

BACKGROUND CHECK

(See "Employment Disqualification", this index)

BIDDING

Applicability to

Lease purchase; active lessor who selects contractors and controls all aspects of construction with only incidental participation by board is not required to put construction contract out to bid (91:100, Biehn)

Lease purchase; public bidding issue dismissed as moot in light of 1992 amendment to N.J.S.A. 18A:20-4.2(f) requiring bidding and completion of building project (O'Shea v. Franklin, 127 N.J. 244 (1992))

Public Records

Bids are both common law and statutory public records. Bidder entitled to inspect after opening and prior to formal award. Kuehne Chem. V. N.J. Water Comm., 500 N.J. Super. 433 (App. Div. 1997)

Yearbooks (95 N.J.A.R.2d (EDU) 42, Santomenna)

Asbestos safety control monitoring devices are not exempt under Public Schools Contract Law (94:March 31, Environmental Concepts)

Classification of bidders; pre-qualification

Board properly rejected all bids and re-advertised because specifications were ambiguous and bidders were not notified of statutory pre-qualification requirements; petition for emergent relief dismissed (90:1121, Williams Mobile Homes)

Damages, contractor not entitled to recover damages for lost profits; Public School Contract Law prohibits damages actions arising out of violation of its provisions (93 N.J.A.R.2d (EDU) 118, Bokey, aff'd St. Bd. 93 N.J.A.R.2d (EDU) 415)

Emergency exceptions

Board properly invoked emergency purchase exception under N.J.S.A. 18A:18A-7 when disrepair of school fire and security systems found to threaten the safety of students and personnel (97 N.J.A.R.2d (EDU) 115, Institutional) (See also, 94:July 11 Commissioner decision on motion denying request for stay and summary judgment)

BIDDING

Emergency: Motion for reconsideration of denial of damages to unsuccessful bidder denied; Commissioner did not reach issue of whether board properly awarded contract under emergency provision, as emergent relief sought was limited to damages (97:Aug. 29, Jayson Oil)

Emergent relief denied

No basis to warrant stay of any rebid contract or resulting work (96 N.J.A.R.2d (EDU) 789, DEC Electric)

Exemptions from Bidding

Asbestos safety control monitoring services are not professional services and, while they may be extraordinary unspecifiable services they are not exempt from bidding as they can be reasonably described by specifications (95:March 23, Environmental)

Installation of a CCTV surveillance system is not an extraordinary unspecified service exempt from bidding; petitioner's motion for emergent relief is granted and the district is ordered not to enter into a contract for the provision of CCTV services until it complies with the public bid process (97:Aug. 15, Radar Security)

No need to readvertise revised specifications where revisions negotiated; included in resolution awarding contract and adopted by 2/3 vote of the board (96 N.J.A.R.2d (EDU) 540, Rosenblum, aff'd State Board 96 N.J.A.R.2d (EDU) 743, aff'd App. Div. unpub. op. Dkt. No. A-0171-96T3, Oct. 20, 1997)

Services rendered to Board were specific, continuous and ongoing such that they did not qualify as "extraordinary unspecifiable services" under the statute (98:June 3, Middle Twp.; aff'd St. Bd. 98: Oct. 7)

Ninety day rule

No relaxation of 90-day rule warranted (96:March 8, J.R. Transportation)

Procedure

Actions for damages are prohibited by the Public Schools Contract Law (96 N.J.A.R.2d (EDU) 789, DEC Electric)

All bids must be rejected and project rebid where both petitioner and respondent were not in compliance with statutory provisions of N.J.S.A. 18A:18A-18 and N.J.S.A. 45:5A-9 (97:Aug. 19, Buena Plumbing, see also emergent relief denied 97:March 12)

BIDDING

- Appeal of low bidder moot where action was brought after contract had been performed; damages and attorney fees not available under pupil transportation statute (97:Oct. 1, Jordan)
- Bidder entitled to inspect after opening and prior to formal award. (Kuehne Chem. V. N.J. Water Comm., 300 N.J. Super. 433 (App. Div. 1997))
- Bid properly rejected - unwaivable, material defects (97 N.J.A.R.2d (EDU) 376, Murfield Construction)
- Bid subcontractor's petition challenging specific materials in bid mooted by contract competition by successful low bidder. (97 N.J.A.R.2d (EDU) 583, Eiden Associates)
- Board has the authority to reject all bids and readvertise a contract to provide district-wide window repair services, provided that rejection and readvertisement is not arbitrary and capricious (97 N.J.A.R.2d (EDU) 433, C & A Window Service)
- Board properly followed directives of PSCL by achieving the lowest available price from responsible bidders and by giving former bidders opportunity to participate in negotiations (96 N.J.A.R.2d 540, Rosenblum, aff'd State Board 96 N.J.A.R.2d (EDU) 743, aff'd App. Div. unpub. op. Dkt. No. A-0171-96T3, Oct. 20, 1997)
- Combined costs, roofing bids may be sought and awarded on combined basis (91:1667, Quality Roofing)
- Conjecture insufficient support in claim of collusion between school board and lowest bidder. (97 N.J.A.R.2d (EDU) 30, Expert Building)
- District has the authority to reject all bids and readvertise a contract to provide district-wide window repair services; bids not rejected solely because a protest had been filed (97:March 11, State Operated School District of Newark)
- Emergent relief, bus company not entitled to emergent relief from rejection of its bid for not being responsible (92 N.J.A.R.2d (EDU) 622, Wolffington Body Co.)
- Equitable estoppel did not bar corporation from challenging exemption from public bidding requirement, even where corporation had previously sought contracts using procedures it now attacks, because resolution of the question was a matter of public interest (95:March 23, Environmental)

BIDDING

- Hearing, board not required to provide hearing prior to rejection of all bids by qualified bidders (91:1431, Sempre Construction)
- Lowest bid properly awarded to lowest bidder; implication that lowest bidder was not responsible unsupported by facts (94 N.J.A.R.2d (EDU) 39, Krantz & List Electric)
- Lowest bid, rejection of lowest responsible bid by board because of preference for another bidder was arbitrary, capricious and unreasonable (93 N.J.A.R.2d (EDU) 228, Consec, aff'd St. Bd. 93 N.J.A.R.2d (EDU) 604)
- Modification of specifications placed in resolution awarding contract adopted by 2/3 vote of the board consistent with PSCL (96 N.J.A.R.2d (EDU) 540, Rosenblum, aff'd State Board 96 N.J.A.R.2d (EDU) 743, aff'd App. Div. unpub. op. Dkt. No. A-0171-96T3, Oct. 20, 1997)
- Mootness: contract that has been fully executed renders matter moot as there is no relief that could be legally awarded (97 N.J.A.R.2d (EDU) 503, Eiden Associates)
- N.J.S.A. 18A:18A-18 mandates the award of all prime contracts to the lowest responsible bidder be made at the same time, even if one or more exceed the architect's budgeted amount. Seacoast Builders, Inc. v. Howell Twp. Bd. of Ed., 315 N.J. Super. 442, but see Ch. 280, P.L. 1999.
- Petition properly dismissed. Annulled contract presented no concrete contested issue (96 N.J.A.R.2d (EDU) 789, DEC Electric)
- Prime trade; settlement re: procedures involving single prime trade and subcontractors (95:June 29, International)
- Project budget, architect could consider only base bids or equal, and not the alternative bid, where the base bid fell within the budgeted amount for the project (95:July 10, Wood-Metal)
- Qualifications; where successful bidder was not qualified, board has no obligation to award contract to second lowest bidder, particularly where there is a significant disparity between the amount of bids; board may rebid; second lowest bidder was not entitled to emergent relief (95:December 26, DEC Electric)
- Rejected bidder must file objections expeditiously where work in question is required early in the construction project, such as design and construction of premanufactured wood casement systems and equipment (95:July 10, Wood-Metal)

BIDDING

Rejection of all bids because of lack of necessary governmental permits and approvals was not arbitrary, capricious or unreasonable (91:1431, Sempre Construction)

Rejection of all bids followed by re-bidding contract impermissible when effect would be circumvention of Public Schools Contract Law (93 N.J.A.R.2d (EDU) 228, Consec, aff'd St. Bd. 93 N.J.A.R.2d (EDU) 604)

Rejection of bids due to inefficiency in repair contract affirmed. (97 N.J.A.R.2d (EDU) 533, C&A Window Service)

Responsible bidder, bid rejected as not responsible based on company's failure to deliver buses that met specifications under earlier contract (92 N.J.A.R.2d (EDU) 622, Wolfington Body Co.)

Standing: a bidder who is not the lowest responsible bidder lacks standing to challenge the award of a contract to another bidder (97:April 17, Eiden Associates)

Standing: contractor who did not challenge board rejection of 1st round of bids and who failed to participate in 2nd round of bids lacked standing to challenge award of contract (93 N.J.A.R.2d (EDU) 116, Green)

Standing: contractor who is not the lowest responsible bidder lacks standing to challenge the award of the contract (97:April 17, Eiden Associates)

Standing: taxpayers and corporation had standing to challenge exemption from public bidding (95:March 23, Environmental)

Standing: unsuccessful bidder lacks standing to challenge specifications after award of bids (94 N.J.A.R.2d (EDU) 307, Gavan, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 500)

Standing: unsuccessful high bidder had no standing to challenge result since assertion was essentially an attack on the specifications and the fulfillment thereof by a rival bidder (97 N.J.A.R.2d (EDU) 30, Expert Building)

Standing: unsuccessful bidder may not challenge legality or sufficiency of specifications after award (93 N.J.A.R.2d (EDU) 1, Katinsky)

Ultra vires, award of transportation contract to company that could not conform to specifications was ultra vires act; no need to rescind contracts, board never legally entitled to award (92 N.J.A.R.2d (EDU) 635, Hudson County Transport)

BIDDING

Specifications

- Additional information, board has right to require information beyond that contained in Division of Building Construction certificate; bid of contractor who failed to supply additional required information properly rejected (94 N.J.A.R.2d (EDU) 307, Gavan, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 500)
- Ambiguous specifications, board properly rejected all bids and re-advertised because specifications were ambiguous; bidders were not notified of statutory pre-qualification requirement; petition for emergent relief dismissed (90:1121, Williams Mobile Homes)
- Ambiguous specification, description must be sufficiently clear to set up common standard of bidding (90:74, Murphy Bus, aff'd St. Bd. 90:93)
- Ambiguous specification, failure to submit a compliant bid with sufficient data to enable architect to consider the bid is a material defect, and submission of alternative bid was improper under those circumstances (95:July 10, Wood-Metal)
- Ambiguous specification, remedy for vague specs was to re-bid to avoid penalizing good faith successful bidder and public (90:74, Murphy Bus, aff'd St. Bd. 90:93)
- Amendment by adoption of resolution at public meeting with subsequent newspaper advertisement provided sufficient notice of change in specifications to all potential bidders (91:1667, Quality Roofing)
- Bid properly rejected - unwaivable, material defects. (97 N.J.A.R.2d (EDU) 376, Muirfield Construction)
- Board ordered to reconsider bids consonant with the restrictions and purposes of public schools contracts law (97 N.J.A.R.2d (EDU) 376, Muirfield Construction)
- Bulk bid: Commissioner orders re-bidding where specs did not constitute clear authorization for bulk bidding (90:74, Murphy Bus, aff'd St. Bd. 90:93)
- Changes made to specs did not cause project to exceed authorized budget sanctioned by the voters; board did not overstep authority (96 N.J.A.R.2d (EDU) 540, Rosenblum, aff'd St. Bd. 96 N.J.A.R.2d (EDU) 743, aff'd App. Div. unpub. op. Dkt. No. A-0171-96T3, Oct. 20, 1997)

BIDDING

- Collusion, challenge to award dismissed on board's motion for summary judgment; allegation of collusion rested on conjecture, unsuccessful higher bidder had no standing, contract had already been fully performed, and there existed no basis for compensatory or punitive damages under N.J.S.A. 18A:18A-46 (97 N.J.A.R.2d (EDU) 30, Expert Building)
- Deviation from specifications was a material unwaivable defect which invalidated the bid (97 N.J.A.R.2d (EDU) 376, Muirfield Construction)
- Equivalent, board ordered to reconsider bids; record must demonstrate how the alternatives proposed by unsuccessful bidders were not equivalent to items requested (90:1646, DeHart, decision on remand, 91:395)
- Executive Order allowing project labor agreements contemplated using PLA's for very large, complex projects and not routine project like public library construction. Tormee Construction v. Mercer County Inc., 143 N.J. 143 (1996)
- Experience, board may require that bidder show that it is providing services in at least four New Jersey school districts (95 N.J.A.R.2d (EDU) 235, Stroh)
- Immaterial defect, omission of prequalification affidavit in bid for contract was a waivable, immaterial defect. Board's denial of waiver was an abuse of discretion. Tec Electric v. Franklin Lakes Bd. of Ed., 284 N.J. Super. 480 (Law Div. 1995)
- Late bid, failure to contain estimate for alternative plan unavailable material defects. (97 N.J.A.R.2d (EDU) 376, Muirfield Construction)
- Material defect must be of such a nature that its waiver would adversely affect competitive bidding by placing a bidder in a position of advantage. Tec Electric v. Franklin Lakes Bd. of Ed., 284 N.J. Super. 480 (Law Div. 1995)
- Material deviation of low bidder: Board may reject all bids and re-bid; good faith found (90:692, Barker Bus)
- Modification of specifications placed in resolution awarding contract adopted by 2/3 vote of the board consistent with PSCL (96 N.J.A.R.2d (EDU) 540, Rosenblum, aff'd St. Bd. 96 N.J.A.R.2d (EDU) 743, aff'd App. Div. unpub. op. Dkt. No. A-0171-96T3, Oct. 20, 1997)

BIDDING

- Motion for emergent relief seeking board to rescind contract denied as specifications were not left out of the bid package, but petitioner failed to include everything that bid package required (96:Aug. 28, Dean Equipment and Furniture)
- Non-collusion statement, short term waiver of statement of non-collusion not a substantial or consequential deviation that should invalidate bidding process (93 N.J.A.R.2d (EDU) 553, University Bus Company, appeal dismissed St. Bd. 94 N.J.A.R.2d (EDU) 223, aff'd App. Div. unpub. op. (Dkt. No. A-3039-93T3, May 2, 1995))
- Precise, specification requirement of 36 passenger bus definite, developed to address needs of special education pupils (92 N.J.A.R.2d (EDU) 635, Hudson County Transport)
- Precise, specifications asking for "IBM compatible" computers did not require submission of brand name (93 N.J.A.R.2d (EDU) 1, Katinsky)
- Project labor agreement specifications which limited work force to two unions, impermissibly restricted contractors to union-only work force and conflicted with public bidding laws. Tormee Construction v. Mercer County Inc., 143 N.J. 143 (1996)
- Representative; failure of low bidder to have a, present at second pre-bid meeting was minor and inconsequential deviation from bid specifications lawfully waived by board (91:327, Thomas & Sons)
- Safety features, board insistence on safety features available only from one manufacturer not evidence of favoritism, extravagance or corruption; record shows equivalency of alternative offerings were seriously considered (91:395, DeHart, on remand from, 90:1646)
- Standard of review for denial of waiver of immaterial defect in bid for public contract is ordinary abuse of discretion standard. Tec Electric v. Franklin Lakes Bd. of Ed., 284 N.J. Super. 480 (Law Div. 1995)
- Standing, unsuccessful bidder may not challenge legality or sufficiency of specifications after award (93 N.J.A.R.2d (EDU) 1, Katinsky)
- Stay of order to re-bid bus contracts denied, pending appeal of decision to State Board (90:March 26, Murphy Bus Service)

BIDDING

Transportation contracts

Annual bid, condition that a school bus transportation contract bid be submitted on an annual basis was material and non-waivable (90:692, Barker Bus)

Bulk bidding must be clearly authorized in specs (90:74, Murphy Bus, aff'd St. Bd. 90:93)

Material specification, condition that a school bus transportation contract bid identify vehicles was material and non-waivable (Barker Bus, 90:692)

Routes, district's special education transportation policy of bidding based on number of buses required rather than individual routes violative of competitive bidding requirements and not required by N.J.A.C. 6:28-3.8(a)(5) (94 N.J.A.R.2d (EDU) 156, Newark v. Division of Compliance)

While an unsuccessful bidder may attack the award of a contract, that bidder may attack the award of a contract, that bidder may not recover money damages even if the challenge succeeds (97:Aug. 29, Jayson Oil)

BILINGUAL EDUCATION

Regulatory change shifting proficiency evaluation from state to local school districts deemed valid. Violated neither the intent nor mandate of Bilingual Education Act. In re N.J.A.C. 6:11-8.4, 8.5, App. Div. unpub. op. (Dkt. No. A-2509-89T5, June 18, 1991))

BOARDS OF EDUCATION

Actions by, generally

Absenteeism policy, sets forth blanket denial of increments based on number of days missed; removes board from assessing the circumstances of the absences; arbitrary and contrary to law. Pollard, Griskind & Sims, App. Div. unpub. op. Dkt. No. A-4109-91, Feb. 22, 1994, aff'g St. Bd. 92 N.J.A.R.2d (EDU) 286, stay den. 92:July 1, rev'g 92 N.J.A.R.2d (EDU) 279)

Abstention, misunderstanding by board members of impact of abstentions does not invalidate vote electing board president (90:967, Schill)

BOARDS OF EDUCATION

Board and school administrator never reached agreement on contract; deductions for health insurance co-payments based on proposed contract improper - must be refunded. 95 N.J.A.R.2d (EDU) 35, Granaldi)

Board decision to remove principal after evaluation of performance was not arbitrary, capricious, or in violation of constitutional rights (96 N.J.A.R.2d (EDU) 926, Plotkin)

Board did not act improperly in denying mother's request to place pupil in district's Alternative High School (98:May 15, P.S.)

Board failed to comply with N.J.S.A. 18A:37-2.1. No expulsion hearing scheduled. Suspension not kept in effect pending expulsion proceeding (96 N.J.A.R.2d (EDU) 567, Garrity)

Board may properly deny admission to student for failure to undergo a mantoux test or failure to provide documentation that the student should be exempted from the mantoux test. (97 N.J.A.R.2d (EDU) 486, M.F., appeal dismissed, St. Bd. 97:July 2)

Board may reappoint nonrenewed employee without CSA recommendation after employee's informal appearance before the board (97:Aug. 6, Velasquez, St. Bd. aff'g w/modif. 96:April 4)

Board of education's refusal to rescind resignation not arbitrary, capricious or unreasonable. (97 N.J.A.R.2d (EDU) 53, Walsh)

Board ordered to immediately conduct expulsion hearing for students who committed assaults on teachers. N.J.S.A. 18A:37-2.1 (96 N.J.A.R.2d (EDU) 567, Garrity)

BOARDS OF EDUCATION

- Board policy banning backpacks in the classrooms, hallways and cafeteria in the interest of safety rationally based valid exercise of discretion (96 N.J.A.R.2d (EDU) 762, C.M.)
- Board's decision not to extend minibus service to petitioners was arbitrary and capricious (97 N.J.A.R.2d (EDU) 416, Shrewsbury, St. Bd. rev'g 96 N.J.A.R.2d (EDU) 795)
- Board's decision to suspend rather than expel pupil who assaulted teacher not improper or unethical. (97 N.J.A.R.2d (EDU) 345, Barna, dismissed St. Bd. 97:Nov. 5) (See also 96 N.J.A.R.2d (EDU) 598)
- Board's failure to hold expulsion hearing for student who assaulted teacher not improper where behavior primarily caused by disability. Regulation in place required evaluation of non-disabled student prior to expulsion (96 N.J.A.R.2d (EDU) 598, Barna, See also 97 N.J.A.R.2d (EDU) 345, dismissed St. Bd. 97:Nov. 5)
- Board's post referendum change from two story to one story school plan was within its discretion and was not unlawful, arbitrary, capricious or unreasonable (96 N.J.A.R.2d (EDU) 670, Shuster)
- Certification of tenure charges
Board's refusal to certify tenure charges against teachers accused of misappropriating student funds was not arbitrary, capricious or unreasonable given lack of conclusive evidence (93 N.J.A.R.2d (EDU) 288, Bey)
- Collective bargaining agreement; challenged on basis of undue influence and failure to provide details to residents, media, and some board members. Commissioner dismissed challenge for petitioner's failure to cooperate; also, union necessary party (95:November 15, Mueller)
- Decision not to appoint certified teaching staff member as head basketball coach is not an arbitrary, capricious or unreasonable where applicant leaves a coaching position where he is also a teacher to seek another coaching position at another school in the same district (96:Aug. 1, Krupp, on remand from State Board)
- Delegated authority, board properly delegated authority to monitor scheduling and training of maintenance workers (91:1486, Windham)

BOARDS OF EDUCATION

Discipline imposed (home instruction, community service, letter of apology) on student involved in a bomb threat was not arbitrary, capricious, or unreasonable (96 N.J.A.R.2d (EDU) 897, L.F.)

