

#111-11 (OAL Decision: Not yet available online)

BOARD OF EDUCATION OF THE	:	
TOWNSHIP OF MAURICE RIVER,	:	
CUMBERLAND COUNTY; BOARD OF	:	
EDUCATION OF THE TOWNSHIP OF	:	
COMMERCIAL, CUMBERLAND	:	
COUNTY; BOARD OF EDUCATION OF	:	
THE TOWNSHIP OF LAWRENCE,	:	COMMISSIONER OF EDUCATION
CUMBERLAND COUNTY; AND BOARD	:	
OF EDUCATION OF THE BOROUGH OF	:	
WOODBINE, CAPE MAY COUNTY,	:	
	:	DECISION
PETITIONERS,	:	
	:	
V.	:	
	:	
BOARD OF EDUCATION OF THE CITY	:	
OF MILLVILLE, CUMBERLAND	:	
COUNTY AND NEW JERSEY STATE	:	
DEPARTMENT OF EDUCATION,	:	
	:	
RESPONDENTS.	:	

SYNOPSIS

The petitioning Boards of Education send their high school students to Millville High School, and challenged the process in which the respondent calculated tuition for the 2006-2007 school year. They allege that improper methodology used in the calculations resulted in an overcharge of \$1,543 per student. Petitioners also sought an order declaring *N.J.A.C. 6A:23A-8.7* invalid. All parties filed motions for summary decision.

The ALJ found, *inter alia*, that: there is no dispute that, although respondent first estimated the tuition using the “A-41” method – which resulted in a higher per pupil tuition cost of \$6,147– a settlement was later reached with the respondent using an actual cost per student of \$4,657, and petitioners received tuition credits to reflect the difference; therefore nothing further may be awarded to petitioners, and the issue is moot; and there is no jurisdiction to hear petitioners’ challenge of the validity of *N.J.A.C. 6A:23A-8.7*. Accordingly, the ALJ denied the petitioners’ motion for summary decision and dismissed the petition.

Upon careful review and consideration, the Commissioner adopted the Initial Decision as the final decision for the reasons set forth therein.

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.

March 14, 2011

OAL DKT. NO. EDU 2892-09
AGENCY DKT. NO. 64-4/09

BOARD OF EDUCATION OF THE	:	
TOWNSHIP OF MAURICE RIVER,	:	
CUMBERLAND COUNTY; BOARD OF	:	
EDUCATION OF THE TOWNSHIP OF	:	
COMMERCIAL, CUMBERLAND	:	
COUNTY; BOARD OF EDUCATION OF	:	
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BOARD OF EDUCATION OF THE CITY	:	
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COUNTY AND NEW JERSEY STATE	:	
DEPARTMENT OF EDUCATION,	:	
	:	
RESPONDENTS.	:	
_____:	:	

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon such review, the Commissioner adopts the Initial Decision as the final decision for the reasons set forth therein. Accordingly, the petition is hereby dismissed.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: March 14, 2011

Date of Mailing: March 14, 2011

* Pursuant to *P.L.* 2008, c. 36 (*N.J.S.A.* 18A:6-9.1), Commissioner decisions are appealable to the Superior Court, Appellate Division.