204-02

BOARD OF EDUCATION OF THE CITY   :
OF ELIZABETH (ABRAHAM LINCOLN
SCHOOL #14) UNION COUNTY,   :

        PETITIONER,   :
                                     COMMISSIONER OF EDUCATION
V.   :
                                     DECISION
NEW JERSEY STATE DEPARTMENT OF   :
EDUCATION,
                                   :

        RESPONDENT.
_____:

SYNOPSIS

"Abbott" District appealed the Department's determination on its whole school reform funding request for the 2001-2002 school year.

Upon review, Commissioner dismissed the appeal as requested by the District.

May 20, 2002

OAL DKT. NO. EDU 5574-01
AGENCY DKT. NO. 200-6/01

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OF ELIZABETH (ABRAHAM LINCOLN
SCHOOL #14) UNION COUNTY, :

          PETITIONER, :

V. :

         COMMISSIONER OF EDUCATION

         DECISION

NEW JERSEY STATE DEPARTMENT OF :
EDUCATION,
                          :

         RESPONDENT.
_____ :

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. Petitioner's exceptions and respondent's reply thereto were duly submitted in accordance with established timelines. Subsequently, petitioner filed a Motion to Dismiss this matter on the ground of mootness to which a response was filed by respondent. While the parties do not agree that the issues presented are moot, what is clear is that the District, that party which initiated these proceedings, no longer wishes to continue its appeal and asks that its appeal be dismissed.

Upon his independent and careful review of this local "Abbott" District's appeal of the Department's determination on its whole school reform funding request for the 2001-2002 school year, and based upon the papers filed by the parties with respect to petitioner's Motion to Dismiss, the Commissioner finds it unnecessary to reach to the decision of the ALJ, as he determines that this matter is appropriately dismissed.

Accordingly, the Petition of Appeal is hereby dismissed.

IT IS SO ORDERED[*]

COMMISSIONER OF EDUCATION

Date of Decision: May 20, 2002

Date of Mailing: May 21, 2002

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[*] Pursuant to *P.L.* 2001, c. 130, "*Abbott*" determinations are final agency actions appealable directly to the Appellate Division at the New Jersey Superior Court.