

MIDDLESEX COUNTY EDUCATIONAL :
SERVICES COMMISSION, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 NEW JERSEY STATE DEPARTMENT : DECISION
 OF EDUCATION, :
 :
 RESPONDENT. :
 :
 _____ :

SYNOPSIS

Petitioning Commission sought recalculation by the Office of Compliance (Department) of the sum determined by audit to be due to the Department. Commission sought reversal of the decision requiring the Commission to return \$90,709 to the Department.

ALJ concluded that the money in controversy was Chapter 192-193 unused funds that had been *borrowed* for use as teachers' salary differential payments and that those funds had to be reimbursed once the Commission received Teacher Quality Employment Act funds from the State. Commission was to return \$90,709 to the Department with interest earned.

Commissioner adopted findings and determination in initial decision as his own. Commissioner directed Commission to reimburse the Department \$90,709, along with any interest earned on such funds. Petition was dismissed.

OAL DKT. NO. EDU 6565-98
AGENCY DKT. NO. 189-6/98

MIDDLESEX COUNTY EDUCATIONAL :
SERVICES COMMISSION, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 NEW JERSEY STATE DEPARTMENT : DECISION
 OF EDUCATION, :
 :
 RESPONDENT. :

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 a careful and independent review of the record in this matter, the Commissioner agrees with the findings and conclusion of the Administrative Law Judge that petitioner must refund \$90,709 in unused Chapter 192-193 funds, along with any interest earned on these moneys, to the State Department of Education.

Accordingly, the initial decision of the OAL is affirmed for the reasons expressed therein. Petitioner is directed to reimburse the State Department of Education \$90,709, along with any interest earned on such funds, and the instant Petition of Appeal is hereby dismissed.*

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

April 16, 1999

* This decision, as the Commissioner's final determination in the instant matter, 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. 6:2-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.