

BOARD OF EDUCATION OF THE TOWN OF HAMMONTON, ATLANTIC COUNTY,	:	
	:	
PETITIONER,	:	
	:	
AND	:	
	:	
BOARD OF EDUCATION OF THE TOWNSHIP OF EGG HARBOR, ATLANTIC COUNTY,	:	
	:	COMMISSIONER OF EDUCATION
PETITIONER,	:	
	:	DECISION
AND	:	
	:	
BOARD OF EDUCATION OF GALLOWAY TOWNSHIP, ATLANTIC COUNTY,	:	
	:	
PETITIONER,	:	
	:	
V.	:	
	:	
NEW JERSEY STATE DEPARTMENT OF EDUCATION AND WILLIAM L. LIBRERA, COMMISSIONER OF EDUCATION,	:	
	:	
RESPONDENTS.	:	<u>SYNOPSIS</u>

In consolidated matter, petitioning Boards contested the calculation of their school year aid being contrary to CEIFA.

The ALJ concluded that respondents and the Appellate Court had correctly addressed the issues in this matter and observed that the legislative intent of the FY03 Appropriations Act was to limit expenditures of the State treasury and that the Legislature’s action to enact the FY03 Appropriations Act superseded any and all statutory provisions which would increase such expenditures including, among others, CEIFA. The ALJ concluded that petitioners failed to demonstrate that respondents were required to recalculate CEIFA aid based upon petitioners’ student population counts; nor did petitioners demonstrate that respondents were required to apply any new or increased student population count for an updated calculation formula to increase their Core Curriculum Standards Aid, Demonstrably Effective Program Aid, or any other aids. The ALJ entered Summary Decision on behalf of respondents and denied petitioners’ Motions for Summary Decision.

The Commissioner concurred with the ALJ and the Appellate Court that the funding formula as set forth in CEIFA cannot coexist with the Legislature’s enacted State budget appropriation, and, consequently, must be deemed to be suspended by the adoption of the FY03 Appropriations Act.

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.

OAL DKT. NOS. EDU 4613-02, EDU 4614-02 AND EDU 6458-02 (CONSOLIDATED)
AGENCY DKT. NOS. 125-4/02, 123-4/-02 AND 153-5/02

BOARD OF EDUCATION OF THE TOWN	:	
OF HAMMONTON, ATLANTIC COUNTY,	:	
	:	
PETITIONER,	:	
	:	
AND	:	
	:	
BOARD OF EDUCATION OF THE	:	
TOWNSHIP OF EGG HARBOR,	:	
ATLANTIC COUNTY,	:	
	:	COMMISSIONER OF EDUCATION
PETITIONER,	:	
	:	DECISION
AND	:	
	:	
BOARD OF EDUCATION OF GALLOWAY	:	
TOWNSHIP, ATLANTIC COUNTY,	:	
	:	
PETITIONER,	:	
	:	
V.	:	
	:	
NEW JERSEY STATE DEPARTMENT OF	:	
EDUCATION AND WILLIAM L. LIBRERA,	:	
COMMISSIONER OF EDUCATION,	:	
	:	
RESPONDENTS.	:	
	:	
_____	:	

The record of this consolidated matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Joint exceptions of the Boards of Education of Egg Harbor and Hammonton, were timely filed pursuant to *N.J.A.C.* 1:1-18.4.

Petitioners' exceptions essentially recast and reiterate their arguments advanced below which the Commissioner determines were considered and addressed by the Administrative Law Judge (ALJ) in his Initial Decision and, therefore, these will not be revisited herein.

Upon his full and independent review, the Commissioner concurs with the ALJ and the guidance provided by the unpublished Appellate Division opinion of the Honorable Michael P. King, that the funding formula as set forth in CEIFA cannot coexist with the Legislature's enacted state budget appropriation and, consequently, must be deemed to be suspended by the adoption of the FY 03 Appropriations Act, at least for the duration of this particular Act. *See City of Camden v. Byrne*, 82 N.J. 133 (1980); *see, also, County of Essex v. Waldman*, 292 N.J. Super. 268 (App. Div. 1996), *certif. denied* 149 N.J. 139 (1997). Consequently, as the FY 03 Appropriations Act dictates the parties' statutory entitlement to state aid, petitioners cannot prevail on their claim that respondents are required to increase their CEIFA aid.

Accordingly, the Initial Decision of the OAL granting summary decision to respondents is adopted and the within Petitions of Appeal are hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: October 27, 2003

Date of Mailing: October 29, 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.*