Discretion, board decision to bar parent who struck visiting coach during baseball game from attending all future athletic events upheld as within board's discretion (95 N.J.A.R.2d (EDU) 85, Griffin, appeal dismissed as moot 95:Apr. 5)

Discretion, board's discretionary power conferred by statute to relocate classes cannot be delegated to superintendent (93 N.J.A.R.2d (EDU) 577, Bond)

DOE justified reduction of state aid (\$274,273) where board had received \$925,000 donation from municipality. (96 N.J.A.R.2d (EDU) 867, Lacey, aff'd St. Bd. 96:Dec. 4)

Employees, board may not refuse to allow to testify during Comprehensive Compliance Investigation; no right to presence of counsel or court reporter (94 N.J.A.R.2d (EDU) 9, In the Matter of the Comprehensive Compliance Investigation of the School District of Newark, aff'd App. Div. 276 N.J. Super. 354 (1994))

Expenditure of funds: union's application for restraining order denied; board could not be restrained from spending moneys restored in budget appeal for items other than teachers' salaries, where collective bargaining agreement had not yet been reached (95:June 7, South River Ed. Ass'n.)

Expulsion upheld; student assaulted another student, brandished large knife and threatened welfare of fellow students and teachers (95 N.J.A.R.2d (EDU) 110, D.B., aff'd St. Bd. 95 N.J.A.R.2d (EDU) 253)

Fraud, purposeful misrepresentation by board of purposes for which discretionary Supplemental State Aid was sought constitutes fraud (93 N.J.A.R.2d (EDU) 623, Lyndhurst, St. Bd. aff'g 91:Nov. 1) See also (93 N.J.A.R.2d (EDU) 621, St. Bd. rejecting settlement, retaining jurisdiction and staying matter pending SCI review)

BOARDS OF EDUCATION

- Health benefits, Boards may not enter into trust participation agreement with intermediary in order to provide health benefits for employees (93 N.J.A.R.2d (EDU) 802, Millstone Twp. Teachers Assoc.) But see St. Bd. 95 N.J.A.R.2d (EDU) 255, Millstone Twp. Teachers Assn., - L. 1995, c. 74 authorized boards to provide group health insurance through joint insurance funds (JIF's); challenge to pre-1995 trust agreement dismissed. Decision clarified St. Bd. 95:Sept. 6)
- Health benefits: question of whether contract between board and CIGNA is fixed-insurance policy as authorized by N.J.S.A. 18A:16-13, or form of self-insurance prohibited under Irvington, remanded; Department of Insurance should be asked to participate as *amicus* on issue of whether policy is fully insured (94:Nov. 3, Middletown)
- Immunity: School board was immune from suit brought by pupil whose daughter was born with congenital rubella after she received rubella vaccination at school. (Kemp v. State, 286 N.J. Super. 549 (1996))
- Indemnification for ethics violation is not covered by statute (96:Oct. 10, Passaic)
- Job requirement, requirement of two certificates to qualify for single position was not arbitrary or irrational, even if unique (Denney, 131 N.J. 626 (1993), rev'g 251 N.J. Super. 144 (App. Div. 1991), rev'g St. Bd. 90:1007, aff'g 90:974)
- Liability: Members of a school board were not individually liable for another member's allegedly improper opposition to a housing project. Active knowing assistance or participation in the wrongdoing might serve as a basis for a charge of individual or board responsibility. However, members failure to prevent the allegedly improper conduct was not enough to establish liability. Lake Lenore Estates, Associates v. Twp. of Parsippany-Troy Hills Bd. of Ed., 312 N.J. Super. 409 (App. Div. 1998).
- No board vote required on nonrenewal after informal appearance before the board (97:Aug. 6, Velasquez, St. Bd. aff'g w/modif. 96:April 4)

BOARDS OF EDUCATION

- Punitive damages; in an action under the Conscientious Employee Protection Act, a board of education may be liable for punitive damages for the egregious misconduct of the superintendent of schools and other high-level administrators. Abbamont v. Piscataway Twp. Bd. of Ed., 314 N.J. Super. 293 (App. Div. 1998), aff'd St. Bd. 98: Oct. 7
- Punitive damages; Supreme Court's affirmance by an equally divided court constituted the controlling law under the "law of the case" doctrine and was binding on lower courts in this case. Abbamont v. Piscataway Twp. Bd. of Ed., 314 N.J. Super. 293 (App. Div. 1998), aff'd St. Bd. 98: Oct. 7
- Pupil's grade properly lowered in accordance with school policies regarding plagiarism. (97 N.J.A.R.2d (EDU) 518, M.D.)
- Ratification, letter by board president amending contract never ratified by board does not constitute board action and is without legal or binding effect (92 N.J.A.R.2d (EDU) 251, Syvertsen, aff'd St. Bd. 92 N.J.A.R.2d (EDU) 393, aff'd App. Div. unpub. op. (Dkt. No. A-5928-91, June 11, 1993))
- Refusal by Type I board to seat new member appointed by lame duck mayor improper and contrary to law (96 N.J.A.R.2d (EDU) 661, Cordasco)
- Rescission of resolution: Commissioner denied application for emergent relief to vacate board's rescission of its February 30, 1990 resolution to fill vacancy occurring on July 1; board in existence when vacancy occurs fills position (90:Aug. 30, Barckett)
- Respondeat superior: board may be liable under Conscientious Employee Protection Act for retaliatory actions of superintendent (Abbamont, 138 N.J. 405 (1994), aff'g 269 N.J. Super. 11 (App. Div. 1993)) See 314 N.J. Super. 293 (App. Div. 1998), aff'd 163 N.J. 14 (1999)
- Self-funded insurance plan
Self-funding of health insurance by board impermissible (95 N.J.A.R.2d (EDU) 61, Keyport Teachers Association, aff'd St. Bd. 95 N.J.A.R.2d (EDU) 208, aff'd App. Div. 299 N.J. Super. 649 (App. Div. 1997) see 96 N.J.A.R.2d (EDU) 550, for unfair labor practice ruling)

BOARDS OF EDUCATION

Superintendent's termination of employment is not invalidated by subsequent discovery that two members were ineligible to serve on board (94 N.J.A.R.2d (EDU) 345, Pijeaux II)

T & E, board decision not to schedule make-up classes after a five day teachers' strike did not deny students T&E education (90:1008, Busch)

Attorney Fees

Board member was entitled to indemnification for costs she incurred litigating issue of her presence at executive session, during which the board discussed the possibility of bringing frivolous lawsuit action against persons including said board member who, prior to her election, had participated in a legal challenge to the board's plan to reconfigure its schools (Quick v. Old Bridge Twp. Bd. of Ed., 308 N.J. Super. 338 (App. Div. 1998), aff'g St. Bd. (Dec. 4, 1996))

Bylaws

Board bylaw providing for agenda meeting prior to regular meeting not legally enforceable. (97 N.J.A.R.2d (EDU) 295, Sooy, III)

Classification

Committees

Delegation, board may of necessity delegate some procedural matters re: pupil suspension to a committee or to school administrators for the purpose of determining facts and developing recommendations (96 N.J.A.R.2d (EDU) 125, L.T.)

Duties and powers of

Appointments

Affirmative action; disparity in male-female administrator ratio no justification for ignoring tenure rights (92 N.J.A.R.2d (EDU) 540, Bourhis)

Assistant superintendents; must be nominated by superintendent prior to appointment as per N.J.S.A. 18A:17-16 (88:221, Napoli, aff'd w/mod. St. Bd. 88:284, stay denied St. Bd. 89:Feb. 1, aff'd App. Div. unpub. op. (Dkt. No. A-2301-88T3, March 2, 1990))

Board has the power to transfer personnel as long as it does not reduce salary nor act in bad faith (97 N.J.A.R.2d (EDU) 160, Seyfarth, aff'd St. Bd. 97 N.J.A.R.2d (EDU) 554, aff'd App. Div. unpub. op. Dkt. No. A-5890-96T5, May 5, 1998)

BOARDS OF EDUCATION

- Board may not appoint or transfer in absence of nomination by superintendent (91:506, Brescia)
- Board may reappoint nonrenewed employee without CSA recommendation after informal appearance before the board (97:Aug. 6, Velasquez, St. Bd. aff'g w/modif. 96:April 4)
- Board may reject superintendent's recommendation to employ teacher but may not hire individual who has not been affirmatively recommended by superintendent (93 N.J.A.R.2d (EDU) 453, Stevens)
- Board may vest supervisory duties for media center in vice principal (94 N.J.A.R.2d (EDU) 311, Lippincott, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 430, aff'd App. Div. 95 N.J.A.R.2d (EDU) 304)
- Board ordered to comply with its own policies concerning recruitment, affirmative action, and placement of matters on board agenda, and to submit evidence to county superintendent that employment decisions comport with relevant policies (95 N.J.A.R.2d (EDU) 352, Davis)
- Board violated the tenure and seniority rights of petitioners, tenured principals, when it transferred and reassigned them to the positions of vice principal and department chairpersons without their consent (94:Sept. 4, Bush)
- Nepotism policy upheld despite uneven enforcement (96:July 25, Carroll)
- Policy, board ordered to comply with its own policies concerning correspondence, recruitment, affirmative action, and placement of matters on board agenda, and to submit evidence to county superintendent that employment decisions comport with relevant policies (95 N.J.A.R.2d (EDU) 352, Davis)
- Superintendent, board may, under N.J.S.A. 18A:27-1, appoint teaching staff member who has not been recommended by the chief school administrator; State Board has no authority to adopt regulations requiring CSA recommendation (Rotondo, 276 N.J. Super. 36, (App. Div. 1994), rev'g St. Bd. 92 N.J.A.R.2d (EDU) 622, aff'g 92 N.J.A.R. 2d (EDU) 376) (97:Aug. 6, Velasquez, St. Bd. rev'g 96:April 4)

BOARDS OF EDUCATION

NOTE: P.L. 1995, c. 125, intended to supersede Rotondo and requires the recommendation of the chief school administrator before a board can appoint, transfer or remove a certificated or non-certificated employee. However, State Board interpreted N.J.S.A. 18A:27-4.1 consistent with Rotondo.

Superintendent contract

Board could not interfere with the rights of successor board by making appointment to a vacancy that would not exist until after the expiration of the public body's term.

Gonzalez v. Bd. of Ed. of Elizabeth, 325 N.J. Super. 244 (App. Div. 1999), certif. den. 163 N.J. 77 (1999), rev'g Commissioner's decision 98:Jan. 27, aff'g St. Bd. 98:June 3)

Unrecognized titles must be submitted to county superintendent for approval (91:252, Paszamant, St. Bd. dismissed appeal for failure to perfect, 92 N.J.A.R.2d (EDU) 329, aff'd App. Div. unpub. op. (Dkt. No. A-4812-91, Sept. 28, 1993))

When a board acts within its authority, its decisions are given a presumption of correctness that will not be overturned absent an affirmative showing that the decision was arbitrary, capricious or unreasonable (97 N.J.A.R.2d (EDU) 160, Seyfarth, aff'd St. Bd. 97 N.J.A.R.2d (EDU) 554, aff'd App. Div. unpub. op. Dkt. No. A-5890-96T5, May 5, 1998)

Attendance areas

Board decision to change geographic designations for attendance at district kindergartens based on increased enrollments upheld (95 N.J.A.R.2d (EDU) 107, T.M.)

Attendance policy

Absenteeism policy which sets forth blanket denial of increment based on number of days missed, removes the board from the responsibility for assessing the circumstances of the absences is arbitrary and contrary to law. Pollard, Griskind & Sims, App. Div. unpub. op. (Dkt. No. A-4109-91, Feb. 22, 1994, aff'g St. Bd. 92 N.J.A.R.2d (EDU) 286, stay den. 92:July 1, rev'g 92 N.J.A.R.2d (EDU) 279)

BOARDS OF EDUCATION

Binding future or successor boards

Board in existence when vacancy occurs fills position
(90:Aug. 30, Barckett)

Settlement agreement affecting policy cannot bind board
in perpetuity unless principles in proposed
settlement adopted as formal policy subject to
annual review and readoption (91:Feb. 8, Council of
Parents of North Caldwell)

Superintendent contract

Only board constituted when vacancy occurs upon
expiration of superintendent's contract may
appoint successor; appointment void ab initio
(Gonzalez v. Elizabeth Bd. of Ed., 325 N.J.
Super. 244 (App. Div. 1999); certif. den. 163
N.J. 77 (1999), rev'g Commissioner's decision
98:Jan. 27, aff'g St. Bd. 98:June 3)

Whether buyout agreement consisting of principal's leave
of absence with pay for 13 months, followed by
resignation and payout of \$337,000, binds future
boards, presented a justiciable issue (95:February
21, DiFalco)

Officers, board may only elect president/vice president at
reorganization meeting (90:967, Schill)

Reduction in force, board has authority to reduce force for
economic reasons; no statutory bar to contracting for
speech correction services (92 N.J.A.R.2d (EDU) 197,
Impey, aff'd St. Bd. 92 N.J.A.R.2d (EDU) 427, aff'd 273
N.J. Super. 429 (App. Div. 1994), aff'd 142 N.J. 388
(1995))

Superintendent recommendation, board alone has the ultimate
authority to decide the employment of its teaching staff
members (90:725, Cutler, aff'd St. Bd. 90:751) (90:852,
Vernon)

Unfit teacher, board has moral and ethical responsibility to
petition State Board of Examiners if it continues to
believe teacher unfit to teach even though resignation
renders tenure charges moot (91:Feb. 22, Kenner)

Calendar

Board of education not obligated to negotiate over snow
day rescheduling. May have to negotiate impact.
Remanded to PERC for determination under Woodstown-
Pilesgrove standard. Piscataway Ed. Assn. V. Bd.
of Ed., 307 N.J. Super. 263 (App. Div. 1998)

BOARDS OF EDUCATION
Contracts

- Board contract with single photographer to take high school yearbook photos was not improper, discriminatory or abuse of discretion (95 N.J.A.R.2d (EDU) 42, Santomenna)
- Buyout agreement, legality of buyout agreement
Consisting of principal's leave of absence with pay for 13 months, followed by resignation and payout of \$337,000 presented a justiciable issue (95:February 21, DiFalco)
- Commercial network, board has discretionary authority to enter into contract with commercial network; N.J.S.A. 18A:51-13 limited in application to noncommercial, nonprofit enterprises and does not bar contract with commercial network (92 N.J.A.R.2d (EDU) 481, Whittle Communications, St. Bd. aff'd in holding limited to facts of case, 93 N.J.A.R.2d (EDU) 90, aff'd App. Div. unpub. op. (Dkt. No. A-2165-92T5, Aug. 2, 1994), certif. denied, 139 N.J. 184 (1995))
- Crisis intervention therapists, board contract with UMDNJ for crisis intervention therapists is valid exercise of managerial prerogative; no evidence of bad faith or interference with rights of guidance counselors or child study team members (94 N.J.A.R.2d (EDU) 301, Edison Twp. Education Assoc., de novo review by St. Bd. 94 N.J.A.R.2d (EDU) 592, aff'd App. Div. 96 N.J.A.R.2d (EDU) 463)
- Health benefits, boards may not enter into trust participation agreement with intermediary in order to provide health benefits for employees (93 N.J.A.R.2d (EDU) 802, Millstone Twp. Teachers Assoc.) But see State Board 95 N.J.A.R.2d (EDU) 255, Millstone Twp. Teachers Assn., L. 1995, c. 74 authorized boards to provide group health insurance through joint insurance fund (JIFs); challenge to pre-1995 trust agreement dismissed. Decision clarified St. Bd. 95: Sept. 6

BOARDS OF EDUCATION

Superintendent contract

Board could not interfere with the rights of successor board by making appointment to vacancy that would not occur until after expiration of public body's term. Gonzalez v. Bd. of Ed. of Elizabeth, 325 N.J. Super. 244 (App. Div. 1999), certif. den. 163 N.J. 77 (2000) (See St. Bd. 98:June 3, rev'g 98:Jan. 27)

Superintendent contract, modification of

superintendent's employment contract must conform with statutory limitation on term of employment; effective six year term following modification is violative of N.J.S.A. 18A:17-15 (95 N.J.A.R.2d (EDU) 115, West Village Civic Club, aff'd w/mod. St. Bd. 96:June 5)

The State Health Benefits Commission has the statutory authority to adjudicate, in the first instance, a dispute concerning a school board's withdrawal from the State Health Benefits Plan. Bd. of Ed. of Upper Freehold Regional School District v. State Health Benefits Commission, 314 N.J. Super. 486 (App. Div. 1998)

Binding board, no single board member speaks for the board (90:543, Migliaccio)

Curriculum

Channel One programming which includes commercials does not violate compulsory education statute; programming intended to supplement educational environment and is not part of curriculum (92 N.J.A.R.2d (EDU) 481, Whittle Communications, St. Bd. aff'd in holding limited to facts of this case, 93 N.J.A.R.2d (EDU) 90, aff'd App. Div. unpub. op. (Dkt. No. A-2165-92T5, Aug. 2, 1994), certif. denied, 139 N.J. 184 (1995))

Family life curriculum properly adopted by board after consultation and participation of representative members of community as required by N.J.A.C. 6:29-4.2; regulation does not require board to confer "veto like" authority on members of community (94 N.J.A.R.2d (EDU) 532, Lee)

BOARDS OF EDUCATION

Individual student, board acted reasonably; changed classroom of distractible child upon CST recommendation (89:1366, K.M., dismissed St. Bd. 89:1392, dismissed App. Div. unpub. op. (Dkt. No. A-1181-89T1, April 11, 1990))

Duty to engage in settlement efforts: in absence of final ruling that board's construction is beyond scope of referendum, Commissioner would not require parties to engage in settlement efforts, as such order would constitute surrender of board's statutory authority (95:December 6, Shuster, order on motion for summary judgment)

Gifts of public funds

Board's practice of crediting credit union and annuity plans did not create gift of public funds to employees in violation of constitutional provisions prohibiting gift or loan of public funds. Neptune, 293 N.J. Super. 1 (App. Div. 1996), aff'g 95 N.J.A.R.2d (EDU) 208, St. Bd. rev'g 92 N.J.A.R.2d (EDU) 602, aff'd 293 N.J. Super. 1 (App. Div. 1996), certif. den. 147 N.J. 259 (1996)) (NOTE: State Board in Neptune overruled 77:704, Brick, concerning salary payments to teachers at beginning of year)

Paying salary for services not rendered (90:340, Guerra, aff'd St. Bd. 90:354)

Implied authority allows a board member to engage in activities that disseminate information to the public to explain board's policies and actions, such as appearing on cablevision show to explain board's policy on courtesy busing; no express authorization by board is required (95:March 29, Montagna)

Legislative entity, local boards of education are creatures of the state and have therefore only those powers granted to them by the Legislature either expressly or by necessary implication (96 N.J.A.R.2d (EDU) 167, Herron, aff'g St. Bd. for other reasons, 96:December 4) (See 94:Oct. 24, Herron)

Personnel records

Access to files of current employees is strictly limited to action requiring board vote or entailing essential board duties; scope of review limited to necessary portions of the file (90:752, Horner)

BOARDS OF EDUCATION

Reasonable access to all employment applications must be allowed; however, access does not extend to administrators' personal notes and is subject to reasonable conditions for review (90:752, Horner)
Petition seeking return of goalie pads dismissed - no proof pads were property of board. (97 N.J.A.R.2d (EDU) 586, Vickner)

Policies

Vacation unused, adoption of policy regarding unused vacation days within board's discretion; however, resolution which expressly requires use of unused vacation days in specific year does not repeal prior policy of paying administrators for unused vacation days (94 N.J.A.R.2d (EDU) 12, Kirschling)

Publications

Commissioner finds newsletter improperly advocated passage of bond referendum and constituted an impermissible use of public funds. Full board ordered to review such publications in advance in open session with counsel for a period of one year (96 N.J.A.R.2d (EDU) 114, Enterline)

Publicity; board cannot publish and distribute a newsletter which advocates passage of a budget question on a ballot (91:677, Fenton)

Registration: action of district in undertaking reregistration of students was consistent with the general powers granted a local board (98:April 27, R.L.)

