

519-25R
OAL Dkt. No. EDU 13120-24
Agency Dkt. No. 277-8/24

New Jersey Commissioner of Education
Final Decision

The Bridge Academy,

Petitioner,

v.

New Jersey Department of Education, Division
of Finance and Business Services, Office of Fiscal
Policy and Planning,

Respondent.

The record of this matter, the Initial Decision of the Office of Administrative Law (OAL), the exceptions filed by the New Jersey Department of Education, Division of Finance and Business Services, Office of Fiscal Policy and Planning (Department) pursuant to *N.J.A.C. 1:1-18.4*, and the Bridge Academy's reply thereto, have been reviewed and considered.

The Bridge Academy is an approved private school for students with disabilities (APSSD). On June 10, 2024, following a review of Bridge Academy's audited financial statements for the 2022-2023 school year, the Department notified Bridge Academy that it was disallowing \$39,224, a portion of the monies paid to Bart Zantzing—information technology (IT) consultant—during the 2022-2023 school year. The Department determined that the total amount Bridge Academy paid to Zantzing exceeded the maximum consultant fees allowed under *N.J.A.C. 6A:23A-*

18.6(a)(8) and/or (9).¹ On August 15, 2024, the Department denied Bridge Academy’s appeal of the decision pursuant to *N.J.A.C. 6A:23A-18.6(a)(8)*. This appeal to the Commissioner followed, and the matter was transmitted to the OAL for further proceedings.

The parties cross-moved for summary decision. The ALJ concluded that the material facts were not disputed and ruled in favor of Bridge Academy. Specifically, the ALJ held that Bridge Academy “proved by a preponderance of the credible undisputed evidence” that the Department’s decision to disallow a portion of the fees paid to Zantzinger during the 2022-2023 school year was arbitrary, capricious, and not in accordance with law. Initial Decision, at 11. The ALJ agreed with Bridge Academy that the regulations cited by the Department were not applicable to Zantzinger because he was a consultant and not a salaried employee of the APSSD.

In its exceptions, the Department argues that the ALJ erred by: (1) failing to acknowledge the Department’s opposition to Bridge Academy’s motion for summary decision; (2) treating the verified petition of appeal, signed by Bridge Academy’s director and business administrator, as a certification; (3) determining that summary decision was appropriate even though the Department disputed portions of Bridge Academy’s statement of material facts; and (4) failing to conclude that *N.J.A.C. 6A:23A-18.6(a)(8)* is applicable to the consulting arrangement with Zantzinger. The Department asks the Commissioner to reverse and remand for entry of summary decision in its favor, or, in the alternative, for an evidentiary hearing.

In response, Bridge Academy asserts that it was appropriate for the ALJ to treat the verified petition as an “affidavit” contemplated by the OAL’s summary judgment regulation,

¹ While the Department cited both regulations in its initial written determination letter, it did not cite *N.J.A.C. 6A:23A-18.6(a)(9)* in its denial of Bridge Academy’s appeal.

N.J.A.C. 1:1-12.5. It contends that none of the material facts are disputed, and that the various regulations relied upon by the Department are not applicable to the APSSD's payment of independent contractors who do not receive a salary. Thus, Bridge Academy asks the Commissioner to adopt the Initial Decision overturning the Department's disallowance of payments to Zantzing for the 2022-2023 school year.

Upon review, the Commissioner is constrained to remand this matter to the OAL for further proceedings. Initially, when there is a challenge to a finding by the Office of Fiscal Policy and Planning, the Commissioner is not legally mandated to give deference to his staff but instead must determine if the finding was legally appropriate. *Bd. of Trs. of Passaic Cnty. Elks Cerebral Palsy Ctr. v. N.J. Dep't of Educ.*, Commissioner Decision No. 334-14 at 4 (Aug. 14, 2014). The ALJ utilized the arbitrary, capricious, or unreasonable standard of review in the Initial Decision. On remand, the ALJ shall apply the proper standard of review.

Furthermore, the Commissioner disagrees with the ALJ that this matter is ripe for summary decision. Summary decision may be rendered "if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law." N.J.A.C. 1:1-12.5. "Under this standard, the . . . agency must determine 'whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party in consideration of the applicable evidentiary standard, are sufficient to permit a rational factfinder to resolve the alleged disputed issue in favor of the non-moving party.'" *Contini v. Bd. of Educ. of Newark*, 286 N.J. Super. 106, 122 (1985) (quoting *Brill v. Guardian Life Ins. Co.*, 142 N.J. 520, 523 (1995)).

