

C # 6-99L  
SB # 7-99  
APP. DIV. #A-5555-98T1

BOARD OF EDUCATION OF THE :  
TOWNSHIP OF BERKELEY, OCEAN :  
COUNTY, :

PETITIONER-APPELLANT, : STATE BOARD OF EDUCATION

V. : DECISION

NEW JERSEY STATE DEPARTMENT OF :  
EDUCATION AND LEO F. KLAGHOLZ, :  
COMMISSIONER OF EDUCATION, :

RESPONDENTS-RESPONDENTS.:

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Decided by the Commissioner of Education, January 8, 1999

Decided by the State Board of Education, May 5, 1999

Remanded by the Appellate Division, August 22, 2000

For the Petitioner-Appellant, Patrick Sheehan, Esq.

For the Respondents-Respondents, Elizabeth Doyle, Deputy Attorney  
General, and Nancy Kaplen, Assistant Attorney General, of counsel  
(John J. Farmer, Attorney General of New Jersey)

On May 5, 1999, the State Board of Education affirmed the decision of the Commissioner of Education dismissing the petition filed by the Township of Berkeley, a constituent municipality within the Central Regional High School District, challenging a determination by the Department of Education that it was not entitled to Senior Citizen Supplemental Stabilization Aid for the 1998-99 school year under the Comprehensive Educational Improvement and Financing Act.

Berkeley Township appealed that determination to the Appellate Division, and, on August 22, 2000, the Court reversed our decision. Finding the legislative intent to be clear, the Court concluded that Berkeley Township was entitled to Senior Citizen Supplemental Stabilization Aid for the 1998-99 school year, and it remanded this matter to the State Board.

In view of the Court's decision, we remand this matter to the Commissioner for such proceedings as may be required to assure compliance with that decision.

October 4, 2000

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