

BOARD OF EDUCATION OF THE CITY OF	:	
OF TRENTON, MERCER COUNTY AND	:	
JAMES H. LYTLE, SUPERINTENDENT	:	
OF SCHOOLS,	:	
	:	
PETITIONERS,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
WILLIAM LIBRERA, COMMISSIONER,	:	DECISION
NEW JERSEY STATE DEPARTMENT	:	
OF EDUCATION,	:	
	:	
RESPONDENTS.	:	
	:	

SYNOPSIS

The petitioners challenged the Department's determination that they are required to return \$44,000 of disallowed costs from the district's Whole School Reform (WSR) incentive grant to Cadwalader Elementary School for FY 2000. The Board contends that the Department approved the district's original grant application as submitted, and that all grant funds were expended as outlined in that application.

The ALJ found that the petitioners had not met their burden of proof in establishing why they should not be required to reimburse the Department \$44,000 for disallowed costs from the WSR incentive grant for FY 2000. In so finding, the ALJ pointed to a breakdown in communication between district offices and staff of the Cadwalader School, and emphasized that responsibility ultimately fell upon the principal of the school, who was an active participant in revisions to the grant application, to advise the chief school administrator and Board of the required revisions that she had made collaboratively with NJDOE staff. The ALJ affirmed the Department's request for reimbursement, and ordered petitioners to reimburse the Department in the amount of \$44,000.

Upon a full and independent review of this matter, the Commissioner concurs with the ALJ that petitioners have not met their burden of establishing that they should not be required to reimburse the Department \$44,000 in disallowed costs from the Whole School Reform incentive grant for FY 2000, which was utilized for expenditures inconsistent with the approved grant application. Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter, and the Petition of Appeal is dismissed.

<p>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.</p>

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The Board sought and was granted, for good cause shown, a 30-day extension of time within which to file exceptions to the Initial Decision. Upon expiration of this extension period, the Board advised that it had decided not to file exceptions.

Upon his full and independent review, the Commissioner concurs with the Administrative Law Judge that petitioners have failed to satisfy their burden of establishing that they should not be required to reimburse the Department \$44,000 in disallowed costs from the Whole School Reform incentive grant for fiscal year 2000, which was utilized for expenditures inconsistent with the approved grant application.

Accordingly, the Initial Decision of the OAL is adopted for the reasons well articulated therein and the instant Petition of Appeal is dismissed. The Board of Education of the City of Trenton is hereby directed to reimburse the Department of Education \$44,000 in disallowed grant funds.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: May 19, 2005

Date of Mailing: May 19, 2005

* 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.*