The Commissioner finds that the limited and disputed factual record lacks sufficient competent evidential materials to support a summary determination in this matter. In *Bergen Center for Child Development v. New Jersey Department of Education, Office of Fiscal Accountability and Compliance*, OAL Dkt. No. EDU 12485-18, Initial Decision (Dec. 5, 2019), adopted, Comm’r (Mar. 2, 2020), which involved a dispute over disallowed monies paid by an APSSD to an accountant consultant, the ALJ denied the Department’s motion for summary decision. Thereafter, the ALJ heard testimony from the accountant regarding the nature, scope, and performance of her job duties, as well as from the Department’s supervising auditor, and reviewed invoices, payment records, and other documentary evidence prior to rendering a decision in favor of the APSSD.

In contrast, here, no such testimony or evidence was provided to the ALJ by either party. Instead, in support of its motion for summary decision, Bridge Academy relied upon its amended verified petition of appeal, a certification from its business administrator asserting that the allegations in the pleadings were true, the Department’s determination letters, the employment agreement between Bridge Academy and Zantzinger, and the Department’s answer. In a written response, the Department opposed the motion and disputed certain facts as alleged by Bridge Academy pertaining to the nature, scope, and performance of Zantzinger’s job duties. As *Bergen Center* illustrates, these matters are fact-sensitive and must be decided on a case-by-case basis upon thorough consideration of the relevant competent evidence. In sum, the Commissioner finds that the limited disputed factual record is insufficient to support a summary determination as to whether the Department’s disallowance of monies paid to Zantzinger was legally appropriate.

Accordingly, the Initial Decision is rejected and the matter is remanded to the OAL for further proceedings.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to be 'L. A.', is positioned above the title 'COMMISSIONER OF EDUCATION'.

COMMISSIONER OF EDUCATION

Date of Decision: November 7, 2025
Date of Mailing: November 10, 2025



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

SUMMARY DECISION

OAL DKT. NO. EDU 13120-24

AGENCY REF. NO. 277-8/24

THE BRIDGE ACADEMY,

Petitioner,

v.

**NEW JERSEY DEPARTMENT OF EDUCATION,
DIVISION OF FINANCE AND BUSINESS SERVICES,
OFFICE OF FISCAL POLICY AND PLANNING,**

Respondent.

David B. Rubin, Esq., for petitioner (David B. Rubin, P.C., attorney)

Sadia Ahsanuddin, Deputy Attorney General, for respondent (Matthew J. Platkin,
Attorney General of New Jersey, attorney)

Record Closed: June 2, 2025

Decided: July 8, 2025

BEFORE **TRICIA M. CALIGUIRE**, ALJ:

STATEMENT OF THE CASE

Petitioner, The Bridge Academy (Bridge), appeals the decision of respondent, the New Jersey Department of Education, Division of Finance and Business Services, Office of Fiscal Policy and Planning (OFPP), to disallow \$39,224 in compensation paid to

information technology (IT) consultant Bart Zantzinger for services he provided Bridge during the 2022–2023 school year.

PROCEDURAL HISTORY

By notice dated June 10, 2024, the OFPP disallowed \$39,224 paid to Zantzinger because it was above the lowest maximum salary and/or fee permitted under N.J.A.C. 6A:23A-18.6(a)(9). On August 26, 2024, Bridge filed an appeal of this ruling with the Commissioner of Education. On September 13, 2024, the OFPP answered the petition, denying the legal conclusions. The Commissioner transmitted the petition to the Office of Administrative Law (OAL), where it was filed on September 16, 2024, for hearing as a contested matter, pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -23.

A prehearing conference was held on November 6, 2024, during which the parties stated their intention to file cross-motions for summary decision following the conclusion of discovery. A briefing schedule was issued and on April 14, 2025, the parties filed cross-motions for summary decision. Bridge filed responses on April 28 and May 28, 2025; with an extension, the OFPP filed its response on May 30, 2025, which was received on June 2, 2025. The cross-motions are now ripe for review.

