

CENTRAL JERSEY INSTRUCTIONAL :
MEDIA SERVICES, :
 :
PETITIONER, :
 :
V. : COMMISSIONER OF EDUCATION
 :
BOARD OF EDUCATION OF THE BOROUGH : DECISION
OF SOMERVILLE, SOMERSET COUNTY, :
 :
RESPONDENT. :

SYNOPSIS

Petitioner, Central Jersey Instructional Media Services (CJIMS) -- the county educational audiovisual aids commission, organized pursuant to *N.J.S.A.* 18A:51-1 to 12 -- contends that respondent Board's withdrawal from membership was invalid for the 2002-2003 and 2003-2004 school years, and that the Board owes CJIMS member assessments of \$7,820.40 and \$7,908.60, respectively, for these two years.

The ALJ found, *inter alia*, that: the respondent Board never properly withdrew from participation in CJIMS pursuant to *N.J.S.A.* 18A:51-12 for the two years in question, and was therefore a member during those years; the attempts made by the respondent school district to withdraw were deficient and did not comply with the clear requirements of the statute; and the respondent Board availed itself of CJIMS services for the 2003-2004 school year. The ALJ granted summary decision on behalf of petitioner, and ordered the respondent Board to pay CJIMS \$7,820.40 for the 2002-2003 school year, and \$7,908.60 for the 2003-2004 school year.

The Commissioner concurs with the ALJ that summary decision is appropriately granted to petitioner, and adopts the Initial Decision of the OAL as the final decision in this matter.

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties filed no exceptions to the Initial Decision.

Upon a full and independent review of the record, the Commissioner concurs with the Administrative Law Judge -- for the reasons stated in her decision¹ -- that summary decision is appropriately granted to petitioner.

Accordingly, the Initial Decision of the OAL is adopted as the final determination in this matter. The Board of Education of the Borough of Somerville is hereby directed to pay petitioner participation assessments of \$7,820.40 for the 2002-2003 school year and \$7,908.60 for the 2003-2004 school year.

IT IS SO ORDERED.*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: January 20, 2006

Date of Mailing: January 20, 2006

¹The Commissioner is compelled to clarify, however, that the October 27, 1982 Attorney General's Memorandum Opinion discussed by the ALJ on pages 3-4 of the Initial decision was not a "formal opinion" but, rather, informal advice which the agency could choose to accept or reject and, therefore, has no binding precedential value. See *Board of Education of West Windsor-Plainsboro Reg'l. Sch. Dist., Mercer County v. Bd. of Educ. of the Township of Delran, Burlington County, supra*, at 493.

² This decision may be appealed to the State Board of Education pursuant to *N.J.S.A. 18A:6-27 et seq.* and *N.J.A.C. 6A:4-1.1 et seq.*