

328-02

TOWNSHIP OF EASTAMPTON AND EASTAMPTON TOWNSHIP PLANNING BOARD,	:	COMMISSIONER OF EDUCATION
PETITIONERS,	:	DECISION
V.	:	
BOARD OF EDUCATION OF RANCOCAS VALLEY REGIONAL HIGH SCHOOL, BURLINGTON COUNTY AND NEW JERSEY STATE DEPARTMENT OF EDUCATION, DIVISION OF FINANCE, OFFICE OF SCHOOL FACILITIES FINANCING,	:	
RESPONDENTS.	:	

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SYNOPSIS

Petitioning Township and Planning Board sought reversal of respondent Board’s and respondent State’s approval of a site for the construction of athletic fields, alleging the selected site was inappropriate and contrary to *N.J.S.A. 40:55D-31*.

The ALJ remanded the matter to the Office of School Facilities Financing for the issuance of a decision containing a legally sufficient articulation and explanation of its findings as to the material facts and conclusions of law. The ALJ dismissed Rancocas’ motion for summary decision and denied the cross-motions.

The Commissioner rejected the decision of the ALJ remanding this matter to the Office of School Facilities Financing and, because the approval at issue expired rendering the matter moot, he dismissed the petition without prejudice to the Board resubmitting its application for approval for purchase of the land at issue pursuant to *N.J.A.C. 6A:26-7.1*. The Commissioner rejected the ALJ’s conclusion that the determination of the Office of School Facilities Financing was procedurally defective for failing to meet judicial and Administrative Procedure Act standards for quasi-judicial determinations of State administrative agencies. The Commissioner did not accept that such standards apply to ministerial determinations of the type herein.

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.

August 29, 2002

OAL DKT. NO. EDU 6492-99  
AGENCY DKT. NO. 181-7/99

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	:	COMMISSIONER OF EDUCATION
PETITIONERS,	:	DECISION
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	:	
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The record, Initial Decision, exceptions of both respondents' and petitioners' replies thereto have been reviewed. Upon such review, the Commissioner determines to reject the decision of the Administrative Law Judge (ALJ) remanding the matter to the Office of School Facilities Financing. The Commissioner determines instead to dismiss the petition without prejudice to the Board of Education resubmitting its application for approval for purchase of the land at issue herein pursuant to *N.J.A.C. 6A:26-7.1*.

The Commissioner so determines because *N.J.A.C. 6:22-2.1*, which governed Department of Education approval of acquisition of land at the time the Board obtained the approval at issue herein, limited such approvals to eighteen months duration, and *N.J.A.C. 6A:26-7.1*, which now governs same, limits the duration of such determinations to three years. Pursuant to either regulation, the approval at issue has expired, thus rendering the matter moot.

Therefore, the Board of Education must file a new application in accordance with *N.J.A.C.* 6A:26-7.1 if it wishes to acquire the land at issue.

Notwithstanding this dismissal, the Commissioner rejects the ALJ's conclusion that the determination of the Office of School Facilities Financing was procedurally defective for failing to meet judicial and Administrative Procedure Act (APA) standards for quasi-judicial determinations of State administrative agencies. Indeed, the Commissioner does not accept that such standards apply to ministerial determinations of the type herein issued by the Department of Education pursuant to its statutory or regulatory duties.

In accordance with the foregoing reasoning, the Commissioner hereby dismisses the Petition of Appeal in this matter without prejudice to the Board of Education filing a new application to acquire the property at issue.

IT IS SO ORDERED.

ACTING COMMISSIONER OF EDUCATION

Date of Decision: August 29, 2002

Date of Mailing: August 30, 2002