

#185-09 (OAL Decision: Not yet available online)

OAL DKT. NO. EDU 2213-07

AGENCY DKT. NO. 50-2/07

BOARD OF EDUCATION OF THE :
BOROUGH OF NEWFIELD, :
GLOUCESTER COUNTY, :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : SUPPLEMENTAL DECISION
BUENA REGIONAL SCHOOL :
DISTRICT, ATLANTIC COUNTY, :
RESPONDENT. :

On January 27, 2009 the Office of Administrative Law sent to the Commissioner its recommendation for approval of a settlement between the boards of education of the Borough of Newfield and the Buena Regional School District, which settlement would effectuate a severance of their sending-receiving relationship. By way of a decision dated March 11, 2009, the Commissioner directed that, pursuant to *N.J.A.C. 6A:3-6.1(b)*, the two districts give public notice of the proposed severance at their respective next regular board meetings. The boards were to advise the public that the Commissioner of Education would accept public comment for a twenty-day period after such notice was given, and instruct the public how to effectuate the submission of such comment.

Reports to the Commissioner indicate that on March 31, 2009 and April 2, 2009, respectively, the Buena Regional and Newfield boards of education gave the public notice of the proposed school district severance agreement and advised of the procedures available to convey comment to the Commissioner of Education. During the twenty-day comment period

the Commissioner received comments from private citizens, legislators and the Borough of Newfield. All were in favor of severance. Reply comments were received from both school districts.

As set forth in the Commissioner's original decision dated March 11, 2009, the parties have satisfied the statutory criteria¹ requisite to effectuating the termination of a sending-receiving relationship, including the production of a thorough feasibility study. The parties having now also satisfied the requirements of *N.J.A.C.* 6A:3-6.1(b), and no objections to the proposed severance having been filed, the Commissioner approves the parties' settlement, stipulating the terms and timing of the transition.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

Date of Decision: June 11, 2009

Date of Mailing: June 11, 2009

¹ The party proposing the severance must provide the Commissioner with a thorough feasibility study which addresses the likely educational, financial and demographic effects on all participating districts. The other party to the sending-receiving relationship may respond. After consideration of the circumstances, the Commissioner must make an equitable determination. *N.J.S.A.* 18A:38-13.