY SUPERIOR COURT
BERGEN COUNTY-LAW DIV,
DOCKET NO. BER-L-000121-24

**CERTIFICATION OF KEITH S
KAPLAN, IN SUPPORT OF
PLAINTIFF’S MOTION TO
ENFORCE LITIGANT’S RIGHTS**

I, **Keith S Kaplan**, being of full age, certify as follows:

1. I am Plaintiff, pro se in the matter Keith Kaplan vs. Teaneck Board of Education, et al., BER-L-000121-24.
2. I make this Certification in support of Plaintiff’s Motion to Enforce Litigant’s Rights, through which Plaintiff seeks enforcement of an order entered by this court on July 18, 2024 (“Order”) against defendants Teaneck Board of Education, et al. (“Defendants”) that

compels Defendants to, among other things, “adhere strictly to all the mandates of the New Jersey Open Public Meetings Act and shall remain in full compliance with same moving forward”.

3. On July 18, 2024, the Court entered a copy of the Order which is attached to this certification as Exhibit A.

4. The Order states that “the Court having considered all pleadings, oral argument and for the reasons stated on the record today and for good reasons shown”.... “IT IS on this 18th day of July 2024”....

“ORDERED that the Teaneck Board of Education shall adhere strictly to all the mandates of the New Jersey Open Public Meetings Act and shall remain in full compliance with same moving forward”.

5. Counsel for Defendants appeared on July 18, 2024 and the Court stated: “I am confident that the message is clear that there does not appear to be an exception for this calendar year to filing an agenda um in addition to notices of the meetings.” (Transcript forthcoming)

6. The August 21, 2024 Agenda of the Teaneck Board of Education (pages 1-5) is Attached to this Certification, as Exhibit B. The entirety of the 201 page agenda can be found at the District website.

7. The Agenda states:

II. Presiding Officer's Meeting Notice Statement

"I hereby call to order the Regular Public Meeting of the Teaneck Board of Education, held on Wednesday, August 21, 2024, in person at the Teaneck High School located at 100 Elizabeth Avenue and virtually via zoom app, at 8:00 PM. Adequate notice of this meeting has been sent to the Record and The Star Ledger, filed with the Municipal Clerk and posted on the school district website at www.teaneckschools.org, on January 23, 2024."

8. N.J.S.A. 10:4-9.1 states: "In addition to the notice requirements of the "Open Public Meetings Act," P.L. 1975, c.231 (C.10:4-6 et seq.), a public body may provide electronic notice of any meeting of the public body through the Internet."

9. N.J.S.A. 10:4-9.2 states: "Nothing in this act shall be construed as affecting or superseding the adequate notice requirements that are imposed by the "Open Public Meetings Act," P.L. 1975, c.231 (C.10:4-6 et seq.) and no electronic notice issued pursuant to this act shall be deemed to substitute for, or be considered in lieu of, such adequate notice."

10. Counsel for the Teaneck Board of Education stated:

“So, my understanding is that this meeting this evening was noticed properly. That the agenda was also published in advance of this evening, as well. So that would have been published in two newspapers of record, as well. That is my understanding.” Counsel also stated: “and I spoke with the superintendent via email numerous times advising this meeting should be advertised in two newspapers of record, including this agenda.” (see video of Aug. 21, 2024 meeting available on Teaneck School District website at 00:24:09)

11. The Acting Business Administrator indicated that the meeting dates were noticed on January 23, 2024.

12. Adequate Notice was not provided for the Agenda or Meeting held by the Teaneck Board of Education on August 21, 2024.

13. Board Trustee James Wolff stated pursuant to N.J.S.A. 10:4-17: “I do not believe that today's meeting has been adequately noticed in accordance with the Open Public Meetings Act as we have not noticed the meeting and the agenda in two newspapers. I just wanted to say that. (see video of Aug. 21, 2024 meeting available on Teaneck School District website at 00:23:04)

14. Board President Clara Williams did not direct the comment by Trustee Wolff to be included in the Minutes and mischaracterized the present action as a “frivolous, costly suit” at the August 21, 2024 meeting.