Rules and regulations

Age based admissions policy for 1st grade which distinguished between transferees from public and private schools was not arbitrary or discriminatory and was within discretion of board (92 N.J.A.R.2d (EDU) 640, S.T.B.)

Board did not violate its bylaws by cancelling its agenda meeting prior to its regular meeting; further, if a violation did exist such a violation was de minimis (97 N.J.A.R.2d (EDU) 295, Sooy, III)

Board not bound to follow procedural rule of order when review of past practice shows prior noncompliance and failure results in no harm to public or rights of a particular individual (91:703, on remand from 90:1473, DiMare)

BOARDS OF EDUCATION

Snow days

Board of education not obligated to negotiate over snow day rescheduling. May have to negotiate impact. Remanded to PERC for determination under Woodstown-Pilesgrove standard. Piscataway Ed. Assn. V. Bd. of Ed., 307 N.J. Super. 263 (App. Div. 1998)

Tenure laws do not limit board's discretion in hiring summer school teachers (92 N.J.A.R.2d (EDU) 389, Doran)

Ethics - See "Ethics Act" this Index

Meetings of

Claim against board member with suit against board may be excluded from closed session discussion of litigation (90:939, Syvertsen I, aff'd St. Bd. 90:944, aff'd 251 N.J. Super. 566, (App. Div. 1991))

Officers, election of board president and vice president at first organizational meeting as required under N.J.S.A. 18A:10-3 was not nullified by subsequent alteration in composition of board; N.J.S.A. 18A:15-1 precludes their removal at second organizational meeting (91:1611, Mongiardo, aff'd w/modif. St. Bd. 92:Feb. 5)

Vacancies, ALJ's rationale not clear where he found no parliamentary or OPMA violations in seating candidate to board vacancy after two board members left meeting; order denying emergent relief affirmed after independent review (90:1473, DiMare, rem'd to ALJ for plenary hearing on merits, decision on remand, 91:703)

Open Public Meetings Act

(See "OPEN PUBLIC MEETINGS ACT" topic heading, this index)

Membership on

Appointment

Appointment of Type I school board member by lame duck mayor with less than one month remaining in term valid (96 N.J.A.R.2d (EDU) 661, Cordasco)

Conflicts of interest

(See also "Ethics Act" this index)

Board president had a disqualifying conflict when he voted for board attorney while at the same time being in litigation against board (96 N.J.A.R.2d (EDU) 990, Ciliberto)

Business ownership, owner of insurance company, which provided coverage for district bus drivers, disqualified from serving on board (90:895, Pauze)

BOARDS OF EDUCATION

- Business ownership, board member removed for failure to answer interrogatories in suit alleging that he was disqualified from membership because of ownership of board's official newspaper (95 N.J.A.R.2d (EDU) 222, Brick)
- Candidate, interest in lease agreement with school district is inconsistent with board membership but does not disqualify candidate from running for board (93 N.J.A.R.2d (EDU) 369, Edwards, aff'd in part, rev'd in part St. Bd. 93:Nov. 3)
- Candidate, conflict of interest does not preclude candidate from appearing on the ballot; issue can be addressed after election (95 N.J.A.R.2d (EDU) 445, Battiloro)
- Candidate, disqualifying conflict of interest when candidate is primary corporate counsel to governing body (93 N.J.A.R.2d (EDU) 367, Gonzalez)
- Challenge to special election: Board members' participation in challenge to special election approving a bond referendum did not result in "substantial and material benefit" sufficient to disqualify them from holding seats on the board (98:April 27, Chester; denial of request for indemnification of legal expenses aff'd St. Bd. 98: Aug. 5)
- Claim against board, board member named as plaintiff in son's personal injury suit against board was in substantial and material conflict of interest; however, remedy of disqualification rendered moot by settlement of case (92 N.J.A.R.2d (EDU) 163, Acevedo) Compare, No conflict of interest found based upon board member having claim against board where board member's son was emancipated and board member and wife executed releases in favor of board (96 N.J.A.R.2d (EDU) 5, Mercer)
- Claim against board, board member's indirect interest in wife's lawsuit against board sufficient conflict of interest to disqualify him from board membership (94 N.J.A.R.2d (EDU) 197, Taliaferro)
- Claim against board, insufficient evidence that board member in business of processing medical insurance forms would benefit either directly or indirectly from his adult son's claim against the board (96 N.J.A.R.2d (EDU) 5, Mercer)

BOARDS OF EDUCATION

- Closed session, presence during closed session:
Judge's application of Syverten to require exclusion of board member from closed session where discussions concerned litigation involving board member was misplaced. Instant situation is distinguishable from Syvertsen as here the board was contemplating bringing action against board member, rather than the reverse (Quick v. Old Bridge Twp. Bd. of Ed., 308 N.J. Super. 338 (App. Div. 1998), aff'g St. Bd. (Dec. 4, 1996))
- Collective negotiations; board members whose spouses are employed by board and are members of teachers' association may participate in negotiations and vote on agreement (92 N.J.A.R.2d (EDU) 428, Hahn) (But see Ethics Commission advisory opinions listed under "ETHICS ACT" topic heading)
- Conflict of interest statute, N.J.S.A. 18A:12-2 was not amended or superceded by School Ethics Act, N.J.S.A. 18A:12-21 to 34 (96 N.J.A.R.2d (EDU) 5, Mercer)
- Contract with board/family, board properly rejected bidder who was an immediate family member of a board member (90:1570, Babcock Computer Corp.)
- Contract with the board, board member employed by bus company under contract with board does not have an automatic disqualifying conflict of interest; remand ordered to determine whether board member had a substantial, material and pervasive conflict of interest (95 N.J.A.R.2d (EDU) 350, Andrews, St. Bd. rev'g & remanding 94 N.J.A.R.2d (EDU) 315)
- Contract with the board, board member employed by bus company under contract with board must either give up his position as bus driver or forfeit his seat on board (93 N.J.A.R.2d (EDU) 792, Oehlke, aff'd St. Bd. 93 N.J.A.R.2d (EDU) 797)
- Custodian, employment by board as custodian and grounds keeper and duties as union representative constitute incompatible conflict with board membership (93 N.J.A.R.2d (EDU) 157, Suchcicki)

BOARDS OF EDUCATION

- Employment as police officer assigned to juvenile bureau and serving as security officer in district high school is not impermissible conflict of interest with board membership; any appearance of impropriety can be cured by abstention from voting on incidents involving police investigations of students (93 N.J.A.R.2d (EDU) Ubalдини)
- Employment by township not incompatible with board membership (93 N.J.A.R.2d (EDU) 694, Brodie)
- Nepotism, hiring of board member's son in direct contradiction of board's conflict of interest policy moot issue since member no longer serves on board (91:1266, Baptist)
- Notice of Claim filed against board for compensatory and punitive damages constitutes "claim against the board" incompatible with board membership (90:674, Holmdel)
- Personal interest of board member; voting violated Oath of Office and Code of Ethics; did not rise to the level of dismissing tenure charges (88:221, Napoli, aff'd w/mod. St. Bd. 88:284, stay denied St. Bd. 89:Feb. 1, aff'd App. Div. unpub. op. (Dkt. No. A-2301-88T3, March 2, 1990))
- Retired teacher may vote on teachers' collective bargaining agreement (90:1446, Karabin)
- Security officer, no conflict of interest when board member who was police officer worked as security officer at school events, however, member directed to abstain from any voting or discussion which might impact on security at school events (93 N.J.A.R.2d (EDU) 74, Parillo, aff'd St. Bd. 93 N.J.A.R.2d (EDU) 415, aff'd App. Div. unpub. op. (Dkt. No. A-4744-92T2, Aug. 2, 1994))
- Violation of School Ethics Act occurred when board members appointed by mayor who was also school business administrator disregarded Commissioner's advisory opinions and knowingly preserved mayor's conflict of interest continued employment as school business administrator; appropriate penalty for violation is public censure (95 N.J.A.R.2d (EDU) 123, Steele, Stay Denied St. Bd. 95:June 7, aff'd St. Bd. 95:Sept. 6)

BOARDS OF EDUCATION

Qualifications

Candidates must meet qualification requirements (age, citizenship, registered voter) at the filing of the nominating petition (91:288, Delay)

Candidate's interest in lease agreement with school district is inconsistent with board membership but does not disqualify candidate from running for board (93 N.J.A.R. 2d (EDU) 369, Edwards, aff'd in part, rev'd in part St. Bd. 93:Nov. 3)

"Fitness of character" of board candidate is not addressed by statutes concerning qualification of board members. However, notions of public trust and fidelity imply board members should possess suitable character traits (96 N.J.A.R.2d (EDU) 10, New Providence)

Fitness of character standards for board members are implicit in N.J.S.A. 2C:51-2 which requires forfeiture of office upon conviction of certain criminal offenses (96 N.J.A.R.2d (EDU) 10, New Providence)

Registered voter (91:288, Delay)

Union representative employed by board as custodian and grounds keeper not qualified to run for board; intent to give up conflicting employment if elected does not remove disqualifying conflict of interest (93 N.J.A.R.2d (EDU) 157, Suchcicki) (But see contra St. Bd. opinion in Edwards, summarized above)

Refusal of Type I board to seat lame duck mayoral appointee improper and contrary to law (96 N.J.A.R.2d (EDU) 661, Cordasco)

Removal

Board member removed after Commissioner finds that there was a direct or indirect interest in a claim against the Board but did not remove until date of decision because actions taken by him could not be invalidated merely because of the conflict of interest (96 N.J.A.R.2d (EDU) 990, Ciliberto)

BOARDS OF EDUCATION

Filing Tort Claims Act Notice and complaint by son of board member against board for personal injuries sustained on board property is not a claim by board member against the board where board member had released board from all claims and son was an 18 year old student at the time of the injury and an emancipated adult after high school graduation (96 N.J.A.R.2d (EDU) 5, Mercer)

Financial disclosure statement, member to lose seat for failure to file statement of her husband's income as required by N.J.S.A. 18A:12-25 (93 N.J.A.R.2d (EDU) 498, School Ethics Commission v. Stockton)

For failure to meet qualification requirements at time of filing nominating petition (91:288, Delay)

Improper approval of expenditure of public funds not basis for removal under the school laws, the recall election statute, or the forfeiture law (96:July 5, Feldman)

President and vice president elected by de facto board at first organizational meeting may not be removed without proper cause at later meeting by de jure board (91:1611, Mongiardo, aff'd w/modif. St. Bd. 92:Feb. 5)

Registered voter, removal of newly elected candidate who was not registered voter ordered (94 N.J.A.R.2d (EDU) 323, Old Bridge, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 325, stay denied 93:Sept. 21, aff'd St. Bd. 93:Oct. 6)

Removal ordered for voting to appoint son-in-law as superintendent and attempting to sell gloves to school district employees, both in violation of the School Ethics Act (95 N.J.A.R.2d (EDU) 190, Scudillo, rev'd by St. Bd. for failure to hold hearing in accordance with Administrative Procedure Act, 95 N.J.A.R.2d (EDU) 195)

Resignation

Where resignation is clearly communicated to and received by a board of education, it is effective, even without a formal vote and despite contrary past practice (90:491, Silberstein)

BOARDS OF EDUCATION

Vacancies

Appointment of Type I school board member by lame duck mayor with less than one month remaining in term deemed valid (96 N.J.A.R.2d (EDU) 661, Cordasco)

County superintendent fills vacancy created by removal of member later shown to have been ineligible to run for election (91:288, Delay)

Majority vote of board members present sufficient to elect member to fill vacancy (DiMare, 91:703, on remand from 90:1473)

Voting

No board vote required on nonrenewal after informal appearance before the board (97:Aug. 6, Velasquez, St. Bd. aff'g w/modif. 96:April 4)

BOARD OF EXAMINERS

BOARD OF SCHOOL ESTIMATE

(See "Budgets" this index)

BOARD SECRETARY

(See "Tenure - Acquisition of" and "Tenure - Dismissal" this index)

Board secretary/business administrator diverted public funds for personal use, participated in PTI program, resigned from district. Entitled to compensation from 121st day after certification of tenure charges to date of indictment. Matter referred to State Board of Examiners for consideration of certificate revocation (96 N.J.A.R.2d (EDU) 793, Colucci)

Claim for compensation by board secretary/business administrator for unused vacation days denied - untimely filed (96 N.J.A.R.2d (EDU) 817, McCrea, aff'd St. Bd. 96 N.J.A.R.2d (EDU) 820)

BOND ISSUES

(See "Elections - Referenda" this index)

BUDGETS

Generally

- Administration, township's reduction of principal position based solely on number of students and buildings in district and takes no account of district's administrative structure which cannot be altered on such short notice, and Commissioner restores monies for position but directs district to analyze administrative needs and develop a plan for revision (96 N.J.A.R.2d (EDU) 39, Township of Ocean)
- Amounts budgeted driven by the number of affected students which is not necessarily comparable from year to year (96 N.J.A.R.2d (EDU) 39, Township of Ocean)
- Board member's budget notebooks were neither Right to Know or common law public records. Even if they had been common law public records, the public's interest in maintaining the confidentiality of the budget planning process was superior to the public's right to know. Home News v. Spotswood Bd. of Ed., 286 N.J. Super. 380 (App. Div. 1996)
- Budget review procedure, Commissioner directed to adopt regulations for budget review process (94 N.J.A.R.2d (EDU) 493, Edgewater, St. Bd. rev'g & remanding 93 N.J.A.R.2d (EDU) 83)
- Cap waivers, voter rejected cap waivers are not subject to the review and action of the governing body, and there is no provision in law or code which authorizes a governing body to set a budget appropriation over cap (96 N.J.A.R.2d (EDU) 39, Township of Ocean)
- City's attempt to identify line items where reductions could be made so as to avoid depleting surplus impermissible under CEIFA (97:Nov. 17, City of Absecon)
- Closing school, decision to close school must be made by board, not governing body (91:2337, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 134)
- Council provided insufficient detail for directing reduction of expenditures for mandates activities which appear to be consistent with prior costs (96 N.J.A.R.2d (EDU) 68, Denville)
- Courtesy busing: District which had incurred deficit encouraged to review expenditures for this item (90:Feb. 27, Middletown)

Deficit

Board ordered to file a formal plan to eliminate deficit with County Superintendent and directed to take specific action within such plan. Commissioner identified areas to be reduced without affecting the district's ability to provide T & E (97 N.J.A.R.2d (EDU) 392, Fairview)

BUDGETS

Children cannot be held hostage to board's fiscal mismanagement of budget, therefore, additional tax levy ordered to offset previous year's deficit and to ensure thorough and efficient education in present year (91:927, Lindenwold)

Commissioner authorized board to borrow money to cover budget deficit, and directed additional tax levy for ensuing year, after considering municipal recommendations for budget cuts (90:Feb. 27, Middletown)

Commissioner declines to order supplemental tax levy over and above actual deficit to cover related interest and legal fees: board offered no evidence that it needed requested \$43,000 (95 N.J.A.R.2d (EDU) 373, Stafford Twp.)

Commissioner orders supplemental tax levy to cover \$385,000 deficit after voter defeat: amounts necessary for T & E, board had implemented audit recommendations, and administrator who had failed to detect and report deficit had resigned (95 N.J.A.R.2d (EDU) 373, Stafford Twp.) (See also 98:May 11, Upper Pittsgrove)

DOE justified reduction of state aid (\$274,273) where board had received \$925,000 donation from municipality. (96 N.J.A.R.2d (EDU) 867, Lacey, aff'd St. Bd. 96:Dec. 4)

Equipment, board demonstrated its need for a new copy machine and Township's suggestion of repair and/or upgrade is neither viable in the short run nor efficient in the long run (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Equipment purchases part of the district's overall technology upgrade, the board may be able to realize economies not possible if purchases are made in smaller lots (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Expenditure of funds: teachers' union's application for restraining order denied; board could not be restrained from spending moneys restored in budget appeal for items other than teachers' salaries, where collective bargaining agreement had not yet been reached (95:June 7, South River Ed. Ass'n.)

Miscellaneous revenues comprised of interest on surplus, returns on insurance premiums, summer school tuition account increase of \$100,000 by Council sustained by Commissioner based upon board's past experience (96 N.J.A.R.2d (EDU) 95, Long Branch)

Newsletter, board has not demonstrated its inability to provide newsletters within limitations of appropriation set by the township (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Number of students not indicative of time and staffing needed for resultant caseload (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

BUDGETS

- Proposed increased amounts for computer services and general instruction supplies must be supported by documentation of past expenditures and appropriations to justify restoration (96 N.J.A.R.2d (EDU) 68, Denville)
- Reduction budget tuition amount based upon projected number of drop-outs for forthcoming year rejected by the Commissioner as neither possible within the regulatory framework nor appropriate in terms of educational expectation (96 N.J.A.R.2d (EDU) 39, Township of Ocean)
- Reduction to tax levy restored. City action to reallocate surplus would leave Board in untenable position of having no undesignated unreserved surplus at all, whereas amount of surplus proposed by the Board (2.8%) was appropriate (97:Nov. 17, City of Absecon)
- Regional district, Commissioner certifies tax levy where constituent governing bodies in regional could not agree as to budget cuts (95:January 4, Wanaque)
- Repairs; a condition of disrepair or damage which prevents utilization of a necessary instructional space cannot be phased over time, but must be remedied to provide adequate facilities (96 N.J.A.R.2d (EDU) 39, Township of Ocean)
- Restoration, the Legislature, pursuant to N.J.S.A. 18A:6-9, 22-14 and 22-37 has authorized the Commissioner of Education to review and decide appeals by boards of education seeking restoration of budgetary reductions imposed by local governmental bodies (96 N.J.A.R.2d (EDU) 95, Long Branch) (96 N.J.A.R.2d (EDU) 111, Lakeland Regional)
- Special education, board established that expenditures are an integral part of the ongoing development of its special education program, and as such are necessary for T & E (96 N.J.A.R.2d (EDU) 39, Township of Ocean)
- Staff, board should not be locked into necessarily hiring minimum salary candidates for all new positions when better qualified but more costly candidates may be available and interested (96 N.J.A.R.2d (EDU) 95, Long Branch)
- Staffing, part-time, no significant advantage, but disadvantage in loss of continuity and commitment reducing secretary/bookkeeper to part time and then hiring hourly help with overflow (96 N.J.A.R.2d (EDU) 39, Township of Ocean)
- T & E, Commissioner cannot properly effectuate statutory and

constitutional responsibilities by resolving an appeal of municipal budget reductions on procedural grounds alone, nor can he completely ignore the municipality's political concerns and override the will of the electorate without some necessity strictly related to the constitutional mandate of T & E (96 N.J.A.R.2d (EDU) 95, Long Branch)

BUDGETS

T & E, Commissioner does not concur that actual expenditures are necessarily the best indicator of necessity for T & E, as budgetary needs will vary depending on the projects to be undertaken and the purchases to be made (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

T & E, monies for newly vacant teaching position and Increased special education needs necessary for T & E (96 N.J.A.R.2d (EDU) 95, Long Branch)

T & E, record comports with board's explanation, there is no rational basis for city's claim funds are not necessary for T & E (96 N.J.A.R.2d (EDU) 95, Long Branch)

T & E, site based library is an important component in T & E in an elementary school district and updating and enhancements proposed by the board are necessary to insure continued provision of T & E (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

T & E, the Legislature, by way of statutory scheme, has delegated the responsibility for providing a thorough and efficient system of education to local boards of education (96 N.J.A.R.2d (EDU) 95, Long Branch) (96 N.J.A.R.2d (EDU) 111, Lakeland Regional)

Updating and expansion of library by board does not reflect ambitious growth and development but rather a desire to keep the library current rather than let it fall into deficiencies and obsolescence so serious as to require major expenditures at some future date (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Applications for Restoration of Reductions

Above the box - Budgets in Excess of Maximum T & E Budget

Commissioner restored \$797,000, necessary to maintain stability of district. Monies restored to capital outlay, capital improvements, student transportation. \$146,911 reallocated for students. (98:Feb. 16, Old Bridge)

Commissioner restores \$136,783. Board spent well within CEIFA's efficiency levels for teacher salaries, aides, legal fees. Health benefits could not be cut if positions not cut. Restorations necessary for stability of district. (98:Feb. 2, Little Ferry)

BUDGETS

In the box - Budgets at or below the maximum T & E Budget

Board sufficiently demonstrated that restoration of specific line item reductions was necessary in order to provide a thorough and efficient education; however, as the District has additional surplus to cover reductions the Commissioner let stand the general fund tax levy certified by the city; Board permitted to exclude additional state appropriation from consideration because of demonstrated need for repairs, any funds not used for repair must be appropriated for the tax relief in subsequent year (97:Dec. 19, City of Wildwood)

Below the box - Budgets below the minimum T & E Budget

Board receives \$50,000 additional instate (98:Feb. 26, Wallington, aff'd St. Bd. 98:July 1)

City counsel prohibited from reducing surplus to 42 cents (97:Nov. 17, City of Absecon)

City's attempt to identify line items where reductions could be made so as to avoid depleting surplus impermissible under CEIFA (97:Nov. 17, City of Absecon)

Commissioner restores \$436,201 - Council failed to demonstrate that cuts would not negatively impact T & E. (98:Feb. 26, Wallington, aff'd St. Bd. 98:July 1)

Reduction to tax levy restored. City action to reallocate surplus would leave Board in untenable position of having no undesignated unreserved surplus at all, whereas amount of surplus proposed by the Board (2.8%) was appropriate (97:Nov. 17, City of Absecon)

Budget appeals

As a result of the passage of CEIFA (N.J.S.A. 18A:7F-1 et seq.) budget appeals have been replaced with an administrative procedure, Application for Restoration of Reductions. The cases that follow were decided under pre-CEIFA law.

