

SB #33-06

IN THE MATTER OF THE APPLICATION :
PURSUANT TO N.J.A.C. 6A:23-8.10 FOR : STATE BOARD OF EDUCATION
RESTORATION OF BUDGET REDUCTIONS : DECISION ON MOTION
FOR THE 2006-07 SCHOOL YEAR, BOARD :
OF EDUCATION OF THE TOWNSHIP OF :
WILLINGBORO, BURLINGTON COUNTY. :

Decided by the Acting Commissioner of Education, July 31, 2006

Decision on motion by the State Board of Education, March 7, 2007

For the Appellant, Cooper Levenson (William S. Donio, Esq., of Counsel)

For the Respondent, Hill Wallack LLP (Rocky L. Peterson, Esq., of
Counsel)

For the Participant Commissioner of Education, Carolyn Labin, Deputy
Attorney General (Stuart Rabner, Attorney General of New Jersey)

In a letter decision dated July 31, 2006, the Acting Commissioner of Education¹ restored \$5,170,982 of reductions from the general fund base budget tax levy made by the Township of Willingboro in its certification of the tax levy necessary to support the annual school budget of the Willingboro Board of Education.

The Township of Willingboro filed the instant appeal to the State Board.

¹ We note that on October 16, 2006, Acting Commissioner Lucille E. Davy was confirmed as the Commissioner of Education.

On March 7, 2007, we granted the Commissioner's motion to participate in this matter. On April 2, 2007, the Deputy Attorney General ("DAG") representing the Commissioner filed the instant motion to supplement the record on appeal with a certification of R. Gregory Quirk, the State's interim fiscal monitor in the Willingboro school district, in which he details his experience, credentials, duties as fiscal monitor and his involvement in the budget appeal process. The DAG contends that the certification is material to the issues on appeal "[b]ecause nothing in the record before the State Board of Education explains how Quirk came to serve as the District's State fiscal monitor or what Quirk does as the District's State fiscal monitor and Quirk assisted the Commissioner in her review of the District's restoration appeal." Certification of Carolyn Labin, at 2. The Township of Willingboro counters that Mr. Quirk's certification does not specify what information he provided to the Commissioner in her review of this matter and that Quirk's credentials and experience are not material to the issues on appeal.

After a review of the papers filed on the motion, we agree with the Township that the proposed exhibit is not material to the issues presented by this appeal. N.J.A.C. 6A:4-1.9(b). Therefore, we deny the Commissioner's motion to supplement the record.

June 6, 2007

Date of mailing _____