

159-04 (Link to OAL Decision: http://lawlibrary.rutgers.edu/oal/html/initial/edu01705-04_1.html)

BOARD OF EDUCATION OF THE :
CITY OF ELIZABETH, UNION 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.

Of the issues in dispute, only two remained following settlement negotiations between the parties. On the remaining issues, the ALJ, in light of testimony provided and the record, determined in favor of the respondent Department. The ALJ found no legal requirement to provide computers exclusively for teachers nor does the State’s Technology Plan require a five to one ratio for computers for students. As to the appropriate method for funding preschool disabled children, the ALJ found they are already included in enrollment figures which drive the amount of CEIFA aid and the State is not mandated to exclusively fund preschool in the *Abbott* districts.

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 15, 2004

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) 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. (Initial Decision at 3) With respect to the two issues remaining in dispute, the funding of preschool disabled students and the District's special request for additional funding for five computers in each of 40 new classrooms, the Commissioner is satisfied upon his full and independent review of this record, which included a transcript of the hearing conducted on March 2, 2004 at the OAL, that the findings and conclusions of the Administrative Law Judge are amply supported by the record and should not be disturbed.

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 15, 2004

Date of Mailing: April 15, 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.