

IN THE MATTER OF THE :
DISSOLUTION OF LOWER :
CAMDEN COUNTY REGIONAL : COMMISSIONER OF EDUCATION
HIGH SCHOOL DISTRICT NO. 1, :
CAMDEN COUNTY. : DECISION
_____:

SYNOPSIS

Petitioning Boards that are constituents of the Lower Camden County Regional High School District No. 1 (Regional District), which is being dissolved, sought reconsideration of that portion of the January 27, 1999 Assistant Commissioner decision denying petitioners' request for declaratory judgment barring the Regional District from passing any resolution regarding funding capital improvements at the present apportionment rate per constituent District with benefit beyond the dissolution period. The Commissioner granted petitioners' reconsideration request, solely with respect to the \$2.75 million lease purchase agreement approved by the Regional District referenced in Count VII of the amended petition.

Although the ALJ found that the subject of the lease purchase agreement is a capital project, he determined that, pursuant to *N.J.A.C. 6:22A-1.2(k)* and *N.J.S.A. 18A:7F-26*, the \$2.75 million lease purchase agreement does not constitute indebtedness as that word is used in *N.J.A.C. 6:3-7.2(b)*. Accordingly, the ALJ granted respondents' motion for summary decision and dismissed the petition.

The Commissioner affirmed the recommended decision of the ALJ for the reasons stated therein.

OAL DKT. NO. EDU 4210-99
AGENCY DKT. NO. 377-8/98

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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.¹

Upon his careful and independent review of the record, the Commissioner determines to affirm the recommended decision of the Administrative Law Judge for the reasons stated therein.

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter. Summary decision is granted to respondents and the within Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.²

COMMISSIONER OF EDUCATION

Date of Decision: February 25, 2000

Date of Mailing: _____

¹On February 3, 2000 a letter was received from Anat Gordon, Esq., requesting an extension of time in which to file exceptions on behalf of petitioners. *N.J.A.C.* 1:1-18.8 provides that requests for extensions of time limits for filings must be made no later than the day on which that time period is to expire. The expiration of the 13-day time period in which to file exceptions in this matter was January 27, 2000. Moreover, Ms. Gordon provided no basis for waiving this rule by reason of “emergency or other unforeseeable circumstances,” as required by *N.J.A.C.* 1:1-18.8(b). Therefore, the extension request was denied.

² This decision, as the Commissioner’s final determination, 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.