FACTUAL DISCUSSION AND FINDINGS

In its response brief, the OFPP challenges Bridge’s version of undisputed facts on the grounds that Bridge “provided no exhibits and no certification [and merely] repeats the assertions it made in its petition of appeal with absolutely no evidence.” Ltr. Br. of Resp’t in Response to Pet’r’s Motion for Summary Decision (May 30, 2025), at 2. The OFPP goes on to note that Bridge raised no dispute as to the material facts presented by the OFPP and therefore urges me to accept those facts. Id. at 3.

Bridge did, however, provide a certification in support of its proposed statement of undisputed facts in the form of an affidavit from Jayne Pellegrino, Bridge’s Director and Business Administrator. Petition of Appeal (August 26, 2024) (Petition), at 6. Since this affidavit was already part of the record, Bridge chose to rely on it rather than “to unduly

burden the record” with additional documents. Ltr. Br. of Pet’r in Support of Cross-Motion for Summary Decision (April 14, 2025), at 1.

On review of the competing versions of undisputed material facts, I **FIND** that while Bridge offered a much more comprehensive description of the terms of its contract with Zantzingler and of the work he and his associates performed for Bridge, both parties agree that Bridge hired Zantzingler as an IT consultant, not as an employee. There is no dispute regarding the following additional statements and therefore, I **FIND** as **FACTS**:

Bridge is an approved private school for students with disabilities (APSSD), having been approved by the Department of Education pursuant to the procedures described in N.J.A.C. 6A:14-7.2, and -7.3.

During the 2022–2023 school year, Bridge retained Zantzingler to provide IT consultant services at the rate of \$100/hour, for 1,059.37 hours.

Zantzingler was not an employee of Bridge but an independent contractor. See Petition, Ex. B. His business is located in South Carolina. Ltr. Br. of Resp’t in Support of Cross-Motion for Summary Decision (April 14, 2025) (Resp’t’s Br.), at 4.

By the terms of his contract with Bridge, Zantzingler worked for Bridge on an as-needed basis, subject to the schedule dictated by Bridge to prevent the disruption of school activities.

On June 10, 2024, Elise Sadler-Williams, OFPP Planning Associate, New Jersey Department of Education, Division of Finance and Business Services, sent a letter to Bridge, disallowing \$39,224 in compensation paid to Zantzingler during the 2022–2023 school year because it was above the lowest maximum salary/fee permitted by N.J.A.C. 6A:23A-18.6(a)(9). Petition, Ex. A. In this letter, Sadler-Williams states that the moneys paid to Zantzingler by Bridge were “consultant fees” which exceeded the “maximum consultant fee guidance in accordance with N.J.A.C. 6A:23A-18.6(a)(8), and N.J.A.C. 6A:23A-18.3(o), (p).” Ibid.

On August 7, 2024, Bridge, through counsel, sent a letter to Thomas McMahon, Director of the OFPP, appealing Sadler-Williams' disallowance. Petition, Ex. C. That appeal was denied by letter of August 15, 2024. Petition, Ex. D.

On August 26, 2024, Bridge filed a petition of appeal with the Commissioner of Education, challenging the disallowance.

LEGAL ANALYSIS AND CONCLUSIONS

Summary decision is the well-recognized administrative counterpart to summary judgment, a procedure for resolving cases in which the facts that are crucial to the determination of the matters at issue are not actually in dispute. By applying the applicable law and standard of proof to the undisputed facts, a decision may be reached in a case without the necessity of a hearing at which evidence is presented and testimony is taken. N.J.A.C. 1:1-12.5. Here, Bridge bears the burden of demonstrating that the Department's disallowance of a portion of the fees paid to Zantzinger in its calculation of actual cost per pupil in the 2022–2023 school year was arbitrary, capricious, or unreasonable. Titusville Acad. v. N.J. Dep't of Educ., EDU 00651-06, Initial Decision (May 21, 2007), adopted, Comm'r (July 6, 2007), <<http://njlaw.rutgers.edu/collections/oal/>>; Cath. Fam. & Cmty. Servs. v. N.J. Dep't of Educ., EDU 01051-01, Initial Decision (Jan. 14, 2003), adopted, Comm'r (Mar. 3, 2003), adopted, State Bd. of Educ. (July 2, 2003), <<http://www.nj.gov/education/legal/>>.