15. Despite the Court's admonishment that the Annual Meeting List failed to be filed in accordance with the OPMA, Defendants relied on the same defective notice of January 23, 2024 when they held a meeting on August 21, 2024.
16. The Agenda for the August 21, 2024 meeting states:

"I hereby call to order the Regular Public Meeting of the Teaneck Board of Education, held on Wednesday, August 21, 2024, in-person at the Teaneck High School located at 100 Elizabeth Avenue and virtually via zoom app, at 8:00 PM. Adequate notice of this meeting has been sent to the Record and The Star Ledger, filed with the Municipal Clerk and posted on the school district website at www.teaneckschools.org, on January 23, 2024."

17. In reference to Counts 3 and 4, the Court stated on July 18, 2024:

"In both of those counts in addition to the declaratory relief, the voiding of actions taken, I'm asked to award what's generally referred to as injunctive relief. Thereby compelling or therefore compelling the defendants to change their agenda and public notice practices to provide adequate notice to the public. I think based upon a review of the facts and circumstances in their totality including uh the instances or the date meeting dates referenced in count one (although they did not... they're not cognizable before this court because they violate the statute of limitations), I do not think can be ignored. That this has been an ongoing pattern and it carries through to the counts three and four where relief was granted. That there has been a pattern here. Accordingly, I do think it is appropriate for the court to enjoin the defendants and inform them that they are required as is everybody that legislates or passes any sort of administrative policies, personnel decisions on behalf of the public--are required to comply with, in strict adherence, according to the Supreme Court of the state of New Jersey, with the mandates

of the open public records act. So, I do think injunctive relief is granted, in this, is appropriate in this instance and therefore it is granted.” (Transcript forthcoming)

18. It is the practice of the District to deliver physical copies of the Public Agenda and Executive Session Agenda to Trustees of the Board of Education on Fridays, which occurred on August 16, 2024.
19. The agenda was posted on the District website and contained an indication the Board would move to Executive Session, however no indication of specific reasons was provided to the public.
20. At the August 21, 2024 meeting, the President of the Board, Clara Williams walked in an oral resolution to move into Executive Session stating: “Be it resolved the Teaneck Board of Education determines it is necessary to meet in the Executive Session on Wednesday, August 21, 2024 at 8:06pm to discuss legal updates and special education legal updates.”
21. OPMA provides that prior to entering closed session, a public body must first adopt a resolution: (1) “[s]tating the general nature of the subject to be discussed; and (2) “[s]tating as precisely as possible, the time when and the circumstances under which the discussion

conducted in closed session of the public body can be disclosed to the public.” N.J.S.A. 10:4-13.

22. A resolution authorizing closed session may not give a generalized list of possibilities of what the public body may discuss.

See Council of N.J. State College Locals, NJSFT, AFT/AFL-CIO, Local 2364 v. Trenton State College Bd. of Trustees, 284 N.J. Super.108, 113 (Law Div. 1995) (finding that closed-session resolution outlining "consider personnel matters, labor relations, any pending litigation, and any other matters specifically exempted by the Open Meetings Act" failed under N.J.S.A.10:4-13 because it did not articulate specific exception).

23. In its failure to state the general nature of the closed session Board meeting discuss, Defendants remain in violation of OPMA (N.J.S.A 10:4-13) and are in open violation of the Court’s Order and injunction entered pursuant to N.J.S.A. 10:4-16.

24. President Clara Williams stated the following before calling for a vote on Board Operations, Resolution 1:

“I believe it's important to clarify what occurred in the Kaplan litigation so that the public may understand the reality of the situation as opposed to the spin that has been permeating social media. Mr. Kaplan filed a five-count complaint seeking to void all board actions taken since 2020. The court flatly refused to do so. Mr. Kaplan sought the court to find the, that the board violated certain individual civil rights. The court flatly refused to do so.

Mr. Kaplan sought the court to find the, that the board violated certain individual civil rights. The court flatly refused to do so. So, let's be clear and exact as to what occurred.

