

#169-05 (OAL Decision: http://lawlibrary.rutgers.edu/oal/html/initial/edu03879-05_1.html)

THE FORUM SCHOOL,	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
NEW JERSEY STATE DEPARTMENT OF EDUCATION, OFFICE OF COMPLIANCE INVESTIGATION,	:	DECISION
	:	
RESPONDENT.	:	
	:	

SYNOPSIS

Petitioning private school for the disabled appealed the Department's determination to disallow the cost of a student trip to a Broadway play – \$2,625 – in its final approved tuition rate for the 2002-2003 fiscal year. Petitioner argued that the event was a field trip designed to implement the State's core curriculum content standards in the visual and performing arts, and to increase student appreciation of music and theater.

The ALJ concluded that the cost of tickets to a Broadway show is unnecessarily expensive and above the cost that would be incurred by an ordinarily prudent person in the administration of public funds, and granted summary decision in favor of the Department. In so determining, the ALJ pointed out, *inter alia*, that there are less costly alternatives to achieve the desired educational benefit.

The Commissioner agrees that summary decision is appropriately granted to the Department as she concurs that the \$2,635 cost should be disallowed from the petitioner's final approved tuition rate for the 2003-2003 fiscal year. Accordingly, the Initial Decision is adopted as the final decision in this matter.

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.

May 4, 2006

OAL DKT. NO. EDU 3879-05
AGENCY DKT. NO. 57-2/05

THE FORUM SCHOOL,	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
NEW JERSEY STATE DEPARTMENT OF EDUCATION, OFFICE OF COMPLIANCE INVESTIGATION,	:	DECISION
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	:	

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

Upon a full and independent review, the Commissioner agrees that summary decision is appropriately granted to the Department as she concurs with the Administrative Law Judge's determination that the \$2,635 cost of a student field trip to a Broadway show should be disallowed from petitioner's final approved tuition rate for the 2002-03 fiscal year.

Accordingly, the Initial Decision of the OAL is adopted, for the reasons well stated therein, as the final decision in this matter.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: May 4, 2006

Date of Mailing: May 4, 2006

* 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.*