

VIVIAN DE WITT, CONSTANCE HARDING,	:	
PATRICIA MUHAMMAD, FRANCES	:	
QUINONES, FIDELIA N. UZOUKWU,	:	
DEBBY VENABLE, DEBONY VENABLE	:	
AND LORI WILLIAMS,	:	
	:	
PETITIONERS,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
NEW JERSEY STATE DEPARTMENT OF	:	DECISION
EDUCATION AND STATE-OPERATED	:	
SCHOOL DISTRICT OF THE CITY OF	:	
NEWARK, ESSEX COUNTY,	:	
	:	
RESPONDENTS.	:	
	:	

SYNOPSIS

Petitioners, residents of Newark, challenged the amount of State funding for the Newark School District’s early childhood program for the 1999-2000 school year. After the matter was transmitted to the OAL, 15 “global issues” common to this and other “Abbott” cases were resolved by the Chief ALJ.

After resolution of the global issues, the ALJ twice requested that the parties identify any outstanding local issues. No outstanding issues were identified by the parties. Rather, petitioners sought that the matter be placed in abeyance until the Supreme Court issues a decision in the global issues appeal. The ALJ dismissed the appeal as moot, noting that it pertains to a past school year and that any relief ultimately obtained by petitioners would be prospective. The appeal was also dismissed based on petitioners’ failure to comply with the order of a judge.

The Commissioner affirmed the decision of the ALJ for the reasons set forth therein.

OAL DKT. NO. EDU 7158-99
AGENCY DKT. NO. 100-5/99

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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.

Upon his full and independent review, the Commissioner concurs with the Administrative Law Judge that this matter must be dismissed as moot and because of petitioners' failure to comply with an order of a judge.

Accordingly, the Initial Decision of the OAL is affirmed, for the reasons clearly stated therein. The instant Petition of Appeal is hereby dismissed without prejudice to petitioners' participation in any appeal of the Commissioner's prior determination with respect to global issues.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: 10/01/01

Date of Mailing: 10/02/01

* 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. 6A:2-1.1 et seq.* Commissioner decisions are deemed filed three days after the date of mailing to the parties.