Count one: Mr. Kaplan alleged that the board failed to use two newspapers for its notices thereby rendering all actions void. All relief was denied. Count two: Mr. Kaplan alleged

that the board voted in closed session. There was no vote in executive session. All relief was denied. Count five: Mr. Kaplan asked to declare that the OPMA violations are also civil rights violations. All relief was denied. Count three: Mr. Kaplan alleged that the board violated Open Public Meetings Act on December 21st 2023 and Count four: Mr. Kaplan alleged that the board violated the Open Public Meetings Act on January 3rd 2024. As to Count three and four, the court refused to void, undo anything. In fact, the court specifically found that there was no mal intent on the part of the board whatsoever. Rather the board, the court declared that the board failed to properly notice two meetings: December 21st and January 3rd. Despite each meeting being very well attended, the relief ordered was that the board had to cure the deficiencies within 70 days. The court did nothing more than require the board to engage in a ministerial task. That is the resolution that's included in this agenda, on this agenda. And we have every intention of being compliant. As to the counts Three and Four, the court ordered that Mr. Kaplan be paid \$300 for filing fees and 100 for his copying costs. A check was sent to Mr. Kaplan yesterday. So, the bottom line is that three of the five counts were dismissed out of hand. No board action was voided. No civil rights violation occurred. The board paid \$400 in cost and was told to follow the Open Public Meetings Act in the future which we have every intention of doing.

Now, you can take a roll call

(Comments taken from District provided transcript, with corrections for typos)

25. On July 19, 2024, Plaintiff delivered a copy of the Order to
Defendants at their offices, 651 Teaneck Road, Teaneck, NJ 07666.
26. The Order is enforceable in accordance with R. 1:10-3.
27. Defendants may only act as a body, at meetings, adequately noticed
pursuant to the Open Public Meetings Act (“OPMA”).
28. Defendants may notice a meeting upon 48 hours’ notice.
29. Notices must be published in the Newspapers of Record: The Bergen
Record and the Star Ledger.
30. Public Notices are also listed on the District’s Public Notice page.

31. Aggregator sites such as njpublicnotices.com allow residents to see these notices at a glance.
32. At no time between the date the Order was entered and the date of this Certification, has a meeting been noticed by the Defendants in the Bergen Record, the Star Ledger, the District Public Notice page or any aggregator sites.
33. “Rule 1:10-3 allows a court to enter an order to enforce litigant’s rights commanding a disobedient party to comply with a prior order....”. In addition, “[o]nce the court determines the non-compliant party was able to comply with the order and unable to show the failure was excusable, it may impose appropriate sanctions.... Sanctions under Rule 1:10-3 are intended to coerce a party’s compliance...” Milne v. Goldenberg, 428 N.J. Super. 184, 198 (App. Div. 2012).
34. By failing to comply with the Order and their continuing violations of the OPMA, Defendants are now in contempt of court.
35. Defendants’ consistent failure to abide by the obligations of the OPMA and the Order subjects residents to additional deprivations of their civil rights.

36. Monetary sanctions "must be fashioned in an amount sufficient to sting and force compliance, but must not be so excessive as to constitute ruinous punishment." E. Brunswick Bd. of Educ. v. E. Brunswick Educ. Ass'n, 235 N.J. Super. 417 , 422 (App. Div. 1989); see also Ridley v. Dennison, 298 N.J. Super. 373 , 381 (App. Div. 1997).
37. Plaintiff therefore seeks an order enforcing the Order, assessing additional civil penalties against Defendants as the Court deems necessary to ensure compliance with the Order and law.

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.



Keith S Kaplan
Plaintiff, Pro Se

Dated: August 23, 2024.

EXHIBIT A

FILED

JUL 18 2024

CAROL NOVEY CATUOGNO, A.J.S.C.

PREPARED BY THE COURT

KEITH KAPLAN,

Plaintiff,

v.

