

EDU #9421-97  
C # 580-97E  
SB # 94-97

JACK JACOBS, :  
 :  
 PETITIONER-RESPONDENT, :  
 :  
 V. : STATE BOARD OF EDUCATION  
 :  
 BOARD OF EDUCATION OF THE : DECISION  
 NORTHERN VALLEY REGIONAL :  
 SCHOOL DISTRICT, BERGEN :  
 COUNTY, :  
 :  
 RESPONDENT-APPELLANT. :  
 \_\_\_\_\_ :

Decided by the Commissioner of Education, November 5, 1997

For the Petitioner-Respondent, Jack Jacobs, pro se

For the Respondent-Appellant, Sills, Cummis, Zuckerman, Radin,  
Tischman, Epstein & Gross (Cheri L. Maxwell, Esq., of Counsel)

After reviewing the record developed thus far in this matter and the papers submitted in this appeal, the State Board of Education affirms that portion of the Commissioner's determination which awarded petitioner the transportation costs he had requested in his application for emergent relief. We do so, however, under the applicable legal standard for such relief, Crowe v. De Gioia, 90 N.J. 126 (1982), rather than on the merits of petitioner's claim for transportation. In addition, under the De Gioia standard, we set aside that portion of the Commissioner's decision which would expand emergent relief to include the payment of tuition by the Northern Valley Regional School District. Since petitioner did not seek the payment of tuition during the

proceedings in the Office of Administrative Law on his application for emergent relief, he has not demonstrated his entitlement to such relief at this time.

Pursuant to our determination, we direct the Commissioner to transmit this matter to the Office of Administrative Law for initial determination of the merits of petitioner's claims to both transportation and tuition. In view of our decision herein, we need not act on the Board's motion for a stay of the Commissioner's directive that it now pay petitioner's tuition.

March 4, 1998

Date of mailing \_\_\_\_\_