Amicus curiae

Amicus curiae; education association denied permission to participate as amicus in budget appeal; association would not add constructively to case without causing delay (95 N.J.A.R.2d (EDU) 317, Lakewood, dec. on motion, aff'd St. Bd. 95:Jan. 4;

dismissed as moot App. Div. unpub. op. Dkt. No. A-
2959-94T1, Jan. 25, 1998)

Appeal may only focus on specific line item reductions and
may not involve requests for additional funds for other
line items (93 N.J.A.R.2d (EDU) 43, Northern Highlands)

BUDGETS

Board sufficiently demonstrated that restoration of specific line item reductions was necessary in order to provide a thorough and efficient education; however, as the District has additional surplus to cover reductions the Commissioner let stand the general fund tax levy certified by the city; Board permitted to exclude additional state appropriation from consideration because of demonstrated need for repairs, any funds not used for repair must be appropriated for the tax relief in subsequent year (97:Dec. 19, City of Wildwood)

Borough reductions restored where based only on general assertion that reductions would promote prudent planning and fiscal responsibility (95 N.J.A.R.2d (EDU) 309, Glassboro, rev'd and remanded St. Bd. 96 N.J.A.R.2d (EDU) 490)

Burden of proof to justify cuts shifts to governing body when it fails to supply statement of reasons for cuts at time tax levy is certified (92:May 20, Rochelle Park, St. Bd. rev'g & remanding 91:1736)

Reasons: borough's resolution certifying reductions did not contain detailed reasons; reasons submitted with answer to petition of appeal (96 N.J.A.R.2d (EDU) 356, Roselle)

Review of budget will not be based on total needs of district but rather will be restricted to line items in dispute, despite district's overexpenditure of prior year's budget (96 N.J.A.R.2d (EDU) 356, Roselle)

State operated district, budget appeal in state operated district must be initiated by governing body and governing body has burden of proving that appropriations are in excess of what is necessary for provision of T&E education (94 N.J.A.R.2d (EDU) 98, Paterson)

Tax levy, board under legal obligation to reduce its budget in conformity with total reduction in tax levy until appeal decided; no obligation to make reductions recommended by Council (91:1884, Netcong)

The appropriate standard of review for state operated school districts budget appeals is whether the city has demonstrated that the certification of the State Superintendent is in excess of what is required to provide a thorough and efficient education. The monies in dispute here are necessary to provide a thorough and efficient education therefore the general fund tax levy shall stand (97:July 28, State Operated School District of the City of Paterson)

Town Council, attachment of memorandum by superintendent to tax levy certification does not meet Council's obligation to independently arrive at specific reasons for specific line deductions; such failure by Council creates heavy presumption against educational validity of proposed cuts (94 N.J.A.R.2d (EDU) 60, Stafford)

BUDGETS

Township's failure to submit timely and accurate documents cannot be the decisive factor in assessing the adequacy of a budget proposal (95:February 10, Mansfield, appeal withdrawn St. Bd. 95:September 8)

Year-end audit, Commissioner will take official notice of year-end audit to identify whether board underestimated its surplus; in fairness to taxpayers, appropriations from surplus will be made where possible to fund amounts restored, even where board has already spent such surplus for non-emergency, foreseeable items (95:January 9, Lodi)

Cap waivers-generally

Appeal limited to consideration of whether specific line items identified by board in applying for waiver are essential for thorough and efficient education; in order to challenge appropriations of basic budget, Council should have reduced tax levy (92 N.J.A.R.2d (EDU) 674, Chesilhurst, aff'd St. Bd. 92:July 1)

Cap waiver; while governing body may not cut items specifically considered and approved by Commissioner in granting cap waiver, items not approved by Commissioner are subject to cuts (91:610, Barneгат)

Commissioner must consider whether budget could be reallocated to include those amounts of cap waiver determined to be necessary for T&E education (94 N.J.A.R.2d (EDU) 1, Rutherford, aff'd on remand 94 N.J.A.R.2d (EDU) 241) (94 N.J.A.R. 2d (EDU) 493, Edgewater, St. Bd. rev'g & remanding 93 N.J.A.R. 2d (EDU) 83) (95 N.J.A.R.2d (EDU) 320, Westville)

Commissioner may consider entire amount of cap waiver, not just portion approved by county superintendent (93 N.J.A.R.2d (EDU) 280, Lincoln Park, on remand from St. Bd. 92:Dec. 2)

Commissioner has authority to review defeated cap waiver to determine whether any or all of cap waiver request necessary for provision of T&E education (92 N.J.A.R.2d (EDU) 631, Newfield)

County superintendent; board cannot concede to reductions in defeated cap waiver request without specific approval of county superintendent (92 N.J.A.R.2d (EDU) 631, Newfield)

Criteria in statute, N.J.S.A. 18A:7D-28(e), are

prerequisites, not mandate for granting of waiver
(95:March 20, Hopewell Valley, aff'd St. Bd.
95:Apr. 5)

BUDGETS

Determination that reallocation of funds within permissible budget is not possible because all requested funds are necessary to provision of T&E education is prerequisite for approval of cap waiver; granting cap waiver after determination that not all items in permissible budget were necessary inappropriate (94 N.J.A.R.2d (EDU) 493, Edgewater, St. Bd. rev'g & remanding 94 N.J.A.R.2d (EDU) 83)

Edgewater standard applies despite absence of formal regulations (96 N.J.A.R.2d (EDU) 376, Teaneck)

Governing body has no authority to authorize tax levy funding all or part of defeated cap waiver request (92 N.J.A.R.2d (EDU) 631, Newfield)

Standard of review established (95:March 20, Hopewell Valley, aff'd St. Bd. 95:Apr. 5)

Standard of Review; whether monies available in absence of waiver sufficient for provision of T&E education (92 N.J.A.R.2d (EDU) 313, Pinelands Regional)

Surplus, no entitlement to (95:March 20, Hopewell Valley, aff'd St. Bd. 95:Apr. 5)

Undesignated surplus as reflected in year-end audit must be used to partially fund restored cap waiver amounts (96 N.J.A.R.2d (EDU) 376, Teaneck)

Year-end audit, Commissioner will review board's year-end audit to determine whether board underestimated, in its budget for the ensuing year, the amount of anticipated undesignated surplus: surplus found not to materially exceed budgeted amount (95 N.J.A.R.2d (EDU) 317, Lakewood, aff'd St. Bd. 95:January 4; dismissed as moot App. Div. unpub. op. Dkt. No. A-2959-94T1, Jan. 25, 1998)

Cap waiver denied

(96:March 12, Carlstadt-East Rutherford, aff'd St. Bd. 96:March 27)

Cap waiver appeal. State Board determined that additional monies not necessary for T & E. (96 N.J.A.R.2d (EDU) 259, Middletown, aff'd St. Bd. 96 N.J.A.R.2d (EDU) 262)

Denied in full. No showing that increase in maximum permissible budget necessary for T & E (95:March 20, Hopewell Valley, aff'd St. Bd. 95:Apr. 5)

Emergent relief denied. No showing that additional monies necessary to meet constitutional obligation (95:Apr. 4, Haledon, aff'd St. Bd. 95:Apr. 5)

BUDGETS

Non-mandatory courtesy busing is not a necessary component of T & E, the amount cannot be appropriated by the district in wake of voter rejection of the cap waiver question, nor can any directive of the County Superintendent or the Commissioner result in such appropriation (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Salary, special education, social worker (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

T & E: denied except as to salaries for science teacher, educational media specialist and special education aide; board failed to demonstrate any other monies needed for T&E education (92 N.J.A.R.2d (EDU) 313, Pinelands Regional)

T & E: voter defeated cap waiver not approved by Commissioner because funds not essential to T & E education (95 N.J.A.R.2d (EDU) 397, Branchburg)

Cap waiver granted

Advertisement/public notices, granted (96 N.J.A.R.2d (EDU) 56, Florence)

Appraisal/paying agency -- fixed asset inventory, Early Retirement Incentive Report, granted (96 N.J.A.R.2d (EDU) 56, Florence)

Architect services, granted (96 N.J.A.R.2d (EDU) 56, Florence)

Art and music program and library services necessary for

provision of T&E education (93 N.J.A.R.2d (EDU) 37, Ocean Gate)

Burden of demonstrating additional monies needed to provide T&E education (92 N.J.A.R.2d (EDU) 404, Roselle) (95 N.J.A.R.2d (EDU) 317, Lakewood, aff'd St. Bd. 95:Jan. 4; dismissed as moot App. Div. unpub. op. Dkt. No. A-2959-94T1, Jan. 25, 1998) (95 N.J.A.R.2d (EDU) 367, Berlin) (95 N.J.A.R.2d (EDU) 379, Audubon Park) (95 N.J.A.R.2d (EDU) 380, New Hanover) (92 N.J.A.R.2d (EDU) 435, Alpine Borough)

Cap waiver approved where money requested is for Services and materials directly related to the instructional program and the basic safety and maintenance of school facilities (95 N.J.A.R.2d (EDU) 417, Moonachie)

Computers and software -- resource room, restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Construction -- leaky roof, restored (96 N.J.A.R.2d)

(EDU) 39, Township of Ocean)
Copier, restored (96 N.J.A.R.2d (EDU) 39, Township of
Ocean)
Data processing services, granted (96 N.J.A.R.2d (EDU)
56, Florence)

BUDGETS

Doors for modular offices, restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Educational programs and additional personnel to accommodate growth in enrollment; cap waiver for enrollment increases pursuant to N.J.S.A. 18A:7D-28(e) insufficient to provide T & E (95 N.J.A.R.2d (EDU) Harrison)

Election expenses, granted (96 N.J.A.R.2d (EDU) 56, Florence)

Electricity/gas, granted (96 N.J.A.R.2d (EDU) 56, Florence)

Equipment -- guidance office, new instructional over \$500, curriculum computer, and new non-instructional, CST computer (96 N.J.A.R.2d (EDU) 56, Florence)

Fence separating playground and road -- necessary for safety and maintenance (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Field trip transportation, granted (96 N.J.A.R.2d (EDU) 56, Florence)

Furniture replacement (96 N.J.A.R.2d (EDU) 56, Florence)

Governing body, no objection by governing body (92 N.J.A.R.2d (EDU) 596, Kingwood) (93 N.J.A.R.2d (EDU) 632, Netcong) (93 N.J.A.R.2d (EDU) 638, Ocean) (93 N.J.A.R.2d (EDU) 639, Freehold) (93 N.J.A.R.2d (EDU) 644, Seaside Heights) (93 N.J.A.R.2d (EDU) 662, Moonachie) (95 N.J.A.R.2d (EDU) 320, Westville)

Insurance benefits (96 N.J.A.R.2d (EDU) 56, Florence)

Kindergarten program necessary to provision of T&E education (94 N.J.A.R.2d (EDU) 76, Burlington)

Kindergarten teacher, certified substance awareness coordinator, music program, remedial instruction and insurance necessary for T&E education (93 N.J.A.R.2d (EDU) 47, Delanco, St. Bd. approved settlement 93:May 5)

Morning duty coverage, granted (96 N.J.A.R.2d (EDU) 56, Florence)

Music instructional equipment, and general equipment (96 N.J.A.R.2d (EDU) 56, Florence)

Necessary for T & E (96 N.J.A.R.2d (EDU) 1043, Lawnside)

Nurses clerical aide (96 N.J.A.R.2d (EDU) 56, Florence)

Pre-K basic skills remediation, writing skills, science and math enrichment, instrumental music, youth services, and transportation for minority pupils who would be forced to walk along major thoroughfares (96 N.J.A.R.2d (EDU) 376, Teaneck)

BUDGETS

Pre-kindergarten, art and music and gifted and talented programs, as well as to replace math textbooks; reallocation within base budget not possible (95 N.J.A.R.2d (EDU) 320, Westville)

Printer -- Business office, restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Reallocation of funds within permissible budget could not be accomplished without cap waiver approval (93 N.J.A.R.2d (EDU) 99, Brick)

Re-open elementary school necessitated by increased enrollment (92 N.J.A.R.2d (EDU) 598, Northfield)

Repairs and maintenance -- concrete walkways and building improvements, granted (96 N.J.A.R.2d (EDU) 56, Florence)

Retirement, accumulated sick leave, department coordinators (96 N.J.A.R.2d (EDU) 56, Florence)

Roof replacement necessary for T&E education (93 N.J.A.R.2d (EDU) 55, Sayreville) (92 N.J.A.R.2d (EDU) 440, Seaside Heights)

Salaries for part-time teachers of physical education, vocal music, art and speech necessary for provision of T&E education (94 N.J.A.R.2d (EDU) 92, Bloomsbury)

Salaries, supplies, computers, architect fees and transportation in growing and expanding district (96 N.J.A.R.2d (EDU) 825, Lumberton, aff'd St. Bd. 96 N.J.A.R.2d (EDU) 831)

Salaries -- bus aides (96 N.J.A.R.2d (EDU) 56, Florence)

Salaries -- custodian/maintenance, substitutes and supplies, granted (96 N.J.A.R.2d (EDU) 56, Florence)

Salaries -- extracurricular, athletic, officiating and equipment and supplies, granted (96 N.J.A.R.2d (EDU) 56, Florence)

Salaries -- SCE teacher and supplies, granted (96 N.J.A.R.2d (EDU) 56, Florence)

Salaries -- teacher substitutes, granted (96 N.J.A.R.2d (EDU) 56, Florence)

Salaries -- teachers English, granted (96 N.J.A.R.2d (EDU) 56, Florence)

Salary, Child Study Team, fill vacant positions, granted (96 N.J.A.R.2d (EDU) 56, Florence)

Salary -- ESL teacher, granted (96 N.J.A.R.2d (EDU))

56, Florence)
Salary, librarian, granted (96 N.J.A.R.2d (EDU) 56,
Florence)
Salary, special education, secretarial clerical
assistant (96 N.J.A.R.2d (EDU) 39, Township of
Ocean)

BUDGETS

- Solicitor, legal fee, granted (96 N.J.A.R.2d (EDU) 56, Florence)
- Staff and programs (92 N.J.A.R.2d (EDU) 437, Dennis Township)
- Staff, to compensate teachers for an additional instructional period, and to employ two substance abuse counselors; reallocation within base budget not possible (95 N.J.A.R.2d (EDU) 323, Eastern Camden Regional)
- Substance abuse coordinator salary, guidance workshops and supplies, granted (96 N.J.A.R.2d (EDU) 56, Florence)
- Supplies and textbooks, granted (96 N.J.A.R.2d (EDU) 56, Florence)
- Supplies-special education, granted (96 N.J.A.R.2d (EDU) 39, Township of Ocean)
- T & E: Additional monies necessary for provision of T&E education due to increased enrollment (94 N.J.A.R.2d (EDU) 95, Millstone)
- T & E: Funds required for provision of T&E education cannot be acquired through reallocation of permissible budget (94 N.J.A.R.2d (EDU) 128, Hackettstown) (95 N.J.A.R.2d (EDU) 326, Washington Twp.)
- T & E: Insufficient funds for provision of T&E education (94 N.J.A.R.2d (EDU) 180, Lyndhurst, appeal dismissed St. Bd. 94 N.J.A.R.2d (EDU) 305, settlement approved 94:Aug. 3)
- T & E: Kindergarten teacher and aide necessary for provision of T&E education due to enrollment increase (94 N.J.A.R.2d (EDU) 73, Garwood)
- Teaching personnel (92 N.J.A.R.2d (EDU) 448, Ridgefield Park)
- Teaching positions, new textbooks, employee benefits and student activities funding necessary for provision of T&E education (92 N.J.A.R.2d (EDU) 445, South Orange-Maplewood)
- Textbooks, professional service equipment contracts, employee medical insurance, resource centers and capital lease program necessary for provision of T&E education (94 N.J.A.R.2d (EDU) 67, Middletown, motion to supplement record denied & aff'd St. Bd. 94 N.J.A.R.2d (EDU) 307, aff'd App. Div. 96 N.J.A.R.2d (EDU) 162)

Textbooks-special education, granted (96 N.J.A.R.2d
(EDU) 39, Township of Ocean)
Transportation expenses (92 N.J.A.R.2d (EDU) 436,
Allenhurst)

BUDGETS

Tuition obligations (92 N.J.A.R.2d (EDU) 597, Greenwich)
Tuition owed to receiving district
(96:Aug. 1, Glen Gardner)

Cap waiver granted in part

(96:March 12, Haledon, modified St. Bd. 96:March 27) (96:March 12, North Arlington, aff'd St. Bd. 96:March 27) (96:March 12, Wallington, modified St. Bd. 96:March 27) (96:March 12, Washington, modified St. Bd. 96:March 27)

Art, music and third grade teachers and supplies, as well as funds for attendance officer, employee benefits and computers, and safety renovations and boiler repairs; elementary media specialists and middle school principal, while beneficial, not essential for T & E (95:February 10, Bound Brook)

Base budget; amounts considered as part of the base budget, the board in its appeal reduced the amount it sought in restorations resulting in total budget being within cap (95:February 23, Middle Township)

Benefit package, partially restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Board met burden of demonstrating that \$1,030,612 of \$2,932,361 requested cap waiver necessary to provide T & E (95:March 20, Edison, aff'd St. Bd. 95:Apr. 5)

Burden of demonstrating line items necessary for provision of T&E education, \$10,000 of request unaccounted for in line itemization denied (93 N.J.A.R.2d (EDU) 630, Borough of Alpine)

Cap waiver granted in part; Commissioner determined to order the increase of \$24,040 in cap waiver monies through the reallocation of existing budget appropriations (97 N.J.A.R.2d (EDU) 392, Borough of Fairview)

Documentation insufficient to establish need for new teachers for art, gifted/talented program, science, and other programs, although Commissioner restored amounts for girls soccer team (Title 9) and related transportation, as well as for additional school psychologist and repairs to boilers (95:January 9, Lodi)

Funds for enrollment increases and textbook purchases denied (95 N.J.A.R.2d (EDU) 382, Eastampton)

Maximum permissible budget, district demonstrated

that an increase beyond its maximum permissible budget necessary for T & E (95:March 20, Holmdel, aff'd St. Bd. 95:Apr. 5; 95:March 20, Hillside, aff'd 95:Apr. 5; 95:March 20, Hopewell Valley, aff'd St. Bd. 95:Apr. 5; 95:March 20, Warren Twp., aff'd St. Bd. 95:Apr. 5)

BUDGETS

Reallocation of funds in permissible budget not possible and purchase of new computers and attendance at workshops and conferences necessary for provision of T&E education (94 N.J.A.R.2d (EDU) 110, South River)

Reallocation of funds with permissible budget not possible but full-time librarian and funding for contingencies above contracted price for Service Master not necessary for provision of T&E education (94 N.J.A.R.2d (EDU) 89, Stone Harbor)

Reasons, certification of specific reduction followed by two separate resolutions increasing reductions without reasons violates municipality's responsibility to review budget within context of assuring availability of sufficient funds for T&E education (93 N.J.A.R.2d (EDU) 716, Wallington, appeal dismissed St. Bd. 93 N.J.A.R.2d (EDU) 729)

Reductions in funds for general supplies, home instruction special education teacher, full-time nurse and health instructor, library aide and library supplies, GAAP software, clerical support, unemployment compensation and maintenance sustained (95 N.J.A.R.2d (EDU) 384, Little Ferry)

Salary, student assistance counselor granted for part time position and reduced from full time (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Social Security, unemployment compensation and other employee benefits reduced (95 N.J.A.R.2d (EDU) 369, Lodi)

Teachers and textbooks (95:March 3, Fairview)

Generally

City's line item reductions in defeated cap waiver restored to enable district to meet T & E mandate (96 N.J.A.R.2d (EDU) 253, Palisades Park)

Commissioner may consider availability of state aid learned after budget prepared; determination based upon information available at time decision rendered (93 N.J.A.R.2d (EDU) 811, Berkeley Twp.)

