

#449-13 (OAL Decision: Not available online)

BOARD OF EDUCATION OF THE TOWN :
OF HARRISON, HUDSON COUNTY, :

PETITIONER, :

V. : COMMISSIONER OF EDUCATION
DECISION :

BOARD OF EDUCATION OF THE :
BOROUGH OF EAST NEWARK, :
HUDSON COUNTY, :

RESPONDENT. :

SYNOPSIS

In May 2013, the respondent Board of Education of East Newark (East Newark) ratified a resolution terminating a shared services agreement with the petitioning Board of Education of Harrison (Harrison) for the education of East Newark students. Subsequently, Harrison sought emergent relief demanding that East Newark be barred from withdrawing from the send-receive relationship with Harrison, and the matter was transmitted to the Office of Administrative Law on July 2, 2013. East Newark thereafter rescinded its resolution to withdraw its high school students.

The ALJ found that: East Newark’s resolution to withdraw its high school students from the send/receive relationship with Harrison has been rescinded, and therefore the status quo is preserved and the matter has been rendered moot as there is no remedy available to the petitioner; and East Newark’s approval of the tuition contract with Harrison and execution of that contract further render the matter moot. Accordingly, the ALJ concluded that the matter is moot, and dismissed the petition with prejudice.

The Commissioner concurred with the ALJ that the matter is appropriately dismissed as moot. Accordingly, the Initial Decision was adopted as the final decision in this matter, and the petition was dismissed.

<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>

December 19, 2013

OAL DKT. NO. EDU 09215-13
AGENCY DKT. NO. 137-6/13

BOARD OF EDUCATION OF THE TOWN	:	
OF HARRISON, HUDSON COUNTY,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	DECISION
BOARD OF EDUCATION OF THE	:	
BOROUGH OF EAST NEWARK,	:	
HUDSON COUNTY,	:	
	:	
RESPONDENT.	:	
_____	:	

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions to the Initial Decision.

Upon a comprehensive review of the record in this matter, the Commissioner concurs with the Administrative Law Judge that the matter is appropriately dismissed as moot. Accordingly, the recommended decision of the OAL is adopted as the final decision in this matter for the reasons stated therein and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: December 19, 2013

Date of Mailing: December 20, 2013

¹ This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L.* 2008, *c.* 36. (*N.J.S.A.* 18A:6-9.1)