TEANECK BOARD OF EDUCATION, et al,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO.: BER-L-121-24

CIVIL ACTION

ORDER

THIS MATTER having been opened to the Court by Plaintiff, Keith Kaplan, self-represented litigant, on an Order to Show Cause alleging violations of the New Jersey Open Public Meetings Act, upon notice to The Weiner Law Group, counsel for Defendants (Stephen J. Edelstein appearing), and the Court having considered all pleadings, oral argument and for the reasons stated on the record today and for good cause shown,

IT IS on this 18th day of **July 2024**,

ORDERED that Count 1 of the complaint is **DISMISSED** as the relief sought is barred by the statute of limitations; and it is further,

ORDERED that Count 2 of the complaint is **DENIED**, as there is no requested relief that can be granted; and it is further,

ORDERED that the declaratory judgment sought by Plaintiff in Count 3 of the complaint is **GRANTED**, the Court having found that the Teaneck Board of Education failed to comply with the mandates of the New Jersey Open Public Meetings Act; and it is further,

ORDERED that the relief requested in Count 3 of the complaint is **GRANTED** and the Teaneck Board of Education shall cure the deficiencies of the December 21, 2023, meeting, pursuant to the mandates of the New Jersey Open Public Meetings Act, within **70 days** of the date of this order; and it is further,

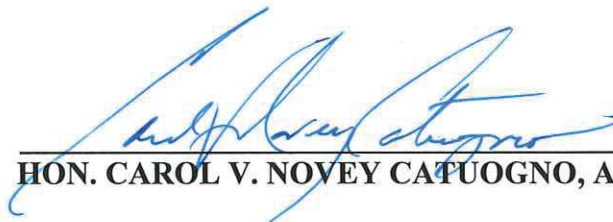
ORDERED that the declaratory judgment sought by Plaintiff in Count 4 of the complaint is **GRANTED**, the Court having found that the Teaneck Board of Education failed to comply with the mandates of the New Jersey Open Public Meetings Act; and it is further,

ORDERED that the relief requested in Count 4 of the complaint is **GRANTED** and the Teaneck Board of Education shall cure the deficiencies of the January 3, 2024, meeting, pursuant to the mandates of the New Jersey Open Public Meetings Act, within **70 days** of the date of this order; and it is further,

ORDERED that the Teaneck Board of Education shall adhere strictly to all the mandates of the New Jersey Open Public Meetings Act and shall remain in full compliance with same moving forward; and it is further,

ORDERED that Count 5 of the complaint is **DISMISSED** as the Plaintiff failed to state a claim upon which relief could be granted; and it is further,

ORDERED that Defendant shall reimburse Plaintiff for his costs in the amount of **\$400.00** within **30 days** of the date of this order.



HON. CAROL V. NOVEY CATUOGNO, A.J.S.C.

EXHIBIT B

**REGULAR PUBLIC MEETING
AUGUST 21, 2024**

I. Salute to the Flag

II. Presiding Officer's Meeting Notice Statement

"I hereby call to order the Regular Public Meeting of the Teaneck Board of Education, held on Wednesday, August 21, 2024, in-person at the Teaneck High School located at 100 Elizabeth Avenue and virtually via zoom app, at 8:00 PM. Adequate notice of this meeting has been sent to the Record and The Star Ledger, filed with the Municipal Clerk and posted on the school district website at www.teaneckschools.org, on January 23, 2024."

III. Roll Call

<i>Board Member</i>	<i>Present</i>	<i>Absent</i>
Ms. Fisher (Victoria)		
Dr. Gruber (David)		
Mr. Ha (Edward)		
Dr. Kirshenbaum (Gerald)		
Dr. Klein (Dennis)		
Mrs. Reyes (Kassandra) - Vice President		
Mr. Rodriguez (Jonathan)		
Mrs. Williams (Clara) - President		
Mr. Wolff (James)		

IV. Reaffirmation of District Goals

V. Executive Session

VI. Superintendent's Report

VII. Board Member Statements

VIII. Public Comment I (Agenda Items Only)

IX. Board Committee Reports

X. Agenda Items

XI. Public Comment II (Non-Agenda and Agenda Items)

XII. New and Old Business

XIII. Adjournment

Teaneck Public Schools

Mission: The Teaneck Public School District educates and empowers students by providing a high-quality, rigorous educational experience which prepares students for success within a diverse, global society.