Commissioner may not substitute his judgment as to whether raise is deserved; must determine if there is sufficient money in budget to provide raise which board determined necessary for thorough and efficient education (91:1788, Lindenwold)

Commissioner may restore items cut from board's budget

only where factual record demonstrates that items are specifically related to T&E and board's budget constitutes minimal level necessary to support (94 N.J.A.R. 2d (EDU) 493, Edgewater, St. Bd. rev'g & remanding 94 N.J.A.R.2d (EDU) 83)

BUDGETS

Commissioner must determine whether funds at issue in budget appeal were necessary to enable district to provide thorough and efficient education (90:1871, New Milford, aff'd in part, rev'd in part, St. Bd. 94:Jan. 5)

Commissioner will review board's year-end audit to determine whether board underestimated, in its budget for the ensuing year, the amount of anticipated undesignated surplus (95 N.J.A.R.2d (EDU) 320, Westville) (95 N.J.A.R.2d (EDU) 323, Eastern Camden Regional) (95 N.J.A.R.2d (EDU) 317, Lakewood, aff'd St. Bd. 95:Jan. 4; dismissed as moot App. Div. unpub. op. Dkt. No. A-2959-94T1, Jan. 25, 1998) (95 N.J.A.R.2d (EDU) 325, Harrison Twp.)

Consider any and all facts necessary to determine whether governing body certified sufficient funds to allow board to provide thorough and efficient education, including facts which arose after Council certified budget (91:1988, Newton)

Consultations between board and governing body are not settlement discussions; municipality may use information obtained during discussions to support proposed reductions (90:Jan. 31, Brick)

Contractual commitments, Commissioner cannot abrogate board's duly executed (91:1788, Lindenwold)

Determination on disputed budgets made on basis of information available for review by Commissioner, not evolving financial circumstances not known or considered by governing body at time it acted to reduce budget (94 N.J.A.R.2d (EDU) 67, Middletown, motion to supplement record denied and aff'd St. Bd. 94 N.J.A.R.2d (EDU) 307, aff'd App. Div. 96 N.J.A.R.2d (EDU) 162)

Determination that reallocation of funds within permissible budget is not possible because all requested funds are necessary to provision of T&E education is prerequisite for approval of cap waiver; granting cap waiver after determination that not all items in permissible budget were necessary inappropriate (94 N.J.A.R.2d (EDU) 493, Edgewater, St. Bd. rev'g & remanding 94 N.J.A.R.2d (EDU) 83)

Determining factor in budget appeal is whether funds at

issue were necessary for provision of T&E
education, not reasonable of cuts (91:1871, New
Milford, aff'd in part, rev'd in part, St. Bd. 94
N.J.A.R.2d (EDU) 135)

BUDGETS

- Discussion that takes place between board and council under N.J.S.A. 18A:22-37 is admissible on appeal (90:Jan. 31, Brick)
- District may spend below board projections of QEA minimum support levels with approval of county superintendent (91:2071, Little Ferry)
- Failure by Borough to identify specific line items for reduction and to provide specific written reasons for each reduction results in shifting burden of proof to Borough to demonstrate that reductions are not necessary for T&E education (93 N.J.A.R.2d (EDU) 51, Seaside Heights)
- Failure by Council to answer appeal deemed admission and reductions in dispute will be restored (91:1654, Fairfield)
- Failure by Council to correctly and timely submit opposition to appeal does not relieve board of burden to justify necessity of funds under appeal for provision of T&E education (94 N.J.A.R.2d (EDU) 103, Phillipsburg)
- Failure of Council to meet formally with board before adopting tax levy violates requirement of consultation between board and Council in N.J.S.A. 18A:22-37 (93 N.J.A.R.2d (EDU) 819, Lodi)
- Funds for necessary staffing reduced by council from budget restored from surplus (96 N.J.A.R.2d (EDU) 353, Red Bank)
- Governing body is without authority to direct increases in line items (93 N.J.A.R.2d (EDU) 30, Manchester)
- Governing body may not increase line item in budget (92 N.J.A.R.2d (EDU) 128, Pinelands)
- Local boards are not necessary parties to budget appeal in regional district (93:Dec. 1, Union County Reg., St. Bd. decision on motion)
- Lump sum budget cut arbitrary and capricious; Council exceeded its legislative authority by directing board to sell certain properties (91:2095, Palisades Park)
- Municipal overburden and taxpayer plight are genuine issues of concern, however, standard of review for budget cuts is whether amount of money available is sufficient to provide T&E education for district's pupils (90:1347, City of Union City)
- Municipality has no obligation to borrow funds in order

to make monies immediately available to school district after restoration of funds by Commissioner. Bd. of Ed. of South River v. Mayor and Council, 282 N.J. Super. 442 (App. Div. 1995)

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- N.J.A.C. 6:24-7.8(a)(4) permits filing of response to written position of opposing party; requires response to be filed within ten days of receipt of position statement (91:2337, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 134)
- Obligation to order increase in budget if, when at cap, funds available are insufficient to provide thorough and efficient education (91:2426, Fieldsboro, appeal dismissed for failure to perfect, St. Bd. 92:March 4)
- Outstanding judgment against board that may not be resolved until next budget year would nonetheless be taken into account in budget appeal (90:559, West Orange, aff'd St. Bd. 91:99)
- Partial restoration of budget reduction justified because funds were necessary to provide T & E education, but replacing cinder track with all weather track not essential to T & E (95 N.J.A.R.2d (EDU) 420, Black Horse Pike)
- Partial restoration of reduction in budget and cap waiver was justified because funds were necessary for T & E education (95 N.J.A.R.2d (EDU) 399, Milltown) (95 N.J.A.R.2d (EDU) 403, Elmwood Park)
- Past spending patterns of state operated school district with history of educational inadequacy and fiscal mismanagement cannot be used to conclude that current budget over-budgeted (92 N.J.A.R.2d (EDU) 461, Jersey City)
- Per diem teacher inservice should be budgeted to the appropriate teacher salary accounts and board directed to correct its coding accordingly (96 N.J.A.R.2d (EDU) 39, Township of Ocean)
- Reduction of specific line items based upon borough's calculation of 5% increase over previous year's expenditures held arbitrary and capricious (95 N.J.A.R.2d (EDU) 403, Elmwood Park)
- Restoration of energy expense levels necessary for T&E. Other cuts upheld through surplus (96 N.J.A.R.2d (EDU) 307, Edison)
- Restoration of reductions is permitted only when the record supports determination that budget restorations are necessary for T & E; record developed before Commissioner was to sparse (96

N.J.A.R.2d (EDU) 490, Glassboro, St. Bd. rev'g and
remanding 95 N.J.A.R.2d (EDU) 309)
Restoration of reductions to equipment and supplies was
justified when necessary to provide T & E education
(95 N.J.A.R.2d (EDU) 409, Warren)

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Restoration of reductions to salary accounts justified when necessary to provide T & E education (95 N.J.A.R.2d (EDU) 406, South River)

Restoration of specific line items justified when necessary to provide T & E; additional State Aid available for this purpose (96 N.J.A.R.2d (EDU) 1029, Pompton Lakes)

Salary override reduction was mechanical action and as such is arbitrary and capricious (91:2095, Palisades Park)

Settlements

Settlement approved; board may agree to tax payment schedule different from that in N.J.S.A. 54:4-75, but retains right to payments under statute if necessary to meet expenses (90:Jan. 22, East Orange)

Settlement initially rejected by Commissioner because of concerns that budget did not provide sufficient funds for implementation of Educational Improvement Plan in special needs district conditionally approved on appeal (95 N.J.A.R.2d (EDU) 11, Garfield, St. Bd. rev'g 94 N.J.A.R.2d (EDU) 226)

Settlement rejected because it does not accurately reflect precise financial needs of board for provision of T&E education (91:Apr. 5, Pemberton)

Settlement rejected; parties cannot agree to restore current expense reduction, thereby including it in current tax levy, where board at same time agrees to commit a portion of the restored amount to free balance for the ensuing year (90:Jan. 22, Kinnelon, decision on remand 90:June 21)

Settlement: T & E: \$55,000 restored by settlement agreement to previous year's budget as necessary for provision of T&E education not to be included in calculation of district's maximum permissible net budget (St. Bd. 95:Sept. 6, Rochelle Park, rev'g 93 N.J.A.R.2d (EDU) 353)

Stay of statewide distribution of educational funds pending resolution of distribution to single district inappropriate; issues should be resolved in pending budget/cap waiver appeal (92 N.J.A.R.2d (EDU) 59, Bordentown Regional)

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Summary decision denied - failure to provide statement of reasons for budget cuts not enough to restore all reductions. Remand ordered. (94:Aug. 23, Middletown, aff'd St. Bd. 95:Apr. 5)

Surplus - (See generally N.J.S.A. 18A:7D-27.1, 1993 legislation concerning maximum free balance which boards may maintain)

Appropriate surplus can be less or more than three percent, depending on the circumstances (90:55, Manville)

Appropriation of undesignated, unreserved surplus recommended by council would leave board in a precarious position with surplus of only .8 percent of general fund appropriation; surplus restored (96 N.J.A.R.2d (EDU) 68, Denville)

Contract obligations must be funded by appropriation from surplus, even though surplus would be reduced below 3%: board did not identify harm to educational program (95 N.J.A.R.2d (EDU) 316, Hampton)

Funds for necessary staffing reduced by council from budget restored from surplus (96 N.J.A.R.2d (EDU) 353, Red Bank)

Miscalculation, Commissioner restored surplus where miscalculation corrected on appeal (94 N.J.A.R.2d (EDU) 54, Jefferson, rev'd in part on appeal 94 N.J.A.R.2d (EDU) 229)

Evaluation of reduction to surplus must be based on circumstances as they existed; reduction to surplus was upheld although subsequent expenditures and reductions would bring surplus below three percent (90:55, Manville)

Excess available surplus to fund restorations to budget (96 N.J.A.R.2d (EDU) 101, Lakeland Regional)

Free balance, no merit to district's argument that it must maintain free balance which includes one month's payroll (94 N.J.A.R.2d (EDU) 10, Lower Camden County Regional, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 11)

Governing body that has given due consideration to obligation to ensue T&E education need not identify line item reductions when reducing surplus (93 N.J.A.R.2d (EDU) 811, Berkeley Twp.)

Governing body must identify specific line item

reductions when ordering reduction in surplus
(91:2125, Ramsey, settled on appeal, 92:June 3) But
see (94 N.J.A.R.2d (EDU) 126, Carteret)
Partial restoration of general fund tax levy was to be
appropriated from surplus (95 N.J.A.R.2d (EDU) 361,
Morris) (95 N.J.A.R.2d (EDU) 413, Colts Neck) (95
N.J.A.R.2d (EDU) 427, Bradley Beach)

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- Reduction in surplus by governing body need not be accompanied by identification of specific line item reductions as long as sufficient consideration given to obligation to ensure T&E education (91:1657, Oakland) (94 N.J.A.R.2d (EDU) 126, Carteret)
- Reduction of surplus that failed to take into account any educational considerations is unreasonable (91:2268, Lawrence)
- Reduction restored: board would have been left with 1.6% surplus and had demonstrated need to complete deferred maintenance (95 N.J.A.R.2d (EDU) 309, Glassboro, rev'd and remanded St. Bd. 96 N.J.A.R.2d (EDU) 490)
- Reduction unaccounted for by line item designations is inherently arbitrary and unreasonable (91:2324, Woodbine)
- Restoration of energy expense levels necessary for T&E. Other cuts upheld through surplus (96 N.J.A.R.2d (EDU) 307, Edison)
- Surplus insufficient to warrant any reallocation (96 N.J.A.R.2d (EDU) 56, Florence)
- Surplus not mandated; loan authorization amount will not be increased to allow board to maintain 2-3% surplus (90:Feb. 27, Middletown)
- Reasons, Township must submit statement of reasons in unilateral reduction of surplus by transferring funds from surplus to current expense (90:559, West Orange, aff'd St. Bd. 91:99)
- Tax anticipation notes: board has authority to issue to raise amounts restored by Commissioner in successful budget appeal; municipality has no obligation to pay funds before restored amounts are included in school tax certificate following Commissioner's decision. No need to submit questions to voters. (South River, 282 N.J. Super. 442 (App. Div. 1995))
- T & E: Insufficient funds to meet its obligations, Commissioner may set aside budget reductions; all funds are needed for provision of thorough and efficient education (91:2008, Allenhurst)
- Transfer of \$600,000 from the school board budget surplus by the Township Council without taking into account any educational considerations was

arbitrary, capricious and unreasonable (91:84, West Orange, aff'd St. Bd. 91:99)

Undesignated, unreserved surplus of 2%. Commissioner finds no further allocation from surplus available to fund restorations to budget (96 N.J.A.R.2d (EDU) 95, Long Branch)

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Year-end audit, Commissioner will review board's year-end audit to determine whether board underestimated, in its budget for the ensuing year, the amount of anticipated undesignated surplus: surplus found not to materially exceed budgeted amount (95 N.J.A.R.2d (EDU) 320, Westville) (95 N.J.A.R.2d (EDU) 323, Eastern Camden Regional) (95 N.J.A.R.2d (EDU) 317, Lakewood, dec. on motion, aff'd St. Bd. 95:Jan. 4; dismissed as moot App. Div. unpub. op. Dkt. No. A-2959-94T1, Jan. 25, 1998) (95 N.J.A.R.2d (EDU) 325, Harrison Twp.)

Special Needs Districts

In accordance with P.L. 1995, c. 164, special needs districts are required to certify a General Fund tax levy for 1995-96 at least equal to that of 1994-95 (96 N.J.A.R.2d (EDU) 95, Long Branch)

Specific line items

Accountant fees; restored (93 N.J.A.R.2d (EDU) 830, Neptune)

Administration, deleted (95:January 3, Jackson)

Administrative expenses; deleted (91:2273, Downe)

(91:2337, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 134) (91:1871, New Milford, aff'd in part, rev'd in part, St. Bd. 94 N.J.A.R.2d (EDU) 135) (92 N.J.A.R.2d (EDU) 128, Pinelands)

Administrative expenses; restored (91:1973, Somerdale) (92 N.J.A.R.2d (EDU) 653, Beverly) (93 N.J.A.R.2d (EDU) 56, South Bound Brook, aff'd St. Bd. 93 N.J.A.R.2d (EDU) 358) (94 N.J.A.R.2d (EDU) 98, Paterson)

Administrative salaries; deleted (91:1330, Dover)

Administrative salaries; restored (91:2185, Cranford)

(91:2398, Hamilton) (91:1699, Teaneck) (91:2071, Little Ferry) (91:2337, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 134) (91:1871, New Milford, aff'd in part, rev'd in part, St. Bd. 94 N.J.A.R.2d (EDU) 135) (93 N.J.A.R.2d (EDU) 865, Mahwah) (93 N.J.A.R.2d (EDU) 872, Woodbine) (93 N.J.A.R.2d (EDU) 813, Henry Hudson Regional) (93:Jan. 7, Paterson) (94 N.J.A.R.2d (EDU) 67, Middletown, motion to supplement record denied and aff'd St. Bd. 94 N.J.A.R.2d (EDU) 307, aff'd App. Div. 96 N.J.A.R.2d (EDU) 162)

Administrative salaries; restored in part (91:2255,

Ocean Gate)

Administrative services; deleted (91:2337, Belleville,
aff'd St. Bd. 94 N.J.A.R.2d (EDU) 134)

Administrative services, sustained in part, restored in
part (97 N.J.A.R.2d (EDU) 421, Jackson, appeal
dismissed St. Bd. 97:Aug. 6)

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Adult education salaries sustained (97 N.J.A.R.2d (EDU) 421, Jackson, appeal dismissed St. Bd. 97:Aug. 6)

Adult/evening education salaries; sustained (97 N.J.A.R.2d (EDU) 421, Twp. of Jackson, appeal dismissed, St. Bd. 97:Aug. 6)

Advertising, restored in part (96 N.J.A.R.2d (EDU) 68, Denville)

Aides (instructional) deleted (95 N.J.A.R.2d (EDU) 326, Washington Twp.)

