

EDU #1408-03
C # 330-05
SB # 43-05

LYNDHURST EDUCATION	:	
ASSOCIATION, <u>ET AL.</u> ,	:	
	:	
PETITIONERS-APPELLANTS,	:	STATE BOARD OF EDUCATION
	:	
V.	:	DECISION
	:	
BOARD OF EDUCATION OF THE	:	
TOWNSHIP OF LYNDHURST,	:	
BERGEN COUNTY,	:	
	:	
RESPONDENT-RESPONDENT,	:	
	:	
AND	:	
	:	
TMC SERVICES, INC.,	:	
	:	
INTERVENOR-RESPONDENT-	:	
RESPONDENT.	:	

Decided by the Acting Commissioner of Education, September 9, 2005

For the Petitioners-Appellants, Bucceri & Pincus (Louis P. Bucceri, Esq.,
of Counsel)

For the Respondent-Respondent, Kroll Heineman Giblin, LLC (Vincent M.
Giblin, Esq., of Counsel)

For the Intervenor-Respondent-Respondent, Keith A. Krauss, Esq.

The Lyndhurst Education Association and 21 former employees of the Lyndhurst Board of Education (hereinafter "petitioners") filed a petition with the Commissioner alleging that the process used by the Lyndhurst Board in subcontracting custodial, maintenance and bus transportation services to intervenor TMC Services Inc. for the

2002-03, 2003-04 and 2004-05 school years violated the public education bidding laws. The petitioners sought an order directing the Board to cease and desist from continuing with the contract with TMC, declaring the contract null and void, and ordering that the individual petitioners be reinstated with back pay and emoluments.

Upon review of the submissions of the parties in support of their cross-motions for summary decision, the Administrative Law Judge (“ALJ”) recommended that the petition be dismissed for lack of standing, because there is no relief available to petitioners, and because the matter became moot after the contract at issue expired. After review of the Initial Decision of the ALJ and the exceptions of the parties, the Acting Commissioner adopted the recommended determination of the ALJ and dismissed the petition.

After a thorough review of the record in this matter, the State Board affirms the decision of the Acting Commissioner to dismiss this matter because there is no relief available to petitioners and the matter is moot. Because the matter is properly dismissed as moot, the State Board has not considered issues with respect to standing and our decision is not based on the Acting Commissioner’s determination with respect to standing.

Kenneth J. Parker abstained.

May 2, 2007

Date of mailing _____