The regulations provide that the decision sought by the movant “may be rendered if the papers and discovery which have been filed, together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law.” N.J.A.C. 1:1-12.5(b). The rule further provides that an adverse party must respond by affidavit setting forth specific facts showing that there is a genuine issue that can only be determined at an evidentiary hearing. Ibid. The OAL rule is modeled on New Jersey Court Rule 4:46-2. The New Jersey Supreme Court has explained that when deciding a motion for summary judgment under R. 4:46-2,

a determination whether there exists a “genuine issue” of material fact that precludes summary judgment requires the motion judge to consider whether the competent evidential materials presented, when viewed in the light most favorable to the non-moving party, are sufficient to permit a rational factfinder to resolve the alleged disputed issue in favor of the non-moving party.

[Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 540 (1995).]

The parties agree as to the basic facts. The issue in dispute is whether the amount Bridge paid to Zantzinger—who both parties agree is a consultant—was excessive under the applicable statute and regulations. Therefore, I **CONCLUDE** that there is no dispute as to the material facts and the issue raised by the cross-motions for summary decision can be decided as a matter of law.

New Jersey law requires every school district to provide a free and appropriate education to students who are classified as disabled and in need of special services. N.J.S.A. 18A:46-13. A district that lacks the ability to provide special education and related services (in whole or in part) may satisfy its obligation by sending special needs students to a State-approved facility or program, like Bridge. N.J.S.A. 18A:46-14. As an APSSD, Bridge receives public school special education students and charges tuition for each student, which is paid by the sending boards of education, “but in no case shall the tuition rate exceed the actual cost per pupil as determined under rules prescribed by the commissioner and approved by the State Board of Education.” N.J.S.A. 18A:46-21.

The statute recognizes that tuition is paid to schools like Bridge with public funds, to educate public school students with needs that cannot be met within their home school districts. Council of Priv. Schs. for Child. with Special Needs v. Cooperman, 205 N.J. Super. 544 (App. Div. 1985). Accordingly, the clear intent of the statute is that the tuition charged be fair and reasonably related to the educational services actually provided by the private school. Regulations promulgated by the Department are designed to implement this statutory intent. N.J.A.C. 6A:23A-18.1 to -18.16. The Department of Education, through the OFPP, is responsible for monitoring APSSDs to ensure that the tuition rates charged to sending districts comply with these regulatory mandates:

The board of directors of an APSSD located in New Jersey shall determine the final tuition rate charged to be an amount less than or equal to the certified actual cost per student as determined by an independent school auditor. The board of directors shall identify the certified actual cost per student and final tuition rate charged in the audited financial statements submitted to the Department pursuant to N.J.A.C. 6A:23A-18.10.

[N.J.A.C. 6A:23A-18.3(a).]

When reviewing the annual financial statements of an APSSD, the Department is authorized to disallow certain costs “in the calculation of the certified actual cost per student” charged to sending districts. N.J.A.C. 6A:23A-18.6(a). Specifically, the OFPP disallowed \$39,224 of the total compensation paid to Zantzinger during the 2022–2023 school year because it was above the lowest maximum salary/fee permitted by N.J.A.C. 6A:23A-18.6(a)(9), which states:

(a) Costs that are not allowable in the calculation of the certified actual cost per student shall include the following:

9. A salary of an employee not covered by (a)6 above in excess of the lowest maximum allowable salary in the same county according to the list of maximum allowable salaries determined in N.J.A.C. 6A:23A-18.3(o), (p), and (q) whose position does not require certification, license, or bachelor's degree, including an individual with the director, assistant director, executive director, or business manager job title whose job function(s) are not consistent with those functions described in N.J.A.C. 6A:23A-18.2.

[N.J.A.C. 6A:23A-18.6(a)(9).]

In its brief, however, the OFPP states that through discovery, it determined that Zantzinger “did not serve as a certified staff member,” but as a consultant. Even so, the disallowance was still proper as the amount of fees Bridge paid Zantzinger “exceeded [the] maximum consultant fee in accordance with N.J.A.C. 6A:23A-18.6(a)(8) and

N.J.A.C. 6A:23A-18.3(o) and (p).” Resp’t’s Br. at 4, 5.¹ The regulations now relied on by the OFPP state, in pertinent part:

(a) Costs that are not allowable in the calculation of the certified actual cost per student shall include the following:

8. A salary in excess of the associated maximum allowable salary determined pursuant to N.J.A.C. 6A:23A-18.3(o), (p), and (q) for a staff member or consultant whose position requires certification, license, or a bachelor's or master's degree, including a director, assistant director, executive director, and business manager.