Aides, paraprofessional and lunch/hall, restored (95: February 10, Bound Brook)

Aides; restored (90:55, Manville)

Aides' salaries; restored in part (93 N.J.A.R.2d (EDU) 856, Jamesburg)

Aides' salaries; restored in part (91:2273, Downe)

Alternative program; deleted (91:2410, Ewing)

Amounts remaining in proper account sufficient based upon last year's expenditures (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Architect and engineering fees; restored (91:1942, Matawan-Aberdeen)

Architect fees; restored (93 N.J.A.R.2d (EDU) 830, Neptune) (96 N.J.A.R.2d (EDU) 68, Denville)

Asbestos abatement and testing, restored (96 N.J.A.R.2d (EDU) 68, Denville)

Asbestos removal; restored (91:1942, Matawan-Aberdeen)

Assemblies, deleted (95:February 10, Bound Brook)

Assistant principal; restored (93 N.J.A.R.2d (EDU) 863, Lower Alloways Creek)

Assistant principal's salary; restored (93 N.J.A.R.2d (EDU) 851, Branchburg)

Assistant superintendent's salary; restored (91:2273, Downe) (91:1788, Lindenwold)

Athletic deficit; restored (93 N.J.A.R.2d (EDU) 819, Lodi)

Athletic equipment; restored (94 N.J.A.R.2d (EDU) 73, Garwood)

Athletic program; restored (91:2147, Rockaway)

Athletic salaries; deleted (94 N.J.A.R.2d (EDU) 62, Florence)

Athletic salaries; sustained (98:Feb. 26, Wallington)

Athletic services; restored (94 N.J.A.R.2d (EDU) 128, Hackettstown)

Athletic storage building, bleachers and fence; restored
(91:610, Barnegat)

Athletic supplies; deleted (93 N.J.A.R.2d (EDU) 867,
Riverdale) (94 N.J.A.R.2d (EDU) 128, Hackettstown)
(94 N.J.A.R.2d (EDU) 62, Florence) (95 N.J.A.R.2d
(EDU) 309, Glassboro, rev'd and remanded St. Bd. 96
N.J.A.R.2d (EDU) 490)

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Athletic supplies; sustained (98:Feb. 26, Wallington)
Athletic trainer; deleted (93 N.J.A.R.2d (EDU) 846, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 301)
Athletic uniforms and trainer supplies deleted, athletic supplies restored, and athletic special police, deleted (95:February 10, Bound Brook)
Athletic uniforms, cleaning, restored (95:February 10, Bound Brook)
Athletics director, deleted (95:February 10, Bound Brook)
Athletics, insurance, restored (96 N.J.A.R.2d (EDU) 356, Roselle)
Athletics - other objects, deleted (96 N.J.A.R.2d (EDU) 356, Roselle)
Athletics - other objects; sustained (98:Feb. 26, Wallington)
Athletics, purchased services, council demonstrated services not necessary for T & E, reduction sustained (96 N.J.A.R.2d (EDU) 68, Denville)
Attendance officers and social workers; reduction sustained (97 N.J.A.R.2d (EDU) 387, Bayonne, appeal dismissed, St. Bd. 97:May 7)
Attendance personnel; increase denied (91:2337, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 134)
Attorney fees; deleted (93 N.J.A.R.2d (EDU) 30, Manchester)
AV aides; deleted (91:2012, Manalapan-Englishtown)
AV equipment for new school; restored, cap waiver decision controlling (91:610, Barneгат)
AV materials; deleted (91:2410, Ewing) (91:1884, Netcong)
AV materials; restored (91:2071, Little Ferry)
Basic skills aides; deleted (91:2012, Manalapan-Englishtown)
Basic skills coordinator's salary; restored (91:1788, Lindenwold)
Basic skills; restored (94 N.J.A.R.2d (EDU) 98, Paterson) (95 N.J.A.R.2d (EDU) 331, Salem City)
Basic skills, salaries, deleted (96 N.J.A.R.2d (EDU) 356, Roselle)
Basic skills; sustained (97 N.J.A.R.2d (EDU) 392, Borough of Fairview)
Basic skills supplies; deleted; board did not need

document (95 N.J.A.R.2d (EDU) 309, Glassboro, rev'd
and remanded St. Bd. 96 N.J.A.R.2d (EDU) 490)
Bedside instructor's salary; restored (91:1973,
Somerdale)
Benefit packages, partially restored (96 N.J.A.R.2d
(EDU) 39, Township of Ocean)
Benefits; deleted (94 N.J.A.R.2d (EDU) 92, Bloomsbury)

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Benefits restored in part (95:September 20, Salem)
Bilingual instruction deleted (96 N.J.A.R.2d (EDU) 39, Township of Ocean)
Board did not justify programs it would be required to forego in absence of the funds (96 N.J.A.R.2d (EDU) 39, Township of Ocean)
Board expenses; deleted (91:2012, Manalapan-Englishtown)
Board member expenses; deleted (90:419, Spotswood)
Board member expenses; restored (94 N.J.A.R.2d (EDU) 54, Jefferson, rev'd in part on appeal 94 N.J.A.R.2d (EDU) 229) (93 N.J.A.R.2d (EDU) 716, Wallington, appeal dismissed St. Bd. 93 N.J.A.R.2d (EDU) 729)
Board member training and convention attendance and transportation, restored in part (96 N.J.A.R.2d (EDU) 825, Lumberton, aff'd St. Bd. 96 N.J.A.R.2d (EDU) 831)
Board member travel and workshop; restored (93 N.J.A.R.2d (EDU) 856, Jamesburg)
Board secretary's raise; restored (91:1788, Lindenwold)
Board secretary's travel and expenses; deleted (91:1788, Lindenwold)
Board supplies; deleted (93 N.J.A.R.2d (EDU) 830, Neptune)
Board treasurer; deleted (94 N.J.A.R.2d (EDU) 128, Hackettstown)
Building and grounds supervisor; deleted where position vacant for two years (95 N.J.A.R.2d (EDU) 309, Glassboro, rev'd and remanded St. Bd. 96 N.J.A.R.2d (EDU) 490)
Building maintenance; deleted (91:1942, Matawan-Aberdeen)
Building repairs; deleted (91:2410, Ewing) (91:2012, Manalapan-Englishtown)
Building repairs; restored in part (91:2225, Bergenfield)
Buildings and grounds; deleted (91:2125, Ramsey, settled on appeal, St. Bd. 92:June 3)
Burglar alarm; deleted (91:1788, Lindenwold)
Bus driver salaries; deleted (91:2012, Manalapan-Englishtown)
Bus driver salaries; restored (92 N.J.A.R.2d (EDU) 437, Dennis Township) (94 N.J.A.R.2d (EDU) 95, Millstone)
Bus replacement; restored (91:1871, New Milford, aff'd

in part, rev'd in part, St. Bd. 94 N.J.A.R.2d (EDU)
135)

Business administrator travel (95:February 10, Bound
Brook)

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Business administrator's expenses; restored (94 N.J.A.R.2d (EDU) 98, Paterson)

Business - other support services; restored (98:Feb. 26, Wallington)

Business and other support services, restored in part (95:January 3, Freehold)

Business and other support services - salaries; reduction sustained (97 N.J.A.R.2d (EDU) 380, Twp. of Woodbridge)

Business and other support services - social security contribution; reduction sustained (97 N.J.A.R.2d (EDU) 380, Twp. of Woodbridge)

Business office equipment, deleted (95:February 10, Bound Brook)

Business office expenses; deleted (91:2012, Manalapan-Englishtown)

Business office salaries, deleted (95:February 10, Bound Brook)

Cafeteria clerk; deleted (91:1788, Lindenwold)

Cafeteria expenses; restored (91:2012, Manalapan-Englishtown)

Cafeteria workers' salaries; restored (91:1871, New Milford, aff'd in part, rev'd in part, St. Bd. 94 N.J.A.R.2d (EDU) 135)

Capital leasing; restored in part (91:2337, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 134)

Capital outlay; deleted (93 N.J.A.R.2d (EDU) 30, Manchester) (95:January 3, Freehold)

Capital outlay; restored (91:2225, Bergenfield) (91:2306, Hillside) (91:1699, Teaneck) (91:1871, New Milford, aff'd in part, rev'd in part, St. Bd. 94 N.J.A.R.2d (EDU) 135) (93 N.J.A.R.2d (EDU) 856, Jamesburg) (94 N.J.A.R.2d (EDU) 103, Phillipsburg) (96 N.J.A.R.2d (EDU) 825, Lumberton, aff'd St. Bd. 96 N.J.A.R.2d (EDU) 831) (96 N.J.A.R.2d (EDU) 95, Long Branch) (97 N.J.A.R.2d (EDU) 421, Jackson, appeal dismissed St. Bd. 97:Aug. 6) (98:Feb. 6, Old Bridge)

Caps and gowns; deleted (93 N.J.A.R.2d (EDU) 867, Riverdale)

Ceiling tile replacement; restored (91:610, Barnegat)

Centralized research; restored (91:2225, Bergenfield)

Child Study Team secretary; restored (91:2273, Downe)

CIE coordinator; restored (94 N.J.A.R.2d (EDU) 128,

Hackettstown)

CIE coordinator-summer employment; restored (94
N.J.A.R.2d (EDU) 128, Hackettstown)

Cleaning building maintenance; sustained
(97 N.J.A.R.2d (EDU) 392, Borough of Fairview)

Cleaning, repair and maintenance for various machines
and equipment, restored (96 N.J.A.R.2d (EDU) 95,
Long Branch)

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Cleaning, repair & maintenance services; restored (94 N.J.A.R.2d (EDU) 180, Lyndhurst, appeal dismissed St. Bd. 94 N.J.A.R.2d (EDU) 305, settlement approved 94:Aug. 3)

Clerical salaries; deleted (91:2337, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 134)

Clerical salaries; restored (93 N.J.A.R.2d (EDU) 851, Branchburg) (94 N.J.A.R.2d (EDU) 67, Middletown, motion to supplement record denied and aff'd St. Bd. 94 N.J.A.R.2d (EDU) 307, aff'd App. Div. 96 N.J.A.R.2d (EDU) 162) (95 N.J.A.R.2d (EDU) 309, Glassboro, rev'd and remanded St. Bd. 96 N.J.A.R.2d (EDU) 490)

Clerical/curriculum salaries; deleted (91:2012, Manalapan-Englishtown)

Coaching and club advisor salaries; restored (91:2337, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 134)

Co-curricular activities, athletics; sustained in part, restored in part (97 N.J.A.R.2d (EDU) 421, Twp. of Jackson, appeal dismissed, St. Bd. 97:Aug. 6)

Co-curricular activities; restored (93 N.J.A.R.2d (EDU) 856, Jamesburg)

Co-curricular and athletic salaries; restored (93 N.J.A.R.2d (EDU) 819, Lodi)

Co-curricular services; deleted (94 N.J.A.R.2d (EDU) 128, Hackettstown)

Co-curricular supplies; deleted (94 N.J.A.R.2d (EDU) 128, Hackettstown)

Computer -- elementary library, restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Computer expansion and services, restored (96 N.J.A.R.2d (EDU) 95, Long Branch)

Computer hardware, software and service agreements, restored in part (96 N.J.A.R.2d (EDU) 68, Denville)

Computer -- library and classroom, restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Computer/Library; restored (91:1871, New Milford, aff'd in part, rev'd in part, St. Bd. 94 N.J.A.R.2d (EDU) 135)

Computer purchase, deleted (96 N.J.A.R.2d (EDU) 101, Lakeland Regional)

Computers; restored (91:610, Barnegat) (95:February 10, Mansfield, appeal w/drawn St. Bd. 95:September 8)

Computer system for student records, deleted, board not
demonstrate necessary to complete in one year for T
& E (96 N.J.A.R.2d (EDU) 101, Lakeland Regional)
Conferences; restored (93 N.J.A.R.2d (EDU) 830, Neptune)
Conferences and workshops; restored (91:2125, Ramsey,
settled on appeal, St. Bd. 92:June 3)

BUDGETS

Conferences and workshops; restored in part (94 N.J.A.R.2d (EDU) 1, Rutherford, aff'd on remand 94 N.J.A.R.2d (EDU) 241)

Construction services; restored (94 N.J.A.R.2d (EDU) 76, Burlington)

Consultants; deleted (91:2012, Manalapan-Englishtown)

Contracted services; deleted (90:419, Spotswood) (91:1788, Lindenwold) (91:2071, Little Ferry) (91:1884, Netcong) (94 N.J.A.R.2d (EDU) 54, Jefferson, rev'd in part on appeal 94 N.J.A.R.2d (EDU) 229)

Contracted services-legal; restored (93 N.J.A.R.2d (EDU) 99, Brick)

Contracted services-plant operation; restored (93 N.J.A.R.2d (EDU) 30, Manchester)

Contracted services; restored (91:2185, Cranford) (91:2255, Ocean Gate) (91:2410, Ewing) (93 N.J.A.R.2d (EDU) 56, South Bound Brook, aff'd St. Bd. 93 N.J.A.R.2d (EDU) 358) (93:Jan. 7, Paterson) (94 N.J.A.R.2d (EDU) 95, Millstone)

Contracted services; restored in part (91:1973, Somerdale) (94 N.J.A.R.2d (EDU) 1, Rutherford, aff'd on remand 94 N.J.A.R.2d (EDU) 241)

Contracted services-to and from school; restored (93 N.J.A.R.2d (EDU) 99, Brick)

Contracted services-transportation; deleted (91:2306, Hillside) (91:2012, Manalapan-Englishtown)

Contracted services-transportation; restored (98:Feb. 26, Wallington)

Contractual obligations, technical services, restored (95:February 23, Middle Township)

Convention and workshops; restored (93 N.J.A.R.2d (EDU) 867, Riverdale)

Convention attendance; deleted (91:610, Barnegat)

Convention expenses; restored in part (94 N.J.A.R.2d (EDU) 62, Florence)

Copy paper, restored (96 N.J.A.R.2d (EDU) 68, Denville)

Courtesy busing on hazardous roads-contracted services-deleted (96 N.J.A.R.2d (EDU) 825, Lumberton, aff'd St. Bd. 96 N.J.A.R.2d (EDU) 831)

Current expense surplus; restored (91:2306, Hillside)

Curricular activities; deleted (94 N.J.A.R.2d (EDU) 54, Jefferson, rev'd in part on appeal 94 N.J.A.R.2d (EDU) 229)

Custodial/maintenance supplies; deleted (91:1942,
Matawan-Aberdeen)

Custodial overtime; restored (94 N.J.A.R.2d (EDU) 180,
Lyndhurst, appeal dismissed St. Bd. 94 N.J.A.R.2d
(EDU) 305, settlement approved 94:Aug. 3)

BUDGETS

Custodial salaries; deleted (91:2225, Bergenfield)
(91:1788, Lindenwold) (91:2012, Manalapan-
Englishtown) (93 N.J.A.R.2d (EDU) 819, Lodi)
(95:February 10, Bound Brook)

Custodial salaries; restored (91:2410, Ewing) (91:1871,
New Milford, aff'd in part, rev'd in part, St. Bd.
94 N.J.A.R.2d (EDU) 135) (93 N.J.A.R.2d (EDU) 856,
Jamesburg) (94 N.J.A.R.2d (EDU) 95, Millstone) (95
N.J.A.R.2d (EDU) 338, Somerdale)

Custodial services to be bid, deleted (95:February 23,
Middle Township)

Custodial supplies; restored (91:1871, New Milford,
aff'd in part, rev'd in part, St. Bd. 94 N.J.A.R.2d
(EDU) 135) (93 N.J.A.R.2d (EDU) 856, Jamesburg)
(95:February 10, Bound Brook)

Custodians; restored (91:610, Barnegat)

Data processing office; restored (93 N.J.A.R.2d (EDU)
99, Brick)

Degree changes and sick leave; restored (93 N.J.A.R.2d
(EDU) 819, Lodi)

Department chairperson restored as supervisor of staff
and the provision of leadership in curriculum
development is essential to T & E (95:February 23,
Middle Township)

Department heads, deleted (95:February 10, Bound Brook)

Detentions are an appropriate component of a
comprehensive discipline plan, maintenance of which
is necessary for T & E so reduction is restored (96
N.J.A.R.2d (EDU) 39, Township of Ocean)

Director of curriculum salary restored (95 N.J.A.R.2d
(EDU) 331, Salem City)

Director of special services salary; restored (91:2108,
Manchester)

Drama advisor and assistant; restored (94 N.J.A.R.2d
(EDU) 128, Hackettstown)

Dues, of supervisor of special education, deleted
(96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Early childhood education; restored (94 N.J.A.R.2d (EDU)
103, Phillipsburg)

Education media-salaries, restored (96 N.J.A.R.2d (EDU)
356, Roselle)

Education media services; deleted (93 N.J.A.R.2d (EDU)
867, Riverdale)

Educational media; restored in part (91:2125, Ramsey,

settled on appeal, St. Bd. 92:June 3)
Educational media service aides; restored (91:2116,
Wharton)
Educational Media Services, some items restored, some
deleted (95:February 10, Bound Brook)

BUDGETS

Elective program; restored (91:610, Barnegat)
Election expenses; restored (93 N.J.A.R.2d (EDU) 830, Neptune)
Electric; restored (91:2012, Manalapan-Englishtown)
Electric; restored in part (93 N.J.A.R.2d (EDU) 830, Neptune)
Electricity; 15% increase over previous year ordered restored (90:Jan. 31, Brick)
Electricity/utility; deleted (90:419, Spotswood) (94 N.J.A.R.2d (EDU) 62, Florence)
Elementary principal; restored (91:1884, Netcong)
Employee benefits; deleted (91:1942, Matawan-Aberdeen) (94 N.J.A.R.2d (EDU) 76, Burlington) (96 N.J.A.R.2d (EDU) 95, Long Branch)
Employee benefits; restored (91:2116, Wharton) (93 N.J.A.R.2d (EDU) 819, Lodi) (93 N.J.A.R.2d (EDU) 856, Jamesburg) (93 N.J.A.R.2d (EDU) 863, Lower Alloways Creek) (94 N.J.A.R.2d (EDU) 95, Millstone) (94 N.J.A.R.2d (EDU) 180, Lyndhurst, appeal dismissed St. Bd. 94 N.J.A.R.2d (EDU) 305, settlement approved 94:Aug. 3) (94 N.J.A.R.2d (EDU) 60, Stafford) (95:January 3, Jackson)
Employee benefits; restored in part (91:1988, Newton) (93 N.J.A.R.2d (EDU) 846, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 301) (93 N.J.A.R.2d (EDU) 816, Lindenwold) (95 N.J.A.R.2d (EDU) 326, Washington Twp.)
Employee retirement contributions; deleted (94 N.J.A.R.2d (EDU) 1, Rutherford, aff'd on remand 94 N.J.A.R.2d (EDU) 241)
Employee retirement contributions; restored (94 N.J.A.R.2d (EDU) 98, Paterson)
Employee retirement; deleted (93 N.J.A.R.2d (EDU) 43, Northern Highlands)
Energy restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)
Energy; restored in part (93 N.J.A.R.2d (EDU) 846, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 301) (96 N.J.A.R.2d (EDU) 68, Denville) (96 N.J.A.R.2d (EDU) 95, Long Branch)
Engineer services; deleted (93 N.J.A.R.2d (EDU) 830, Neptune)
Equipment, deleted for mowers and dumpsters (96

N.J.A.R.2d (EDU) 825, Lumberton, aff'd St. Bd. 96
N.J.A.R.2d (EDU) 831)

Equipment; restored (93 N.J.A.R.2d (EDU) 865, Mahwah)
Equipment and furniture; restored (91:1942, Matawan-
Aberdeen)

BUDGETS

Equipment purchase; restored in part (91:1988, Newton)
Equipment repairs; deleted (91:1942, Matawan-Aberdeen)
Equipment replacement; restored (93 N.J.A.R.2d (EDU) 30, Manchester)
Extracurricular salaries and materials restored in part
(96 N.J.A.R.2d (EDU) 825, Lumberton, aff'd St. Bd.
96 N.J.A.R.2d (EDU) 831)
Extracurricular salaries; restored (94 N.J.A.R.2d (EDU)
62, Florence)
Facilities maintenance; restored (95 N.J.A.R.2d (EDU)
338, Somerdale)
Fax machine; deleted (93 N.J.A.R.2d (EDU) 867,
Riverdale)
Fees; restored (90:419, Spotswood)
Field trips deleted (96 N.J.A.R.2d (EDU) 39, Township of
Ocean)
Field trips; regular deleted, special education restored
(95:February 10, Bound Brook)
Fire doors; restored (92 N.J.A.R.2d (EDU) 651, Fairview,
aff'd St. Bd. 93 N.J.A.R.2d (EDU) 301)
Fixed charges; restored (93:Jan. 7, Paterson)
Food service salaries; deleted (93 N.J.A.R.2d (EDU) 816,
Lindenwold)
Food service salaries, restored (96 N.J.A.R.2d (EDU)
825, Lumberton, aff'd St. Bd. 96 N.J.A.R.2d (EDU)
831)
Food services; deleted (91:2306, Hillside) (94
N.J.A.R.2d (EDU) 110, South River)
Food services; restored (91:2273, Downe) (91:1973,
Somerdale) (93 N.J.A.R.2d (EDU) 51, Seaside
Heights) (93 N.J.A.R.2d (EDU) 56, South Bound
Brook, aff'd St. Bd. 93 N.J.A.R.2d (EDU) 358) (93
N.J.A.R.2d (EDU) 819, Lodi) (93 N.J.A.R.2d (EDU)
856, Jamesburg) (94 N.J.A.R.2d (EDU) 98, Paterson)
(95:January 3, Freehold)
Food services; restored, board appropriately budgeted
or possible deficit in this account (95 N.J.A.R.2d
(EDU) 326, Washington Twp.)
Food services; restored in part (91:2255, Ocean Gate)
Fuel oil; restored (91:1942, Matawan-Aberdeen)
Gasoline/motor oil; restored (91:1942, Matawan-Aberdeen)
General administration, business and support services;

sustained in part, restored in part (97 N.J.A.R.2d
(EDU) 421, Twp. of Jackson, appeal dismissed, St.
Bd. 97:Aug. 6)

General administration, communication telephones;
reduction sustained (97 N.J.A.R.2d (EDU) 380, Twp.
of Woodbridge)

