

ANTHONY ARNONE, JOSEPH DUTKO, :
AND WALTER BITTNER, :
 :
 PETITIONERS, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE HOPEWELL : DECISION
 REGIONAL SCHOOL DISTRICT, :
 MERCER COUNTY, :
 :
 RESPONDENT. :
 _____ :

SYNOPSIS

Petitioning residents and taxpayers contended that, notwithstanding the defeat of a ballot question authorizing the expenditure of \$53,500 for the establishment of a football program at the April 17, 2001 school election, the Board began the process of initiating a football program which will ultimately require District funding in contravention of the will of the public at the election. The Board accepted a grant of funds and entered into a related grant agreement with HIKE, Inc., a 501(c)(3) corporation, for the purpose of funding said football program.

The ALJ found that the HIKE grant agreement, by its very terms, did not implement an extracurricular program at Central High School consisting of a new freshman football team in the 2001-02 school year; that the administrative time, resources and overhead which may have been expended in the 2001-02 school year also did not implement an extracurricular program at the high school consisting of a new freshman football team in the 2001-02 school year; and that the legal services and fees, the administrative time, resources and overhead which were expended in the 2001-02 school year perfecting the HIKE grant agreement, were for the purpose of implementing an extracurricular program at the high school for the 2002-03 school year. The ALJ concluded that the Board's actions did not contravene the results of a public vote taken on April 17, 2001, on a proposal to fund football in the School District's 2001-02 budget since this proposal, by its own terms, was only applicable to the 2001-02 school year. The petition was dismissed.

The Commissioner adopted the findings and determination in the Initial Decision as his own.

<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>

January 14, 2004

OAL DKT. NO. EDU 4999-02
AGENCY DKT. NO. 218-7/02

ANTHONY ARNONE, JOSEPH DUTKO,	:	
AND WALTER BITTNER,	:	
	:	
PETITIONERS,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE HOPEWELL	:	DECISION
REGIONAL SCHOOL DISTRICT,	:	
MERCER COUNTY,	:	
	:	
RESPONDENT.	:	
<hr/>		

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioners' exceptions and the Board's reply thereto were filed in accordance with *N.J.A.C.* 1:1-18.4.

Petitioners' exceptions essentially recast and reiterate arguments advanced before the Administrative Law Judge (ALJ) below. In that it is determined that such arguments were fully considered and addressed in the Initial Decision, they will not be revisited herein.

Upon his full and independent consideration of the record, the Commissioner concurs with the ALJ that the Board's actions herein were not violative of the results of the public vote taken on April 17, 2001 with respect to the proposal to fund a football program in the District's 2001-02 budget.

Accordingly, the Initial Decision of the OAL is adopted for the reasons clearly articulated therein and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: January 14, 2004

Date of Mailing: January 15, 2004

* This decision may be appealed to the State Board of Education pursuant to *N.J.S.A.* 18A:6-27 *et seq.* and *N.J.A.C.* 6A:4-1.1 *et seq.*