Vision: The Teaneck Advantage: Educational Excellence for All

Board Goals

GOAL 1: Teachers and administrators in the Teaneck Public Schools will further elevate academic programs by creating varied learning pathways and by improving student supports.

GOAL 2: The Teaneck Public Schools will continue to improve facilities and technology in support of 21st Century learning opportunities.

GOAL 3: The Teaneck Public Schools will execute effective communications and solidify quality relationships with educational partners within and throughout the community.

GOAL 4: The Teaneck Public Schools will create equitable and inclusive learning opportunities for all students.

GOAL 5: The Teaneck Public Schools will ensure operational excellence in hiring, developing and retaining staff.

CONSENT AGENDA ITEMS 01 THRU 10**August 21, 2024**

1. NJ DOE Bilingual Waiver

WHEREAS, as per New Jersey Administrative Code: 6A:15-1.4(d), the district is required, annually, to review projected enrollment and determine the feasibility of a Bilingual Program. For the 2024-2025 school year, the Teaneck School District is submitting the NJDOE Bilingual Waiver due to the impracticability of offering a full-time bilingual program. According to our projected enrollment, no schools are set to educate 20 or more spanish-speaking students in one grade-level within one building. For the 2024-2025 school year, the Teaneck School District will employ the NJDOE high-intensity ESL instructional model for educating English learners.

THEREFORE BE IT RESOLVED that the Teaneck Board of Education, upon the recommendation of the Superintendent, approves the submission of The NJDOE Bilingual Waiver which provides justification for our current high-intensity ESL Instructional model.

EXPLANATION: Agenda item submitted by Dr. Scott

2. Emergency Virtual Instruction Plan

WHEREAS, P.L.2020, c 27 provides for the continuity of instruction in the event of a public health related district closure so that schools can use virtual instruction to satisfy the 180 day requirement. Each school district must annually submit its proposed program to the New Jersey Commissioner of Education. This plan would be implemented during a closure lasting more than three consecutive school days due to a declared state of emergency, declared public health emergency or a directive by the appropriate health agency. The Board approved plan is due to the Bergen County Office of Education by July 31, 2024. Once submitted and approved by the County Office, the plan will be posted on the Teaneck Public Schools web site.

THEREFORE BE IT RESOLVED that the Teaneck Board of Education, upon the recommendation of the Superintendent, approves the Teaneck Public Schools' Emergency Virtual Instructional Program for the 2024-2025 school year. See page 20.

EXPLANATION: Agenda item submitted by Dr. Scott

3. Language Instruction Education Program

WHEREAS, as per New Jersey Administrative Code: 6A:15-1.5 which requires districts to submit a three - year plan describing the district's language instruction educational program (LIEP) for multilingual learners.

THEREFORE BE IT RESOLVED that the Teaneck Board of Education, upon the recommendation of the Superintendent, approves the submission of the 2024-2027 Teaneck Public Schools - Language Instruction Educational Program plan to the New Jersey Department of Education. See page 28.

EXPLANATION: Agenda item submitted by Dr. Scott

4. FORUM Healing Space

THEREFORE BE IT RESOLVED that the Teaneck Board of Education upon the recommendation of the Superintendent approves Healing Space Resource Center, in partnership with the YWCA - Northern, New Jersey, to conduct twenty (20) workshops with Teaneck High School students during the months of September and November on the topics of healthy relationships, internet and social media safety, and prevention education. Topics are aligned to the New Jersey Student Learning Standards for Comprehensive Health and Physical Education. No cost to the District.

EXPLANATION: Agenda item submitted by Dr. Scott

5. Curriculum Agenda

THEREFORE BE IT RESOLVED that the Teaneck Board of Education upon the recommendation of the Superintendent, adopt and ratify Teaneck Public Schools' curricula and courses for the 2024-2025 school year. All core subject curricula have been aligned to the New Jersey Student Learning Standards. English / Language Arts Curriculum guides have been amended to include the updated New Jersey Student Learning Standards for ELA released in 2024 and implemented in September 2024. Curriculum documents are available by request to the Office of Curriculum and Instruction. [A list of curricula](#) to be adopted and ratified is attached and included as part of official public record. See page 68.

