

EDU #2637-00 through 2646-00, 2649-00 through 2652-00,
2654-00 through 2656-00
C # 50-03
SB # 4-03

ROSALIE BACON, individually and on behalf :
of G.P., Z.P., J.B., J.B., M.B., D.B., AND Z.H.; :
JOSEPH BARUFFI, individually and on :
behalf of J.B.; ELIZABETH CULLEN, :
individually and on behalf of T.C.; :
EDIE RILEY, individually and on behalf :
of S.R.; ARNETTA RIDGEWAY AND :
CHRISTOPHER GLASS, individually and :
on behalf of J.G., F.G., AND D.G., :

PETITIONERS, : STATE BOARD OF EDUCATION

BUENA REGIONAL, CLAYTON, : DECISION ON MOTION
COMMERCIAL, EGG HARBOR CITY, :
FAIRFIELD, LAKEHURST, LAKEWOOD, :
LAWRENCE, MAURICE RIVER, AND :
WOODBINE SCHOOL DISTRICTS, :

PETITIONERS-APPELLANTS, :

AND :

HAMMONTON, LITTLE EGG HARBOR, :
OCEAN, QUINTON, SALEM CITY, :
UPPER DEERFIELD, AND WALLINGTON :
SCHOOL DISTRICTS, :
:

PETITIONERS, :
:

V. :
:

NEW JERSEY STATE DEPARTMENT :
OF EDUCATION, :

RESPONDENT-RESPONDENT. :

Decided by the Commissioner of Education, February 10, 2003

Decision on motion by the State Board of Education, July 2, 2003

Decision on motion by the State Board of Education, November 5, 2003

Decision on motion by the State Board of Education, March 3, 2004

Decided by the State Board of Education, January 4, 2006

For the Petitioner-Appellant Lakewood Board of Education, Michael I. Inzelbuch, Esq.

For the Petitioners-Appellants Buena, Clayton, Egg Harbor, Fairfield, Lakehurst, Lawrence and Woodbine Boards of Education, Jacob, Ferrigno & Chiarello (Frederick A. Jacob, Esq. and Kathy Balin, Esq., of Counsel)

For the Respondent-Respondent, Marta Kozlowska and Michael C. Walters, Deputy Attorneys General (Peter C. Harvey, Attorney General of New Jersey)

For the Amicus Curiae, Education Law Center (David G. Sciarra, Esq., of Counsel) and Gibbons, Del Deo, Dolan, Griffinger & Vecchione (Shavar D. Jeffries, Esq., of Counsel)

This matter is before us by virtue of a “Motion to Afford Immediate Remedies” filed on behalf of sixteen school districts involved in the litigation in this matter. The motion seeks an immediate declaration from the State Board that these districts are “Abbott ‘special needs’ districts” and an order that the Department of Education propose legislation appropriate to that designation. The basis for the motion is that, as of May 18, 2006, the Acting Commissioner had not yet provided a report to the State Board as directed in its decision of January 4, 2006.

However, on May 26, 2006, the Acting Commissioner did submit a report in response to the directives set forth in our decision of January 4. We therefore find the issue raised by the motion to be moot, and we deny the motion.

July 19, 2006

Date of mailing _____