[N.J.A.C. 6A:23A-18.6(a)(8).]

(o) An APSSD shall reference as guidance the Commissioner-published list of maximum allowable salaries by job title and county, according to the job titles contained in N.J.A.C. 6A:9B relevant to APSSDs. Except for administrative job titles referenced in (p) below, maximum allowable salaries are based on the highest contracted salaries (not including payment of unused sick and vacation days and severance pay) of certified staff by job title in a district board of education for any prior year, indexed by the average increase in salary between the two preceding school years for each job title. The salaries are based on a 12-month contract period from July 1 through June 30 and the maximum allowable salary of an APSSD staff member shall be prorated for staff employed for less than 12 months. Under no circumstances shall the maximum allowable salary calculated be less than the corresponding salary in the prior year for the same job title and county. Unrecognized job titles shall be correlated to similar job titles in public schools based on their functional activities. The maximum allowable salary of a staff member holding a part-time or split-time position shall be prorated including the salary of staff employed in entities defined in (e) and (f) above.

(p) An APSSD shall reference as guidance the Commissioner-published list of maximum allowable salaries by administrative and job titles and county according to the job titles contained in N.J.A.C. 6A:9B and 6A:23A-18.2 relevant to APSSDs. Maximum allowable salaries are based on the

¹ To add to the confusion, Sadler-Williams cites both N.J.A.C. 6A:23A-18.6(a)(8) **AND** (9) (in separate sentences), but when rejecting Bridge’s appeal, McMahon cites only -18.6(a)(8). See Petition, Exs. A and D.

highest contracted salary (not including payment of unused sick and vacation days and severance pay) by administrative job title for the entire State in a district board of education, special services district board of education, and educational services commission with comparable average daily enrollments for any prior year, indexed by the average increase in salary between the two preceding school years for each job title. The salaries are based on a 12-month contract period from July 1 through June 30 and the maximum allowable salary of the APSSD staff member shall be prorated for staff employed for less than 12 months. Each district board of education, special services district board of education, and educational services commission with an ADE equal to or less than the highest APSSD ADE will be considered comparable. Under no circumstances shall the maximum allowable salary calculated be less than the corresponding salary in the prior year for the same job title. The maximum allowable salary of a staff member holding a part-time or split-time position shall be prorated including the salary of staff employed in entities defined in (e) and (f) above.

[N.J.A.C. 6A:23A-18.3(o), (p).]

Bridge contends that the above regulations are not applicable here because Zantzinger is a consultant, not an employee. The next section of the regulation, N.J.A.C. 6A:23A-18.3(q), does describe payment of consultants:

(q) An APSSD shall use the recognized position title list published annually by the Commissioner, or his or her designee, to employ staff whose position requires certification in accordance with N.J.A.C. 6A:9B or a bachelor's or master's degree, pursuant to N.J.A.C. 6A:23A-18.2. An APSSD shall hire only staff or consultants in job titles that require certification or a bachelor's or master's degree if the titles are included on the recognized job titles list, or if such titles are unrecognized job titles that are approved annually by an executive county superintendent in accordance with N.J.A.C. 6A:9B-5.5. The APSSD may use unrecognized administrative job titles, but maximum salaries for the titles are restricted in accordance with N.J.A.C. 6A:23A-18.6(a)9. The maximum salaries of APSSD-hired staff in administrative or support job titles, such as, but not limited to, chief executive officer or chief financial officer, shall be limited to the maximum salary of a director in accordance with (p) above.

Bridge relies on the analysis of this last-quoted section of the regulation in Bergen Center for Child Development v. New Jersey Department of Education, 2019 N.J. AGEN LEXIS 1059 (December 5, 2019), adopted, 2020 N.J. AGEN LEXIS 275 (March 2, 2020). The ALJ found, and the Commissioner agreed, that N.J.A.C. 6A:23A-18.3(q) did not support the disallowance of a portion of the fees paid to an outside accountant for the reasons discussed below.

