

June 30, 2008

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Dear Counsel:

KENTWOOD ACADEMY V. LUCILLE DAVY, COMMISSIONER, NEW JERSEY STATE
DEPARTMENT OF EDUCATION, STATE BOARD DOCKET #35-08

Petitioner, Kentwood Academy, is an approved private school for students with disabilities, and has filed a motion for emergent relief and leave to file an interlocutory appeal of the Commissioner of Education's (Commissioner) Decision which revoked Petitioner's approval status. Petitioner initially filed for emergent relief with the Commissioner seeking a stay of the decision to remove their approval status.

The case was transmitted to the Office of Administrative Law where, in a decision dated June 4, 2008, Administrative Law Judge Barry Frank (ALJ), granted Petitioner's request for emergent relief finding that Petitioner met the standards for emergent relief established in Crowe v. DeGoia, 90 N.J. 126 (1982). The Commissioner reversed the ALJ and denied Petitioner's request for emergent relief finding that the Crowe standards had not been met.

On behalf of the Legal Committee of the State Board of Education, and based upon a review of the papers presented thus far, I hereby reverse the Commissioner's decision and grant Petitioner's request for emergent relief for the reasons set forth in the ALJ's decision. Petitioner's motion for leave to file an interlocutory appeal is also granted. The effect of this determination is to allow the Petitioner to continue to operate pending the outcome of the merits of the case.

Sincerely,

Ronald K. Butcher, Ph.D., President
State Board of Education

c: Josephine Hernandez, Chairperson
State Board of Education Legal Committee
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