

BOARD OF EDUCATION OF THE :
CITY OF VINELAND, :
CUMBERLAND COUNTY, :
PETITIONER, : COMMISSIONER OF EDUCATION
V. : DECISION
NEW JERSEY STATE DEPARTMENT :
OF EDUCATION, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioning “Abbott” Board of Education appealed the Department of Education’s determination with respect to funding for the district’s 2004-05 preschool program.

Initially, the ALJ determined that this proceeding should encompass issues arising from Board determinations on the budget requests of its contracted private preschool providers, since those determinations were made in conformance with Department directives and it is in the best interest of all involved to resolve the district’s preschool budget in a single proceeding. Of the issues in dispute, only three remained following settlement negotiations between the parties. On the remaining issues, the ALJ rejected one private provider’s request for a second custodian and two private providers’ requests for additional compensation for office staff, but granted, based on the particular circumstances of this matter, that full rather than prorated salary amounts should be funded for teaching staff members assigned to smaller-than-permitted class sizes.

The Commissioner adopted the ALJ’s decision as his own.

<p>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.</p>

April 2, 2004

OAL DKT. NO. 0367-04
AGENCY DKT. NO. 28-1/04

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The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. No exceptions were filed by the parties.

Pursuant to *N.J.A.C.* 1:1-19.1(d), the Initial Decision is the final decision in this matter with respect to those issues resolved between the parties. With respect to the three issues remaining in dispute, the Commissioner is satisfied upon his full and independent review that the findings of the Administrative Law Judge (ALJ) are amply supported by the record, and he, moreover, concurs in full with the ALJ's analyses and conclusions based upon those findings.

Accordingly, for the reasons expressed therein, the Initial Decision is adopted as the final decision in this matter.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: April 2, 2004

Date of Mailing: April 5, 2004

* Pursuant to *P.L.* 2003, c.122, "Abbott" determinations are final agency actions appealable directly to the Appellate Division of the New Jersey Superior Court. In accordance with the June 24, 2003 Order of the Supreme Court, such appeals must be filed within six days of the Commissioner's decision.