EXPLANATION: Agenda item submitted by Dr. Scott

6. Student Fundraising

THEREFORE BE IT RESOLVED that the Teaneck Board of Education, upon the recommendation of the Superintendent, approves the attached list of **Student Fundraising Activities**. See page 73.

EXPLANATION: Agenda item submitted by Dr. Scott

7. Service Express contract 24-25

THEREFORE BE IT RESOLVED, that the Teaneck Board of Education, upon the recommendation of the Superintendent, approves the contract with Service Express for professional services providing data center maintenance for the district's servers, storage, and network equipment for the 2024-2025 school year in the amount of \$6,648. See page 88.

EXPLANATION: Agenda submitted by Ms. Le

8. Maayanot Yeshiva HS - PD - July 2024

THEREFORE BE IT RESOLVED, that the Teaneck Board of Education upon the recommendation of the Superintendent, approves to reimburse Ma'ayanot Yeshiva High School in the amount of \$794.55 Early Bird Registration fee for Ms. Chani Rotenberg to attend The Dialogic Classroom in Secondary Schools workshop virtually on July 10-12, 2024. Funded from Title IIA non-public allocation #20-270-200-320-92-606-000.

EXPLANATION: Agenda item submitted by Ms. Gray

9. DebtBook 23-24

THEREFORE BE IT RESOLVED, that the Teaneck Board of Education, upon the recommendation of the Superintendent, approves an agreement with DebtBook Inc. to provide accounting and financial reporting for subscription-based information technology arrangements (SBITAs) to comply with Governmental Accounting Standards Board (GASB) 96 in preparation for the 2023-2024 annual audit for \$13,500.50

EXPLANATION: Agenda item submitted by Ms. Gray

10. Ma'yanot Yeshiva HS - PD June 2024

THEREFORE BE IT RESOLVED that the Teaneck Board of Education, upon the recommendation of the Superintendent, approves the following workshops for Ma'ayanot High School: For 6 (six) teachers to attend Expository Writing Instruction workshop June 25-27, 2024 in the amount of \$3,460.00. The workshops to be provided via Zoom from The Windward Institute Summer 2024 Online via Zoom. Funded from Title IIA non-public allocation #20-271-200-580-92-606-000.

EXPLANATION: Agenda item submitted by Ms. Gray

Board Operations 01 THRU 03

August 21, 2024

1. **BE IT RESOLVED**, that the Teaneck Board of Education hereby ratifies and re-affirms all action items which were passed at its meeting of January 17, 2024.

EXPLANATION: Agenda item submitted by Dr. Spencer

2. **THEREFORE BE IT RESOLVED** that the Teaneck Board of Education approves the minutes from the following meetings:

1. July 17, 2024 - Regular Public Meeting
2. July 17, 2024 - Executive Session

EXPLANATION: Agenda item submitted by Ms. Gray

3. **WHEREAS**, the Superintendent of schools recommends, and the Teaneck Board of Education approves, an annual district calendar for the school year; and

WHEREAS, the District must meet the State of New Jersey's minimum 180 school day requirement; and

WHEREAS, a consolidated calendar for 10-month and 12-month employees needs to denote all holidays including "15 holidays" for 12-month employees;

THEREFORE BE IT RESOLVED that the Teaneck Board of Education approve the attached **revised** District Calendar for the 2024-2025 school year. See page 92.

EXPLANATION: Agenda item submitted by Ms. Le

KEITH KAPLAN,

Plaintiff, pro se,

vs.

Teaneck Board of Education, Sebastian Rodriguez, Victoria Fisher, Edward Ha, Nadia Hosein, Dennis Klein, Kassandra Reyes, Jonathan Rodriguez, Denise Sanders, AND Clara Williams,

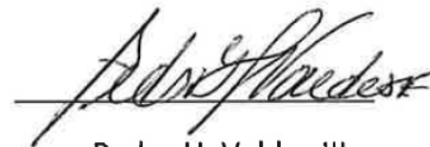
Defendants¹.

