

626-03

SEARCH DAY PROGRAM, INC., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
NEW JERSEY STATE :  
DEPARTMENT OF EDUCATION, :  
RESPONDENT. :  
\_\_\_\_\_ :

DECISION

SYNOPSIS

Petitioning nonprofit private school for the handicapped challenged the Department's disallowing of certain costs totaling \$122,077.52, that had been included in tuition calculations for its students.

The ALJ found that the Department's decision to disallow lump sum payments to the staff was correct, since these are prohibited by rule. In addition, the ALJ found that the Department's decision to disallow the salary paid to an uncertified speech instructor was correct, since it would be contrary to public policy to permit an uncertified teacher to instruct children in the State's schools. The ALJ ordered the Department's decisions affirmed.

The Commissioner concurred with the ALJ's Initial Decision. The petition was dismissed.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

November 12, 2003

OAL DKT. NO. EDU 2446-00  
AGENCY DKT. NO. 24-1/00

SEARCH DAY PROGRAM, INC., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
NEW JERSEY STATE :  
DEPARTMENT OF EDUCATION, :  
RESPONDENT. :  
\_\_\_\_\_ :

DECISION

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. No exceptions were filed by the parties.

Upon review, the Commissioner concurs with the Administrative Law Judge that the Department of Education was correct in disallowing, in petitioner's calculation of tuition for its public school students, the cost of lump sum payments to staff and the salary of an uncertified teacher.

Accordingly, the Initial Decision of the OAL recommending dismissal of the Petition of Appeal is adopted for the reasons expressed therein.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: November 12, 2003

Date of Mailing: November 13, 2003

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\* This decision may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6A:4-1.1 *et seq.*