BUDGETS

General administration salaries; reduction sustained (97 N.J.A.R.2d (EDU) 387, Bayonne, appeal dismissed, St. Bd. 97:May 7)
General administration; sustained (97 N.J.A.R.2d (EDU) 392, Fairview)
General administrative salaries; reduction sustained (97 N.J.A.R.2d (EDU) 380, Twp. of Woodbridge)
General administrative salaries; restored (97:Feb. 27, Bayonne, appeal dismissed, St. Bd. 97:May 7)
General supplies; deleted (93 N.J.A.R.2d (EDU) 819, Lodi) (95:February 10, Mansfield, appeal w/drawn St. Bd. 95:September 8) (96 N.J.A.R.2d (EDU) 101, Lakeland Regional)
General supplies; restored (93 N.J.A.R.2d (EDU) 846, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 301) (93 N.J.A.R.2d (EDU) 856, Jamesburg)
General supplies; sustained (97:March 5, Borough of Fairview)
Gifted and talented teacher, pro-rated appropriation reflected in kindergarten line item to comply with GAAP restored even though teacher does not actually provide services to kindergarten classes (96 N.J.A.R.2d (EDU) 39, Township of Ocean)
Grounds and maintenance salaries; deleted (93 N.J.A.R.2d (EDU) 846, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 301)
Grounds/asphalt repairs; restored (91:1942, Matawan-Aberdeen)
Grounds care -- contracted, deleted (96 N.J.A.R.2d (EDU) 39, Township of Ocean)
Groundskeeper salary restored (95 N.J.A.R.2d (EDU) 557, Riverside)
Guidance counselor (increased staff); restored (95 N.J.A.R.2d (EDU) 326, Washington Twp.)
Guidance counselor salaries; restored (91:2225, Bergenfield) (93 N.J.A.R.2d (EDU) 827, Mansfield) (94 N.J.A.R.2d (EDU) 51, Butler)
Guidance office supplies; restored (93 N.J.A.R.2d (EDU) 856, Jamesburg)
Guidance salary, transportation, and supplies, restored (95:February 10, Bound Brook)
Hazardous waste disposal, restored (96 N.J.A.R.2d (EDU) 68, Denville)
Health and therapy services; restored (94 N.J.A.R.2d

(EDU) 180, Lyndhurst, appeal dismissed St. Bd. 94
N.J.A.R.2d (EDU) 305, settlement approved 94:Aug.
3)

Health benefits; restored (94 N.J.A.R.2d (EDU) 51,
Butler)

BUDGETS

Health benefits; restored in part (98:Feb. 2, Little Ferry)

Health care supplies; restored in part (91:2306, Hillside)

Health expenses; restored (94 N.J.A.R.2d (EDU) 54, Jefferson, rev'd in part on appeal 94 N.J.A.R.2d (EDU) 229)

Health-other expenses; deleted (91:1973, Somerdale)

Health services, purchased professional services; reduction sustained (97 N.J.A.R.2d (EDU) 380, Twp. of Woodbridge)

Health services salaries; reduction sustained (97 N.J.A.R.2d (EDU) 387, Bayonne, appeal dismissed, St. Bd. 97:May 7)

Health services; sustained (97 N.J.A.R.2d (EDU) 392, Fairview)

Health supplies and materials; reduction sustained (97 N.J.A.R.2d (EDU) 380, Twp. of Woodbridge)

Health supplies; restored in part (91:1871, New Milford, aff'd in part, rev'd in part, St. Bd. 94 N.J.A.R.2d (EDU) 135)

Heat and electricity, deleted (95:February 23, Middle Township)

Heat and electricity deleted; mere speculation about rate increase not enough (96 N.J.A.R.2d (EDU) 825, Lumberton, aff'd St. Bd. 96 N.J.A.R.2d (EDU) 831)

Heat and electricity; restored (94 N.J.A.R.2d (EDU) 180, Lyndhurst, appeal dismissed St. Bd. 94 N.J.A.R.2d (EDU) 305, settlement approved 94:Aug. 3)

Heat and hot water for school building to be sold (91:1788, Lindenwold)

Heat; deleted (91:2273, Downe) (91:1657, Oakland) (91:2108, Manchester) (93 N.J.A.R.2d (EDU) 872, Woodbine) (93 N.J.A.R.2d (EDU) 827, Mansfield) (94 N.J.A.R.2d (EDU) 54, Jefferson, rev'd in part on appeal 94 N.J.A.R.2d (EDU) 229) (94 N.J.A.R.2d (EDU) 62, Florence)

Heat; restored (91:2410, Ewing) (91:2012, Manalapan-Englishtown) (91:1973, Somerdale) (91:2337, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 134) (92 N.J.A.R.2d (EDU) 653, Beverly) (93 N.J.A.R.2d (EDU) 99, Brick) (93 N.J.A.R.2d (EDU) 51, Seaside Heights) (93:Jan. 7, Paterson) (95:February 10, Mansfield, appeal withdrawn St. Bd. 95:September 8)

Heat; restored in part (93 N.J.A.R.2d (EDU) 830,
Neptune)

BUDGETS

If amounts for detention salaries are paid to teachers they should be coded in the appropriate teacher accounts and if not they should be coded under Operations and Maintenance as health and safety costs (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Improvement of Instruction - purchased services; restored (98:Feb. 26, Wallington)

Improvement of Instruction - salaries; restored (98:Feb. 26, Wallington)

Improvement of Instruction - supplies; restored (98:Feb. 26, Wallington)

Information services; restored (91:2410, Ewing)

Inservice expenses; deleted (91:2324, Woodbine) (96 N.J.A.R.2d (EDU) 101, Lakeland Regional)

Inservice training; restored (91:2410, Ewing) (94 N.J.A.R.2d (EDU) 180, Lyndhurst, appeal dismissed St. Bd. 94 N.J.A.R.2d (EDU) 305, settlement approved 94:Aug. 3)

Institutes and workshops; deleted (91:1788, Lindenwold)

Instruction-misc. expenses; deleted (93 N.J.A.R.2d (EDU) 56, South Bound Brook, aff'd St. Bd. 93 N.J.A.R.2d (EDU) 358)

Instruction; restored (91:1699, Teaneck) (91:1973, Somerdale) (93 N.J.A.R.2d (EDU) 716, Wallington, appeal dismissed St. Bd., 93 N.J.A.R.2d (EDU) 729) (94 N.J.A.R.2d (EDU) 98, Paterson)

Instruction; restored in part (94 N.J.A.R.2d (EDU) 110, South River)

Instruction, some items restored, some deleted (95:February 10, Bound Brook)

Instructional salaries; restored (94 N.J.A.R.2d (EDU) 54, Jefferson, rev'd in part on appeal 94 N.J.A.R.2d (EDU) 229) (95:January 3, Freehold)

Instructional services, director restored (96 N.J.A.R.2d (EDU) 68, Denville)

Instructional staff; restored (94 N.J.A.R.2d (EDU) 98, Paterson) (94 N.J.A.R.2d (EDU) 1, Rutherford, aff'd on remand 94 N.J.A.R.2d (EDU) 241)

Instructional supplies, not justified by past expenditures or board documentation, reduction sustained (96 N.J.A.R.2d (EDU) 68, Denville)

Instructional supplies; restored (91:1942, Matawan-Aberdeen) (96 N.J.A.R.2d (EDU) 95, Long Branch)

Instrumental music; restored (94 N.J.A.R.2d (EDU) 62,

Florence)
Insurance and judgments; restored (93:Jan. 7, Paterson)

BUDGETS

Insurance; deleted (91:2012, Manalapan-Englishtown) (92 N.J.A.R.2d (EDU) 128, Pinelands) (93 N.J.A.R.2d (EDU) 43, Northern Highlands) (93 N.J.A.R.2d (EDU) 30, Manchester) (96 N.J.A.R.2d (EDU) 95, Long Branch)

Insurance; increase in liability coverage; deleted: not justified by small increase in enrollment (95 N.J.A.R.2d (EDU) 326, Washington Twp.)

Insurance -- liability, deleted (96 N.J.A.R.2d (EDU) 68, Denville)

Insurance; restored (91:2273, Downe) (93 N.J.A.R.2d (EDU) 51, Seaside Heights) N.J.A.R.2d (EDU) 56, South Bound Brook, aff'd St. Bd. 93 N.J.A.R.2d (EDU) 358) (93 N.J.A.R.2d (EDU) 863, Lower Alloways Creek) (93 N.J.A.R.2d (EDU) 813, Henry Hudson Regional) (93 N.J.A.R.2d (EDU) 888, Bradley Beach) (94 N.J.A.R.2d (EDU) 98, Paterson) (94 N.J.A.R.2d (EDU) 54, Jefferson, rev'd in part on appeal 94 N.J.A.R.2d (EDU) 229) (94 N.J.A.R.2d (EDU) 73, Garwood) (94 N.J.A.R.2d (EDU) 110, South River) (94 N.J.A.R.2d (EDU) 180, Lyndhurst, appeal dismissed St. Bd. 94 N.J.A.R.2d (EDU) 305, settlement approved 94:Aug. 3) (94 N.J.A.R.2d (EDU) 1, Rutherford, aff'd on remand 94 N.J.A.R.2d (EDU) 241)

Insurance; restored in part (91:2306, Hillside) (91:1788, Lindenwold) (93 N.J.A.R.2d (EDU) 846, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 301) (93 N.J.A.R.2d (EDU) 716, Wallington, appeal dismissed St. Bd. 93 N.J.A.R.2d (EDU) 729)

Insurance -- vehicles, summer latchkey program, restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Kindergarten aides; restored (91:1788, Lindenwold)

Labor negotiator; restored (90:419, Spotswood)

Landscaping; deleted (93 N.J.A.R.2d (EDU) 819, Lodi) (93 N.J.A.R.2d (EDU) 830, Neptune)

Lease purchase appropriation restored: Board needs storage facility proposed to be financed by this method (90:Jan. 31, Brick)

Lease purchase interest; deleted (91:2398, Hamilton)

Lease purchase interest; restored (95 N.J.A.R.2d (EDU) 326, Washington Twp.)

Lease purchase; restored (91:1330, Dover) (94 N.J.A.R.2d (EDU) 98, Paterson)

Legal fees, deleted (95:February 10, Bound Brook)

BUDGETS

Legal fees; restored (91:2185, Cranford) (91:2273, Downe) (91:1699, Teaneck) (91:2012, Manalapan-Englishtown) (93 N.J.A.R.2d (EDU) 830, Neptune) (94 N.J.A.R.2d (EDU) 98, Paterson) (92 N.J.A.R.2d (EDU) 653, Beverly) (93 N.J.A.R.2d (EDU) 37, Ocean Gate) (94 N.J.A.R.2d (EDU) 54, Jefferson, rev'd in part on appeal 94 N.J.A.R.2d (EDU) 229) (94 N.J.A.R.2d (EDU) 1, Rutherford, aff'd on remand 94 N.J.A.R.2d (EDU) 241) (98:Feb. 2, Little Ferry)

Legal fees; restored in part (91:2071, Little Ferry)

Legal/negotiation services; restored (91:1942, Matawan-Aberdeen)

Legal services; deleted (93 N.J.A.R.2d (EDU) 888, Bradley Beach)

Legal services; restored (94 N.J.A.R.2d (EDU) 110, South River) (94 N.J.A.R.2d (EDU) 95, Millstone)

Legal services; restored; increase warranted by pending contract negotiations and lease purchase project (95 N.J.A.R.2d (EDU) 326, Washington Twp.)

Legal services; restored in part (94 N.J.A.R.2d (EDU) 180, Lyndhurst, appeal dismissed St. Bd. 94 N.J.A.R.2d (EDU) 305, settlement approved 94:Aug. 3)

Library/AV materials; deleted (91:2324, Woodbine)

Library books and AV materials; restored (93 N.J.A.R.2d (EDU) 56, aff'd St. Bd. 93 N.J.A.R.2d (EDU) 358) (93 N.J.A.R.2d (EDU) 716, Wallington, appeal dismissed St. Bd. 93 N.J.A.R.2d (EDU) 729) (94 N.J.A.R.2d (EDU) 1, Rutherford, aff'd on remand 94 N.J.A.R.2d (EDU) 241)

Library books, cuts restored; middle states evaluation suggesting low per pupil expenditure for books was sufficient showing (90:Jan. 31, Brick)

Library clerk salary; restored (93 N.J.A.R.2d (EDU) 851, Branchburg)

Library equipment, restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Library materials; restored (91:2071, Little Ferry)

Library -- purchased services, reduction sustained (96 N.J.A.R.2d (EDU) 68, Denville)

Library purchases for new school; restored, cap waiver decision controlling (91:610, Barnegat)

Library -- textbooks and materials, restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Locker refurbishment, restored (96 N.J.A.R.2d (EDU) 101,
Lakeland Regional)

BUDGETS

Maintenance and operation expenditures, some categories restored, some deleted (95:February 10, Bound Brook)

Maintenance and operation of plant - salaries; restored in part (98:Feb. 26, Wallington)

Maintenance and repair expenses; deleted (91:610, Barnegat) (91:1788, Lindenwold)

Maintenance and repairs, deleted (95:January 3, Jackson)

Maintenance and repairs; restored in part (93 N.J.A.R.2d (EDU) 856, Jamesburg)

Maintenance -- computer and printers, deleted (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Maintenance contracts -- cleaning and repair, deleted (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Maintenance contracts; restored in part (91:1871, New Milford, aff'd in part, rev'd in part, St. Bd. 94 N.J.A.R.2d (EDU) 135)

Maintenance; deleted (91:2012, Manalapan-Englishtown)

Maintenance of buildings and grounds; restored (94 N.J.A.R.2d (EDU) 62, Florence)

Maintenance of plant; deleted (91:1699, Teaneck) (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Maintenance of plant; restored (93:Jan. 7, Paterson) (95:March 17, Manchester)

Maintenance; restored (92 N.J.A.R.2d (EDU) 653, Beverly)

Maintenance; restored in part (91:2306, Hillside) (94 N.J.A.R.2d (EDU) 98, Paterson)

Maintenance salaries; deleted (91:2255, Ocean Gate) (91:2125, Ramsey)

Maintenance salaries; restored (91:2185, Cranford) (94 N.J.A.R.2d (EDU) 67, Middletown, motion to supplement record denied and aff'd St. Bd. 94 N.J.A.R.2d (EDU) 307, aff'd App. Div. 96 N.J.A.R.2d (EDU) 162) (94 N.J.A.R.2d (EDU) 62, Florence) (96 N.J.A.R.2d (EDU) 68, Denville)

Maintenance salary, restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Maintenance supplies; deleted (91:2125, Ramsey, settled on appeal, St. Bd. 92:June 3)

Maintenance supplies; restored in part (94 N.J.A.R.2d (EDU) 128, Hackettstown)

Materials for bookcases, classroom computer tables, shelves and mailboxes, deleted (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Medical inspector, salary, restored (96 N.J.A.R.2d (EDU)
39, Township of Ocean)
Medical insurance; restored (91:1871, New Milford, aff'd
in part, rev'd in part, St. Bd. 94 N.J.A.R.2d (EDU)
135)

BUDGETS

Membership in County Visual Aids, deleted (95:February 23, Middle Township)

Miscellaneous; deleted (91:1942, Matawan-Aberdeen) (91:1884, Netcong) (95:February 23, Middle Township)

Miscellaneous expenditures; sustained (98:Feb. 26, Wallington)

Miscellaneous expenses; restored (93 N.J.A.R.2d (EDU) 846, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 301) (93 N.J.A.R.2d (EDU) 856, Jamesburg) (94 N.J.A.R.2d (EDU) 128, Hackettstown)

Miscellaneous income (budgeted fund balance) increased (97 N.J.A.R.2d (EDU) 421, Jackson, appeal dismissed St. Bd. 97:Aug. 6)

Miscellaneous instruction expenses; restored (91:2410, Ewing)

Miscellaneous revenue; restored (91:2306, Hillside) (96 N.J.A.R.2d (EDU) 95, Long Branch)

Miscellaneous supplies; deleted (91:2410, Ewing)

Music textbooks, restored (95:February 10, Bound Brook)

Negotiations, reduction sustained (96 N.J.A.R.2d (EDU) 68, Denville)

Negotiator's salaries; deleted (91:2012, Manalapan-Englishtown)

New equipment; deleted (91:2255, Ocean Gate) (91:2273, Downe) (91:2410, Ewing) (91:2012, Manalapan-Englishtown) (93 N.J.A.R.2d (EDU) 43, Northern Highlands) (93 N.J.A.R.2d (EDU) 56, South Bound Brook, aff'd St. Bd. 93 N.J.A.R.2d (EDU) 358)

New equipment; restored (91:2324, Woodbine) (93 N.J.A.R.2d (EDU) 30, Manchester)

New equipment; restored in part (91:2306, Hillside) (94 N.J.A.R.2d (EDU) 1, Rutherford, aff'd on remand 94 N.J.A.R.2d (EDU) 241)

NJSBA dues; restored (94 N.J.A.R.2d (EDU) 180, Lyndhurst, appeal dismissed St. Bd. 94 N.J.A.R.2d (EDU) 305, settlement approved 94:Aug. 3)

Nurses salaries; deleted (91:2147, Rockaway) (94 N.J.A.R.2d (EDU) 92, Bloomsbury) (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Nurses salaries; restored (91:1788, Lindenwold) (91:2071, Little Ferry) (91:1884, Netcong) (93 N.J.A.R.2d (EDU) 716, Wallington, appeal dismissed St. Bd. 93 N.J.A.R.2d (EDU) 729)

Nurses, substitutes, restored (96 N.J.A.R.2d (EDU) 39,

Township of Ocean)
Nurses supplies, deleted (96 N.J.A.R.2d (EDU) 39,
Township of Ocean)

BUDGETS

Nursing supplies; restored (93 N.J.A.R.2d (EDU) 716, Wallington, appeal dismissed St. Bd. 93 N.J.A.R.2d (EDU) 729)

Office expenses; deleted (91:2185, Cranford)

Office/professional expenses; restored in part (91:1871, New Milford, aff'd in part, rev'd in part, 94 N.J.A.R.2d (EDU) 135)

Office supplies -- administrative, deleted (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Office supplies; deleted (91:610, Barnegat)

Operation/maintenance of plant services; restored (94 N.J.A.R.2d (EDU) 73, Garwood)

Operation and Maintenance of Plant, restored (95:January 3, Freehold)

Operation and maintenance salaries; reduction sustained (97 N.J.A.R.2d (EDU) 387, Bayonne, appeal dismissed, St. Bd. 97:May 7)

Operation and maintenance; sustained in part, restored in part (97 N.J.A.R.2d (EDU) 421, Jackson, appeal dismissed, St. Bd. 97:Aug. 6)

Operation of plant; restored (93 N.J.A.R.2d (EDU) 716, Wallington, appeal dismissed St. Bd. 93 N.J.A.R.2d (EDU) 729) (93:Jan. 7, Paterson)

Operation of plant salaries; deleted (91:2255, Ocean Gate) (93 N.J.A.R.2d (EDU) 816, Lindenwold)

Operation of plant summer salaries; restored (91:2273, Downe)

Operations and maintenance of plant sustained in part, restored in part (97 N.J.A.R.2d (EDU) 421, Jackson, appeal dismissed St. Bd. 97:Aug. 6)

Operations and maintenance, plant services - cleaning, repair and maintenance services; reduction sustained (97 N.J.A.R.2d (EDU) 380, Twp. of Woodbridge)

Operations and maintenance, plant services - energy; reduction sustained (97 N.J.A.R.2d (EDU) 380, Twp. of Woodbridge)

Operations and maintenance, plant services - other purchased professional services; reduction sustained (97 N.J.A.R.2d (EDU) 380, Twp. of Woodbridge)

Operations and maintenance, plant services - salaries; reduction sustained (97 N.J.A.R.2d (EDU) 380, Twp. of Woodbridge)

Other contracted services; deleted (93 N.J.A.R.2d (EDU)
56, aff'd St. Bd. 93 N.J.A.R.2d (EDU) 358)
Other contracted services-administration; deleted (93
N.J.A.R.2d (EDU) Brick)

BUDGETS

Other employee benefits, restored (96 N.J.A.R.2d (EDU) 356, Roselle)

Other employee benefits; restored in part, reduction sustained in part (97 N.J.A.R.2d (EDU) 387, Bayonne, appeal dismissed, St. Bd. 97:May 7)
Other employee benefits; sustained (97 N.J.A.R.2d (EDU) 392, Fairview)

Other expenses; deleted (91:2255, Ocean Gate) (93 N.J.A.R.2d (EDU) 30, Manchester) (93 N.J.A.R.2d (EDU) 856, Jamesburg) (95:February 23, Middle Township)

Other expenses; restored (93 N.J.A.R.2d (EDU) 716, Wallington, appeal dismissed St. Bd. 93 N.J.A.R.2d (EDU) 729)

Other instructional salaries; deleted (91:2071, Little Ferry)

Other instructional expenses; restored (93 N.J.A.R.2d (EDU) 827, Mansfield)

Other objects; sustained (97 N.J.A.R.2d (EDU) 392, Fairview)

Other professional staff salaries; reduction sustained (97 N.J.A.R.2d (EDU) 380, Twp. of Woodbridge)

Other purchased services, not justified by documentation or past expenditures, reduction sustained (96 N.J.A.R.2d (EDU) 68, Denville)
Other salaries - bilingual; restored (97 N.J.A.R.2d (EDU) 387, Bayonne, appeal dismissed, St. Bd. 97:May 7)

Other salaries for instruction; restored (93 N.J.A.R.2d (EDU) 716, Wallington, appeal dismissed St. Bd. 93 N.J.A.R.2d (EDU) 729)

Other supplies-operation of plant; restored (93 N.J.A.R.2d (EDU) 99, Brick)

Other support services, restored (95:January 3, Freehold)

Overtime; deleted (94 N.J.A.R.2d (EDU) 128, Hackettstown)

Overtime; restored (93 N.J.A.R.2d (EDU) 99, Brick)

Parking spaces; deleted (91:610, Barnegat)

Part-time learning disabilities teacher; restored (94 N.J.A.R.2d (EDU) 180, Lyndhurst, appeal dismissed St. Bd. 94 N.J.A.R.2d (EDU) 305, settlement approved 94:Aug. 3)

Physical education teacher; restored (93 N.J.A.R.2d

(EDU) 863, Lower Alloways Creek)
Physical education teacher providing instruction to
kindergarten classes, prorated appropriation
restored (96 N.J.A.R.2d (EDU) 39, Township of
Ocean)

BUDGETS

Plant repair and maintenance; deleted; board did not identify which projects affected student health and safety (95 N.J.A.R.2d (EDU) 326, Washington Twp.)

