

#277-13

AGENCY DKT. NO. 99-5/13

BOARD OF EDUCATION OF THE	:	
BOROUGH OF WOODBINE,	:	
CAPE MAY COUNTY,	:	
	:	COMMISSIONER OF EDUCATION
PETITIONER,	:	
	:	DECISION
V.	:	
BOARD OF EDUCATION OF THE CITY	:	
OF MILLVILLE, CUMBERLAND	:	
COUNTY and BOARD OF EDUCATION	:	
OF MIDDLE TOWNSHIP, CAPE MAY	:	
COUNTY,	:	
	:	
RESPONDENTS.	:	

The Board of Education of the Borough of Woodbine, having applied, pursuant to *N.J.S.A.* 18A:38-13 and *N.J.A.C.* 6A:3-6.1, to the Commissioner of Education for a change of designation of the receiving district for its high school pupils – heretofore designated to attend the Millville High School in respondent, Board of Education of the City of Millville’s (Millville BOE) school district – to attend the Middle Township High School in respondent, Board of Education of Middle Township’s (Middle Township BOE) school district; and

The Boards of Education of the City of Millville and Middle Township having joined with petitioner in requesting a termination of the current sending-receiving relationship between petitioner and the Millville BOE and establishment of a new sending-receiving relationship between petitioner and the Middle Township BOE; and

Petitioner having conducted a feasibility study in accordance with *N.J.S.A.* 18A:38-13 and *N.J.A.C.* 6A:3-6.1; and

There being no dispute amongst the parties as to certain relevant facts, including that no substantial educational, financial or racial impact will inure to any of the parties upon severance of the current sending-receiving relationship between petitioner and the Millville BOE, or upon establishment of the proposed sending-receiving relationship between petitioner and the Middle Township BOE; and

The feasibility study having established to the Commissioner's satisfaction that the withdrawal of the Woodbine Borough students from the Millville High School, and the entry of the Woodbine Borough students into the Middle Township High School, would cause no substantial negative impact on the educational programs of either the Millville or Middle Township High School or on the quality of education received by the pupils in each of the parties' school districts; and

The feasibility study having further established to the Commissioner's satisfaction that there will be no substantial negative impact on the financial conditions of any of the parties; and

The feasibility study having further established to the Commissioner's satisfaction that there will be no substantial impact on the racial composition of either the Millville or Middle Township High School; and

The Commissioner having received no conforming public comments¹ pursuant to *N.J.A.C. 6A:3-6.1*; now therefore

IT IS ORDERED on this 29th day of July 2013 that, pursuant to *N.J.S.A. 18A:38-13* and *N.J.A.C. 6A:3-6.1*, the application of the Board of Education of the Borough of

¹ The Commissioner received one public comment letter, which did not conform to the requirements of *N.J.A.C. 6A:3-6.1(c)*, since it was not accompanied by proof of service upon all parties to the case. Accordingly, it was not considered by the Commissioner herein. However, the Commissioner notes that the comment letter was supportive of the parties' positions, and therefore would not have altered his decision in this matter.

Woodbine for severance of its sending-receiving relationship with the Board of Education of the City of Millville and establishment of a new sending-receiving relationship with the Board of Education of Middle Township, as set forth in its petition of appeal, is APPROVED.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: July 29, 2013

Date of Mailing: July 30, 2013

* This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L. 2008, c. 36*. (*N.J.S.A. 18A:6-9.1*).