

#400-04

OAL DKT. NO. EDU 7893-03 ([http://lawlibrary.rutgers.edu/oal/html/initial/edu07893-03\\_1.html](http://lawlibrary.rutgers.edu/oal/html/initial/edu07893-03_1.html))  
AGENCY DKT. NO. 228-6/03

YOUTH CONSULTATION SERVICE, INC.,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
NEW JERSEY STATE DEPARTMENT OF	:	
EDUCATION, DIVISION OF FINANCE,	:	DECISION
RICHARD ROSENBERG, ASSISTANT	:	
COMMISSIONER,	:	
	:	
RESPONDENT.	:	
_____	:	

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. Respondent’s exceptions and petitioner’s reply thereto are duly noted as submitted in accordance with *N.J.A.C.* 1:1-18.4, and were considered by the Commissioner in reaching his decision.

Upon careful and independent review of the record, the Commissioner concurs with the findings and conclusions of the Administrative Law Judge. In so doing, the Commissioner agrees that, prior to the recent adoption of the technical amendment of *N.J.A.C.* 6A:23-4.2(a)(2), the rule lacked clarity. The amended regulation, however, clearly obligates private schools for the disabled to notify sending districts during the year of anticipated increases in final tuition rates in excess of 10 percent above the tentative tuition rates charged, a clarification that should prevent the circumstances herein from arising in the future.

Accordingly, the Initial Decision is adopted for the reasons expressed therein.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: October 13, 2004  
Date of Mailing: October 14, 2004

\* 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.*