NEW JERSEY SUPERIOR COURT
BERGEN COUNTY-LAW DIV,
DOCKET No. [BER-L-000121-24](#)

CERTIFICATION OF PEDRO H
VALDES III

Pedro Valdes, hereby certifies as follows:

1. I am aware of the actions of the Teaneck Board of Education on August 21, 2024.
2. I am not a party in the above-referenced matter.
3. I have not received any notice pursuant to P.L. 1975, Chapter 231 (Sunshine Law) that my employment would be a topic of discussion at the meeting of the Teaneck Board of Education on August 21, 2024.



Pedro H. Valdes III

Dated: August 23, 2024

¹ Terms of office for defendants Rodriguez, Hosein and Sanders ended on December 31, 2023.

Keith Kaplan

Teaneck, NJ 07666

keith@teanecktoday.com

KEITH KAPLAN,

Plaintiff, pro se,

vs.

TEANECK BOARD OF EDUCATION,
SEBASTIAN RODRIGUEZ,
VICTORIA FISHER, EDWARD HA,
NADIA HOSEIN, DENNIS KLEIN,
KASSANDRA REYES, JONATHAN
RODRIGUEZ, DENISE SANDERS,
AND CLARA WILLIAMS,

Defendants.

NEW JERSEY SUPERIOR COURT
BERGEN COUNTY-LAW DIV,
DOCKET NO. BER-L-000121-24

ORDER

This matter having been opened to the court by Keith S Kaplan, Plaintiff pro se (“Plaintiff”), and the court having considered the papers submitted by Plaintiff and any opposition papers submitted by Defendants Teaneck Board of Education, et al. (“Defendants”); and upon consideration of oral argument, if any; and for good cause shown;

IT IS on this _____ day of _____, 2024;

ORDER

ORDERED that Plaintiff's Motion to Enforce Litigant's Rights is granted and the court's order in the above-captioned matter dated July 18, 2024 is hereby enforced; and

IT IS FURTHER ORDERED that Defendants are in contempt of court as a result of their failure to comply with the July 18, 2024 Order; and

IT IS FURTHER ORDERED that the decisions at the meeting of August 21, 2024 are void; and

IT IS FURTHER ORDERED that the Defendants shall include written resolutions to enter into Executive Session, to the extent known, in compliance with the OPMA; and

IT IS FURTHER ORDERED that Defendants, shall pay to the Plaintiff an additional civil penalty for its contempt of court and continued failure to comply with the July 18, 2024 order in the amount of \$ _____; and

IT IS FURTHER ORDERED that, for as long as Defendants remain out of compliance with the July 18, 2024 Order and this order, Defendant Teaneck Board of Education, et al. shall be subject to a civil administrative penalty of \$ _____ per day; and

IT IS FURTHER ORDERED that a copy of this Order shall be served upon the Defendants, within seven (7) days of the date hereof.

ORDER

Hon. Carol Novey Catuogno, J.S.C.

In accordance with R. 1:6-2(a), this motion was:

_____ opposed

_____ unopposed.

ORDER

Keith Kaplan

Teaneck, NJ 07666

keith@teanecktoday.com

KEITH KAPLAN,

Plaintiff, pro se,

vs.

Teaneck Board of Education, Sebastian Rodriguez, Victoria Fisher, Edward Ha, Nadia Hosein, Dennis Klein, Kassandra Reyes, Jonathan Rodriguez, Denise Sanders, AND Clara Williams,

*Defendants*¹.

NEW JERSEY SUPERIOR COURT
BERGEN COUNTY-LAW DIV,
DOCKET No. [BER-L-000121-24](#)

PROOF OF SERVICE

Keith Kaplan, hereby certifies as follows:

1. I am Plaintiff pro se in the above-referenced matter
2. On Tuesday, August 22, 2024, I electronically filed the following documents:
 - a. Notice of Motion to Enforce Litigant's Rights
 - b. Certification of Keith S Kaplan
 - c. Certification of Pedro H. Valdes, III
 - d. Proposed Order
3. I certify that all parties have been electronically served and via email.

¹ Terms of office for defendants Rodriguez, Hosein and Sanders ended on December 31, 2023.

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



Keith S Kaplan

Dated: August 23, 2024