

EDU #4116-06  
C # 162-07  
SB # 11-07

SCOTT EVANS, :  
 :  
PETITIONER-RESPONDENT, :  
 :  
V. :  
 :  
ATLANTIC CITY BOARD OF EDUCATION, : STATE BOARD OF EDUCATION  
VENTNOR CITY BOARD OF EDUCATION, :  
 : DECISION  
RESPONDENTS-APPELLANTS, :  
 :  
AND :  
 :  
MARGATE CITY BOARD OF EDUCATION, :  
LONGPORT BOARD OF EDUCATION, :  
 :  
RESPONDENTS, :  
 :  
AND :  
 :  
BRIGANTINE BOARD OF EDUCATION, :  
 :  
RESPONDENT-APPELLANT, :  
 :  
AND :  
 :  
DANIEL LOGGI, ATLANTIC COUNTY :  
SUPERINTENDENT OF SCHOOLS, :  
 :  
RESPONDENT. :  
\_\_\_\_\_ :

Decided by the Commissioner of Education, May 1, 2007

For the Petitioner-Respondent, Eric M. Bernstein & Associates, LLC  
(Philip G. George, Esq., of Counsel)

For the Respondent-Appellant Atlantic City Board of Education, Comegno  
Law Group, P.C. (John B. Comegno II, Esq., of Counsel)

For the Respondent-Appellant Ventnor City Board of Education, Wilson, Elser, Moskowitz, Edelman & Dicker LLP (Joan H. Langer, Esq., of Counsel)

For the Respondent-Appellant Brigantine Board of Education, Youngblood Corcoran Lafferty & Hyberg P.A. (Enid L. Hyberg, Esq., of Counsel)

For the Respondent Longport Board of Education, Subranni Ostrove & Zauber (Scott M. Zauber, Esq., of Counsel)

For the Respondent Margate City Board of Education, Augustine A. Repetto, Jr., Esq.

For the Respondent Daniel Loggi, Atlantic County Superintendent of Schools, Carolyn Labin, Deputy Attorney General (Anne M. Milgram, Attorney General of New Jersey)

The petitioner, a member of the Atlantic City Board of Education, filed a petition with the Commissioner of Education seeking a ruling that the representatives of the sending districts on the Atlantic City Board were prohibited from voting on the selection of a board solicitor. The Commissioner agreed with the petitioner, adopting the conclusion of the Administrative Law Judge that, in light of N.J.S.A. 18A:38-8.1,<sup>1</sup>

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<sup>1</sup> N.J.S.A. 18A:38-8.1 provides:

In addition to the members of the board of education of a Type I and Type II school district provided by law, in a school district which is receiving pupils from another district or districts pursuant to N.J.S.A. 18A:38-8, there shall be an additional member as provided pursuant to section 2 of this act to represent the board of education of each sending district. Any additional member shall be a member of the board of education of a sending district designated annually by the board of that district and shall be eligible to vote on the following matters before the receiving district board of education:

a. Tuition to be charged the sending district by the receiving district and the bill lists or contracts for the purchase, operation or maintenance of facilities, equipment and instructional materials to be used in the education of the pupils of the sending district;

b. New capital construction to be utilized by sending district pupils;

c. Appointment, transfer or removal of teaching staff members providing services to pupils of the sending district, including any teaching staff member who is a member of the receiving district's central administrative staff; and

sending district board members are not entitled to vote on the selection of a board solicitor.

The Atlantic City, Ventnor and Brigantine Boards filed the instant appeals to the State Board.

After a thorough review of the record, and upon consideration of the statutory scheme, we agree with the Commissioner that N.J.S.A. 18A:38-8.1 does not authorize representatives of sending districts to vote on the selection of a board solicitor. Consequently, we affirm the decision of the Commissioner.

November 7, 2007

Date of mailing \_\_\_\_\_

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d. Addition or deletion of curricular and extracurricular programs involving pupils of the sending district.