

JERSEY CITY COMMUNITY	:	
CHARTER SCHOOL,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
STATE-OPERATED SCHOOL DISTRICT OF	:	DECISION
THE CITY OF JERSEY CITY,	:	
HUDSON COUNTY,	:	
	:	
RESPONDENT.	:	
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SYNOPSIS

Petitioning Charter School sought payment of bus transportation costs incurred during the 2001-02 academic year from respondent local School District pursuant to *N.J.S.A.* 18A:36A-13. The District contended it met its legal obligation by offering bus tickets on public buses when it was not arranging private bus routes for petitioner’s charter school students. The Charter School then entered into its own contract with a bus company due to the issue of safety. The District reversed its policy and arranged transportation for other charter schools except for petitioner because petitioner had a preexisting contract.

The ALJ found that when the District voluntarily provided all other charter schools located in Jersey City with bus routes, the District automatically triggered the statutory requirement to treat all in-district students alike. The ALJ ordered the District to pay the Hudson County Transport, Inc., the sum of \$24,592 for services rendered to the Charter School from September 5 to December 5, 2001.

The Commissioner concurred with the findings and conclusions of the ALJ and ordered the District to pay the amount owed.

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.

August 8, 2003

OAL DKT. NO. EDU 5218-02
AGENCY DKT. NO. 128-4/02

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Exceptions of the State-operated School District and reply thereto of the Charter School were timely filed pursuant to *N.J.A.C.* 1:1-18.4 and fully considered by the Commissioner in his determination herein.

The District’s exceptions essentially recast and reiterate its arguments advanced below which the Commissioner finds were fully and fairly addressed by the Administrative Law Judge (ALJ) in his Initial Decision and, therefore, do not require further elaboration here. To the extent the District additionally challenges the ALJ’s credibility determinations with respect to the testimony of the Charter School’s Director (Carletta Martin-Goldston) vis-à-vis that of the District’s Acting Transportation Coordinator (Stanley Wojcik), the Commissioner is satisfied, based on the record before him, that the ALJ appropriately measured the plausibility of the testimony content in making his credibility assessments and reaching his factual findings and conclusions. It is also noted that credibility determinations of the finder of fact, who observed

the witnesses first-hand, are to be accorded great weight in the absence of any meaningful basis on which to challenge them. This is especially true where, as here, transcripts of the proceedings were not provided to the Commissioner. *See In re Morrison*, 216 *N.J. Super.* 143, 157-158 (App Div. 1987) and *N.J.S.A.* 51:14B-10(c).

Upon his full and independent review of the record, the Commissioner concurs with the findings and conclusions of the ALJ for the reasons clearly set forth in his decision.

Accordingly, the Initial Decision of the OAL is adopted. The District is hereby ordered to pay Hudson County Transport, Inc., \$24,592 for transportation services provided to Jersey City Community Charter School for the period September 5, 2001 to December 5, 2001.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: August 8, 2003

Date of Mailing: August 12, 2003

* This decision 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:4-1.1 *et seq.*