

BOARD OF EDUCATION OF THE CITY	:	
OF GLOUCESTER, CAMDEN COUNTY,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
NEW JERSEY STATE DEPARTMENT OF	:	DECISION
EDUCATION, OFFICE OF EARLY	:	
CHILDHOOD,	:	
	:	
RESPONDENT.	:	
_____	:	

SYNOPSIS

Petitioning “Abbott” Board of Education appealed the Department of Education’s determination with respect to funding for the district’s 2004-05 preschool program.

As to the appropriate method for funding preschool disabled children, the ALJ concluded that the State is not mandated to exclusively fund preschool in the *Abbott* districts and that it had not been shown that the Department’s calculations would not presumptively generate sufficient funding within the district-wide budget in order to assist the Board relative to its preschool disabled programs. The ALJ found that the Department’s decision to include the special education preschool disabled population within the scope of the district-wide budget and not within the preschool budget was consistent with the Administrative Code and Statutes. The Board’s appeal was denied.

The Commissioner adopted the ALJ’s decision as his own with modification making note of revisions made to the Department’s exhibit R-1.

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.
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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Respondent’s exceptions were filed in accordance with the accelerated timelines for *Abbott* budget appeal matters.

Respondent’s exceptions make the following clarifications to the Initial Decision:

In the list of exhibits attached to the initial decision, one exhibit is misidentified. On the list, J-3 is identified as the Department of Education’s decision regarding Gloucester City’s approved preschool budget, dated January 15, 2003. The document is dated January 15, 2004, not January 15, 2003.

Further, in Judge Futey’s findings of fact he refers to the Department’s exhibit, R-1. As noted by the opinion, a revision of the exhibit was submitted to the court on March 8, 2004. Judge Futey, on page 13 of his initial decision refers to the unrevised version of R-1 in discussing its Table 3. On line 3 of the initial decision, Judge Futey states that Gloucester City’s total approved budget without the inclusion students is \$2,629,313; however, on the revised R-1, the total approved budget without the inclusion students equals \$2,617,414. (*See* J-4 and revised R-1, Table 3). Further, on line 4 of Judge Futey’s initial decision, he states that the total cost of the inclusion students is set at \$109,554. Given the aforementioned change regarding the approved budget

total, the total cost of the inclusion students equals \$121,454, not \$109,554. (*See* revised R-1). Additionally, the surplus listed on the revised R-1 equals \$75,922, rather than the \$87,821 listed on line 8 of page 13 of Judge Futey's decision. (*See* revised R-1). (Respondent's Exceptions at 1-2)

Upon his full and independent review, the Commissioner determines to adopt the Initial Decision of the OAL, as modified by respondent's exceptions, for the reasons stated therein.

Accordingly, the recommended Initial Decision is adopted as the final decision in this matter, with the modifications described in respondent's exceptions quoted hereinabove, and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: April 19, 2004

Date of Mailing: April 19, 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.*