

BOARD OF EDUCATION OF THE :
CITY OF ELIZABETH, UNION COUNTY, :
 :
PETITIONER, : COMMISSIONER OF EDUCATION
V. :
 : DECISION
NEW JERSEY STATE DEPARTMENT OF :
EDUCATION, :
 :
RESPONDENT. :

SYNOPSIS

The petitioning Board, an Abbott District, filed a petition challenging the Department’s denial of funding for a community attendance liaison in its preschool budget for the 2006-2007 fiscal year; the Board asserts that this position performs “significant duties and responsibilities critical to the success of its preschool program” which cannot be performed by individuals in other positions. The Department maintains, *inter alia*, that it already funds other district employees who perform outreach duties, and emphasizes that attendance in a preschool program is not compulsory, nor do its guidelines recognize an attendance officer as a recommended position for the early childhood program.

The ALJ found that: Elizabeth’s request in the amount of \$50,786 would fund a position that is essentially that of a truancy officer for a program where attendance is voluntary; Elizabeth has funding for sufficient outreach and support staff to operate a high quality preschool program, and has the ability to restructure the duties of existing staff to address poor attendance at the preschool level if that is deemed a priority; in terms of demonstrated need, Elizabeth has not shown any unique local conditions that might justify funding this extra position. The ALJ denied the relief requested by the petitioning Board.

Upon a full and independent review of this matter, the Commissioner agreed with the ALJ’s conclusion that the Department properly denied the District’s special requests for a community attendance liaison as the District has not satisfied its burden of demonstrating the need for such a position or its effectiveness in the provision of its Abbott preschool program. Accordingly, the Initial Decision is adopted as the final decision in this matter, and the petition is dismissed.

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.

OAL DKT. NO. EDU 1908-06
AGENCY DKT. NO. 73-2/06

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties filed no exceptions to the Initial Decision within the necessarily abbreviated exception period for Early Childhood Program appeal matters specified in the Initial Decision.

Upon a full and independent review, the Commissioner agrees with the ALJ's conclusion that the Department properly denied the District's special request for a community attendance liaison as the District has not satisfied its burden of demonstrating the need for such a position or its effectiveness in the provision of its Abbott preschool program.

Accordingly, the Initial Decision is adopted for the reasons well stated therein and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.¹

ACTING COMMISSIONER OF EDUCATION

Date of Decision: April 7, 2006

Date of Mailing: April 7, 2006

¹ Pursuant to P.L. 2005, c. 132, "Abbott" determinations are final agency actions appealable directly to the Appellate Division of the New Jersey Superior Court. In accordance with the June 24, 2003 Order of the Supreme Court, such appeals must be filed within six days of the Commissioner's decision. *N.J.A.C. 6A:10A-9.7(a)5*.