

EDU #2779-06 (735-03 on remand), 2781-06 (8853-01 on remand) and 496-06
C #355-06
SB # 41-06, 42-06 and 43-06

BOARD OF EDUCATION OF THE LENAPE :
REGIONAL HIGH SCHOOL DISTRICT, :
BURLINGTON COUNTY, :

PETITIONER-APPELLANT, : STATE BOARD OF EDUCATION

V. : DECISION

NEW JERSEY STATE DEPARTMENT OF :
EDUCATION, OFFICE OF SPECIAL :
EDUCATION PROGRAMS, :

RESPONDENT-RESPONDENT, :

AND :

A.M., on behalf of minor child, P.M., :

INTERVENOR-CROSS/APPELLANT. :

Decided by the Acting Commissioner of Education, October 16, 2006

For the Petitioner-Appellant, Archer & Greiner (Arthur F. Ridsen, Esq. and
Susan S. Hodges, Esq., of Counsel)

For the Respondent-Respondent, Carolyn Labin, Deputy Attorney General
(Stuart Rabner, Attorney General of New Jersey)

For the Intervenor-Cross/Appellant, Education Law Center (Elizabeth
Athos, Esq., of Counsel)

The decision of the Acting Commissioner of Education¹ is affirmed for the reasons expressed therein.²

Edithe Fulton abstained.

April 4, 2007

Date of mailing _____

¹ We note that on October 16, 2006, Acting Commissioner Lucille E. Davy was confirmed as the Commissioner of Education.

² We note that, although the appeal before us involves three separate cases which have not been consolidated, the parties are identical in each case and the “global” jurisdictional issue on appeal was determined in a single decision by the Acting Commissioner. By letter dated December 13, 2006 from the Director of the State Board Appeals Office, the parties were advised that the State Board would proceed in the same manner unless the parties had any objections. Since no objections were received, we have determined the “global” jurisdictional issue in these three cases in a single decision.