

EDU #8659-98
C # 29-05
SB # 8-05

BOARD OF EDUCATION OF THE	:	
TOWNSHIP OF LACEY, OCEAN	:	
COUNTY,	:	STATE BOARD OF EDUCATION
	:	
PETITIONER-APPELLANT,	:	DECISION
	:	
V.	:	
	:	
NEW JERSEY STATE DEPARTMENT	:	
OF EDUCATION,	:	
	:	
RESPONDENT-RESPONDENT.	:	
_____	:	

Decided by the Commissioner of Education, January 14, 2005

For the Petitioner-Appellant, Stein, Supsie & Hoffman (Michael W. Hoffman, Esq., of Counsel)

For the Respondent-Respondent, Allison Colsey Eck, Deputy Attorney General (Peter C. Harvey, Attorney General of New Jersey)

We affirm the ultimate determination of the Commissioner of Education to deny the relief sought by the Lacey Township Board in this matter. In so doing, we concur with the Board that rulemaking was required when the Department of Education recalculated State aid for the 1998-99 school year. However, for the same reasons, rulemaking would also have been required when the Department originally calculated State aid for that year. That being the case, there is no basis on the record before us for providing relief to the Board. We stress in that regard that the Board's claim was limited to the 1998-99 school year and that it made no allegations with regard to any

other years. Thus, we concur with the ultimate determination of the Commissioner to dismiss the petition.

May 4, 2005

Date of mailing _____