First, the regulation states that “an APSSD shall use the recognized position title list published annually by the Commissioner, or his or her designee, to employ staff whose position requires certification in accordance with N.J.A.C. 6A:9B or a bachelor’s or master’s degree, pursuant to N.J.A.C. 6A:23A-18.2.” The ALJ concluded that this section of the regulation does not apply to a consultant who is not employed as a member of the school staff. Similarly, as an IT consultant, Zantzinger was not required to be certified as an educator, nor did he serve in one of the job titles listed in N.J.A.C. 6A:23A-18.2, which require degrees.

Second, the regulation requires that “[a]n APSSD shall hire only staff or consultants in job titles that require certification or a bachelor’s or master’s degree if the titles are included on the recognized job titles list, or if such titles are unrecognized job titles that are approved annually by an executive county superintendent in accordance with N.J.A.C. 6A:9B-5.5.” With this phrase, the regulation now expands its scope to individuals serving as consultants, like Zantzinger. It provides that an APSSD can retain consultants in “job titles that require certification [or a degree]” if the title is on the approved list, or specially approved by the Executive County Superintendent. But again, as noted above, Zantzinger was not retained in a title requiring certification or a degree, making this part of the regulation inapplicable.

The OFPP counters that under N.J.A.C. 6A:23A-18.5(a)(22), Zantzinger, an IT consultant, is required to have a bachelor’s degree. Resp’t’s Br. at 15. The regulation states:

An APSSD shall ensure school staff; consultants; subcontractors, including members of a management

company; and anyone working with students hold the proper school certification, license, or bachelor's degree required pursuant to N.J.A.C. 6A:23A-18.2 to provide the services being rendered.

[N.J.A.C. 6A:23A-18.5(a)(22).]

The regulation does not specifically require consultants to hold degrees or certification unless such a requirement is found in N.J.A.C. 6A:23A-18.2, the definitions section. In that section, the definitions of “business managers” and “directors” include the requirement of bachelor's degrees or certification. This section of the regulations does not include any requirements for consultants and/or IT professionals.

The OFPP attempts to link the regulations setting maximum annual salaries for staff and consultants with those also requiring certain staff and consultants to hold certifications or degrees. See Resp't's Br. at 12. But the OFPP cannot make this connection without some evidence that Bridge, or the Department of Education, or the County Superintendent requires IT professionals working in APSSDs to have degrees, certification, and/or licenses. No such evidence has been made available, and there is no reason to conclude that such would be presented in an evidentiary hearing.

Finally, the OFPP cites the requirements that employees of an APSSD must provide “administrative and business functions on the APSSD's premises . . . during normal hours of operation.” Resp't's Br. at 15, citing N.J.A.C. 6A:23A-18.5(e). Again, Zantzinger was not an employee, and even if this location requirement could be attached to the work he performed, there is a strong argument that he was connected (virtually) to the computer systems located at Bridge.

The OFPP argues that Bridge's position, taken to its logical conclusion, means that there is no cap on the amount that a private school for the disabled could pay its outside consultants—as long as degrees or some form of certification are not a requirement of their job titles. And those “excessive” payments would then be passed on to the taxpayers—a situation that these regulations were adopted to prevent. If that is the result, the remedy lies first with the Legislature, to revise the statute, and then with the Department of Education, to revise its regulations accordingly.

Based on the foregoing, I **CONCLUDE** that petitioner The Bridge Academy has proved by a preponderance of the credible undisputed evidence that the decision of respondent OFPP to disallow a portion of the fees paid to Bart Zantzinger during the 2022–2023 school year was arbitrary, capricious, and not in accordance with the law.

ORDER

For the reasons stated above, I hereby **ORDER** that the cross-motion of **THE BRIDGE ACADEMY** for summary decision in its favor is **GRANTED** and the cross-motion of respondent **DEPARTMENT OF EDUCATION, OFFICE OF FISCAL POLICY AND PLANNING** for summary decision in its favor is **DENIED**.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified, or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify, or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**. Exceptions may be filed by email to ControversiesDisputesFilings@doe.nj.gov or by mail to Office of Controversies

and Disputes, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500. A copy of any exceptions must be sent to the judge and to the other parties.

July 8, 2025

DATE



TRICIA M. CALIGUIRE, ALJ

Date Received at Agency:

Date Mailed to Parties:

TMC/kl