Postage and envelopes; deleted (91:1884, Netcong)

Postage; deleted (91:2012, Manalapan-Englishtown) (95:February 10, Bound Brook) (96 N.J.A.R.2d (EDU) 68, Denville)

Postage -- general use, deleted (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Postage -- special education, deleted (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Pre-school for handicapped; deleted (91:2071, Little Ferry)

Preschool teacher salaries; restored (97 N.J.A.R.2d (EDU) 387, Bayonne, appeal dismissed, St. Bd. 97:May 7)

Principal and assistant principal salaries, deleted (96 N.J.A.R.2d (EDU) 101, Lakeland Regional)

Principal salaries; deleted (91:2225, Bergenfield) (93 N.J.A.R.2d (EDU) 816, Lindenwold)

Principal salaries; restored (91:2071, Little Ferry) (93 N.J.A.R.2d (EDU) 47, Delanco, St. Bd. approved settlement 93:May 5) (94 N.J.A.R.2d (EDU) 51, Butler) (95: February 10, Bound Brook) (95:September 20, Salem)

Principal salary restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Printing and publishing; deleted (91:2410, Ewing) (91:2012, Manalapan-Englishtown) (91:1884, Netcong) (93 N.J.A.R.2d (EDU) 851, Branchburg)

Printing costs, deleted (96 N.J.A.R.2d (EDU) 68, Denville)

Printing; deleted (94 N.J.A.R.2d (EDU) 54, Jefferson, rev'd in part on appeal 94 N.J.A.R.2d (EDU) 229) (95:February 10, Bound Brook)

Printing and publishing deleted (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Printing and publishing; restored (93 N.J.A.R.2d (EDU) 99, Brick) (93 N.J.A.R.2d (EDU) 830, Neptune) (94 N.J.A.R.2d (EDU) 98, Paterson)

Printing for community newsletters and student handbook restored (96 N.J.A.R.2d (EDU) 95, Long Branch)

Private school transportation; restored (95 N.J.A.R.2d)

(EDU) 309, Glassboro, rev'd and remanded St. Bd. 96
N.J.A.R. 2d (EDU) 490)

BUDGETS

Professional services; restored (91:2255, Ocean Gate) (91:2306, Hillside) (91:2125, Ramsey, settled on appeal, St. Bd. 92:June 3) (94 N.J.A.R.2d (EDU) 180, Lyndhurst, appeal dismissed 94 N.J.A.R.2d (EDU) 305, settlement approved 94:Aug. 3) (94 N.J.A.R.2d (EDU) 1, Rutherford, aff'd on remand 94 N.J.A.R.2d (EDU) 241)

Professional services; restored in part (91:2071, Little Ferry)

Professional services, some items deleted, some restored (95:February 23, Middle Township)

Professional services; sustained (98:Feb. 2, Little Ferry)

Property and liability insurance; restored (90:Jan. 31, Brick)

Professional/technical services; restored (94 N.J.A.R.2d (EDU) 67, Middletown, motion to supplement record denied and aff'd St. Bd. 94 N.J.A.R.2d (EDU) 307, aff'd App. Div. 96 N.J.A.R.2d (EDU) 162)

Professional/technical services-health; restored in part (93 N.J.A.R.2d (EDU) 716, Wallington, appeal dismissed St. Bd. 93 N.J.A.R.2d (EDU) 729)

Psychologist; restored (91:1788, Lindenwold)

Psychologist; restored in part (94 N.J.A.R.2d (EDU) 51, Butler)

Public relations; deleted (94 N.J.A.R.2d (EDU) 180, Lyndhurst, appeal dismissed St. Bd. 94 N.J.A.R.2d (EDU) 305, settlement approved 94:Aug. 3) (96 N.J.A.R.2d (EDU) 68, Denville)

Public relations, restored (96 N.J.A.R.2d (EDU) 95, Long Branch)

Pupil transportation; restored (91:2337, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 134) (97 N.J.A.R.2d (EDU) 421, Jackson, appeal dismissed St. Bd. 97:Aug. 6)

Pupil transportation insurance; deleted (91:2410, Ewing)

Pupil transportation insurance; restored (93 N.J.A.R.2d (EDU) 99, Brick)

Pupil transportation; restored entirely (97 N.J.A.R.2d (EDU) 421, Twp. of Jackson, appeal dismissed, St. Bd. 97:Aug. 6)

Purchase of vehicles; restored (94 N.J.A.R.2d (EDU) 95, Millstone)

Purchased professional services; restored in part (93

N.J.A.R.2d (EDU) 856, Jamesburg)

Purchased services, deleted (95:February 23, Middle Township)

Purchased services; restored (91:1871, New Milford, aff'd in part, rev'd in part, 94 N.J.A.R.2d (EDU) 135) (94 N.J.A.R.2d (EDU) 95, Millstone) (98:Feb. 2, Little Ferry)

BUDGETS

Purchased teacher services; deleted (93 N.J.A.R.2d (EDU) 819, Lodi)

Purchased technical services - general administration; restored (98:Feb. 26, Wallington)

Raises pursuant to contract, restored (95:February 10, Bound Brook)

Reading instruction; restored (93 N.J.A.R.2d (EDU) 863, Lower Alloways Creek)

Recruiting expenses; restored (91:2125, Ramsey, settled on appeal, St. Bd. 92:June 3)

Remedial teachers salaries; restored (97 N.J.A.R.2d (EDU) 387, Bayonne, appeal dismissed, St. Bd. 97:May 7)

Remodeling; restored in part (93 N.J.A.R.2d (EDU) 867, Riverdale)

Rental of facilities; restored (93:Jan. 7, Paterson)

Repair and maintenance; restored in part (93 N.J.A.R.2d (EDU) 819, Lodi)

Repair and replacement equipment; deleted (91:2012, Manalapan-Englishtown)

Repair of buildings; restored (94 N.J.A.R.2d (EDU) 67, Middletown, motion to supplement record denied and aff'd 94 N.J.A.R.2d (EDU) 307, aff'd App. Div. 96 N.J.A.R.2d (EDU) 162)

Repair of buildings; restored in part (93 N.J.A.R.2d (EDU) 716, Wallington, appeal dismissed St. Bd. 93 N.J.A.R.2d (EDU) 729)

Repair of equipment; restored (91:1973, Somerdale)

Repair of equipment; restored in part (93 N.J.A.R.2d (EDU) 716, Wallington, appeal dismissed St. Bd. 93 N.J.A.R.2d (EDU) 729)

Repair of grounds; restored (93 N.J.A.R.2d (EDU) 716, Wallington, appeal dismissed St. Bd. 93 N.J.A.R.2d (EDU) 729)

Replacement equipment; deleted (91:2273, Downe) (91:2071, Little Ferry) (93 N.J.A.R. 2d (EDU) 716, Wallington, appeal dismissed St. Bd. 93 N.J.A.R.2d (EDU) 729)

Replacement equipment; restored in part (94 N.J.A.R.2d (EDU) 1, Rutherford, aff'd on remand 94 N.J.A.R.2d (EDU) 241)

Replacement of vehicles; restored (92 N.J.A.R.2d (EDU)

437, Dennis Township) (94 N.J.A.R.2d (EDU) 1,
Rutherford, aff'd on remand 94 N.J.A.R.2d (EDU)
241)

Resource room supplies; restored (95 N.J.A.R.2d (EDU)
309, Glassboro, rev'd and remanded St. Bd. 96
N.J.A.R.2d (EDU) 490)

Retaining wall; restored (91:610, Barnegat)

Retirement contributions; restored (94 N.J.A.R.2d (EDU)
110, South River)

BUDGETS

Retirement contributions; restored in part (93
N.J.A.R.2d (EDU) 846, Belleville, aff'd St. Bd. 94
N.J.A.R.2d (EDU) 301 (95:January 3, Jackson))

Retirement costs attributable to unused sick leave;
deleted (95 N.J.A.R.2d (EDU) 316, Hampton)

Revenue; restored (94 N.J.A.R.2d (EDU) 1, Rutherford,
aff'd on remand 94 N.J.A.R.2d (EDU) 241)

Right to Know Law activities, restored (96 N.J.A.R.2d
(EDU) 68, Denville)

Roof repairs; restored (91:1942, Matawan-Aberdeen)

Rug replacement; restored (91:1884, Netcong)

Salaries -- athletic instruction, board failed to
demonstrate expansion added costs integral to T &
E, reduction sustained (96 N.J.A.R.2d (EDU) 68,
Denville)

Salaries -- athletics and co-curricular, restored
(96 N.J.A.R.2d (EDU) 56, Florence)

Salaries -- basic skills, restored to extent of actual
contracted costs (96 N.J.A.R.2d (EDU) 56, Florence)

Salaries -- bilingual education, restored (96 N.J.A.R.2d
(EDU) 56, Florence)

Salaries -- business administrator and business office
staff, restored as contracted expense (96
N.J.A.R.2d (EDU) 56, Florence)

Salaries -- child study team and secretary, restored
(96 N.J.A.R.2d (EDU) 56, Florence)

Salaries, child study team, health, guidance and social
worker, sustained in part, restored in part (97
N.J.A.R.2d (EDU) 421, Jackson, appeal dismissed St.
Bd. 97:Aug. 6)

Salaries -- curriculum supervisors, restored (96
N.J.A.R.2d (EDU) 56, Florence)

Salaries; deleted (91:2324, Woodbine)

Salaries, detention, restored (96 N.J.A.R.2d (EDU) 39,
Township of Ocean)

Salaries for child study team restored in part (95:March
17, Manchester)

Salaries for Director, deleted (95:March 17, Manchester)
Salaries for instruction; sustained (97
N.J.A.R.2d (EDU) 392, Fairview)

Salaries for teachers, restored (96 N.J.A.R.2d (EDU)
101, Lakeland Regional)

Salaries -- guidance counselors and support staff,

restored to extent of actual cost of negotiated agreement (96 N.J.A.R.2d (EDU) 56, Florence)
Salaries -- guidance counselors, justified in accordance with maintenance of T & E levels of student support services, past appropriations and expenditures and negotiated salary increases, restored (96 N.J.A.R.2d (EDU) 68, Denville)

BUDGETS

Salaries -- health services, savings associated with using in-house medical staff not reflected in budget, reduction sustained (96 N.J.A.R.2d (EDU) 68, Denville)

Salaries -- librarian, restored (96 N.J.A.R.2d (EDU) 68, Denville)

Salaries -- maintenance and plant, restored as actual expense (96 N.J.A.R.2d (EDU) 56, Florence)

Salaries, non certificated staff sustained in part, restored in part (97 N.J.A.R.2d (EDU) 421, Jackson, appeal dismissed St. Bd. 97:Aug. 6)

Salaries; no restoration for teachers' salaries negotiated after the budget defeat, which were in excess of the salaries projected during budget preparation (90:419, Spotswood)

Salaries - other instructional; restored (98:Feb. 2, Little Ferry) (98:Feb. 26, Wallington)

Salaries-other instructional; sustained (93 N.J.A.R.2d (EDU) 43, Northern Highlands) (96 N.J.A.R.2d (EDU) 56, Florence)

Salaries, principal and assistant principals, restored based upon actual contract costs (96 N.J.A.R.2d (EDU) 56, Florence)

Salaries, principals/assistants, restored (96 N.J.A.R.2d (EDU) 356, Roselle)

Salaries -- pupil transportation, restored as actual contracted expense (96 N.J.A.R.2d (EDU) 56, Florence)

Salaries, resource room, restored in part (95:January 3, Jackson)

Salaries; restored (91:1983, Freehold) (91:2116, Wharton) (93 N.J.A.R.2d (EDU) 37, Ocean Gate) (93 N.J.A.R.2d (EDU) 99, Brick) (93 N.J.A.R.2d (EDU) 51, Seaside Heights) (93 N.J.A.R.2d (EDU) 56, South Bound Brook, aff'd St. Bd. 93 N.J.A.R.2d (EDU) 358) (94 N.J.A.R.2d (EDU) 76, Burlington)

Salaries -- school librarian, restored (96 N.J.A.R.2d (EDU) 56, Florence)

Salaries -- special education, home instruction, restored (96 N.J.A.R.2d (EDU) 56, Florence)

Salaries -- student transportation, restored (96 N.J.A.R.2d (EDU) 68, Denville)

Salaries -- superintendent, superintendent's secretary,

treasurer and election workers, restored as actual
salary expense (96 N.J.A.R.2d (EDU) 56, Florence)
Salaries - supervisors of instruction; restored
(98:Feb. 26, Wallington)

BUDGETS

Salaries, teachers in regular education, special education, basic skills and bilingual education restored in part, sustained in part (97 N.J.A.R.2d (EDU) 421, Jackson, appeal dismissed St. Bd. 97:Aug. 6)

Salaries, teachers, restored (95:February 10, Bound Brook) (96 N.J.A.R.2d (EDU) 56, Florence) (98:Feb. 26, Wallington)

Salary adjustments-teachers; restored (93 N.J.A.R.2d (EDU) 99, Brick)

Salary, bilingual teacher, restored (96 N.J.A.R.2d (EDU) 95, Long Branch)

Salary -- cafeteria aides and aide substitutes, restored based upon actual costs and reasonable projected estimates (96 N.J.A.R.2d (EDU) 56, Florence)

Salary, elementary teacher, restored (96 N.J.A.R.2d (EDU) 95, Long Branch)

Salary for two full-time aides, deleted, reflect elsewhere in budget (96 N.J.A.R.2d (EDU) 101, Lakeland Regional)

Salary -- library assistant, summer, restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Salary, math teacher, restored (96 N.J.A.R.2d (EDU) 95, Long Branch)

Salary of retiring teacher restored in part since position will not require full amount budgeted (96 N.J.A.R.2d (EDU) 95, Long Branch)

Salary -- resource room - teachers, restored to extent of percentage of negotiated contract (96 N.J.A.R.2d (EDU) 56, Florence)

School administration; other salaries; reduction sustained (97 N.J.A.R.2d (EDU) 380, Twp. of Woodbridge)

School buses; restored in part (93 N.J.A.R.2d (EDU) 851, Branchburg)

School election expenses; deleted (91:610, Barnegat)

School-team planning; restored (94 N.J.A.R.2d (EDU) 103, Phillipsburg)

School Treasurer's salary; deleted (94 N.J.A.R.2d (EDU) 180, Lyndhurst, appeal dismissed St. Bd. 94 N.J.A.R.2d (EDU) 305, settlement approved 94:Aug. 3)

Secretarial guidance; restored (94 N.J.A.R.2d (EDU) 128, Hackettstown)

Secretarial position for new school; restored, cap
waiver decision controlling (91:610, Barnegat)
Secretarial substitutes; restored (93 N.J.A.R.2d (EDU)
846, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU)
301)

BUDGETS

Secretaries, clerical; sustained in part, restored in part (97 N.J.A.R.2d (EDU) 421, Twp. of Jackson, appeal dismissed, St. Bd. 97:Aug. 6)

Secretaries; deleted (91:1788, Lindenwold)

Secretaries; restored (91:2116, Wharton)

Secretaries salaries; deleted (91:2255, Ocean Gate) (91:2273, Downe) (91:2147, Rockaway) (93 N.J.A.R.2d (EDU) 851, Branchburg) (93 N.J.A.R.2d (EDU) 816, Lindenwold)

Secretaries salaries; remand ordered (92:May 20, Rochelle Park, rev'g & remanding 91:1736)

Secretaries salaries; restored (91:2225, Bergenfield) (91:2071, Little Ferry) (91:1871, New Milford, aff'd in part, rev'd in part, 94 N.J.A.R.2d (EDU) 135) (93 N.J.A.R.2d (EDU) 813, Henry Hudson Regional) (93:Jan. 7, Paterson) (95:February 10, Bound Brook) (95 N.J.A.R.2d (EDU) 326, Washington Twp.) (95 N.J.A.R.2d (EDU) 338, Somerdale) (95 N.J.A.R.2d (EDU) 557, Riverside) (95 N.J.A.R.2d (EDU) 560, Salem)

Secretaries/substitutes salaries; restored in part (91:2108, Manchester)

Secretary and clerical salaries; reduction sustained (97 N.J.A.R.2d (EDU) 387, Bayonne, appeal dismissed, St. Bd. 97:May 7)

Secretary/payroll clerk, restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Secretary restored but at starting salary, rather than salary earned by retiree (95:September 20, Salem)

Service of equipment; deleted (91:1788, Lindenwold)

Sites and site additions; restored in part (93 N.J.A.R.2d (EDU) 867, Riverdale)

Social Security benefits; restored (94 N.J.A.R.2d (EDU) 51, Butler)

Social Security contributions; restored (93 N.J.A.R.2d (EDU) 846, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 301) (94 N.J.A.R.2d (EDU) 180, Lyndhurst, appeal dismissed St. Bd. 94 N.J.A.R.2d (EDU) 305, settlement approved 94:Aug. 3) (98:Feb. 2, Little Ferry) (98:Feb. 26, Wallington)

Social Security; deleted (93 N.J.A.R.2d (EDU) 872, Woodbine)

Social Security; restored in part (94 N.J.A.R.2d (EDU)

54, Jefferson, rev'd in part on appeal 94
N.J.A.R.2d (EDU) 229)

Special school teachers, restored (97 N.J.A.R.2d (EDU)
421, Jackson, appeal dismissed St. Bd. 97:Aug. 6)

Special education aides; restored (91:2012, Manalapan-
Englishtown)

BUDGETS

Special education (increased staff) restored because of increase in special education population (95 N.J.A.R.2d (EDU) 326, Washington Twp.)

Special education; restored (93 N.J.A.R.2d (EDU) 816, Lindenwold) (94 N.J.A.R.2d (EDU) 180, Lyndhurst, appeal dismissed St. Bd. 94 N.J.A.R.2d (EDU) 305, settlement approved 94:Aug. 3) (94 N.J.A.R.2d (EDU) 1, Rutherford, aff'd on remand 94 N.J.A.R.2d (EDU) 241) (96 N.J.A.R.2d (EDU) 95, Long Branch)

Special education salaries; deleted (91:2071, Little Ferry)

Special education salaries; restored in part (91:2324, Woodbine)

Special education; textbooks for additional enrollees; restored (95 N.J.A.R.2d (EDU) 309, Glassboro, rev'd and remanded St. Bd. 96 N.J.A.R.2d (EDU) 490)

Special education tuition; restored (91:1884, Netcong)

Special education tuition, restored as amount not necessarily constant from year to year (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Special education tuition; restored in part (91:2306, Hillside)

Special education tuition, summer programs, restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Special school teachers; restored (97 N.J.A.R.2d (EDU) 421, Jackson, appeal dismissed, St. Bd. 97:Aug. 6)

Special services student evaluation and supplies, restored (95:February 10, Bound Brook)

Speech instruction; restored (91:2255, Ocean Gate)

Speech therapist; restored (95 N.J.A.R.2d (EDU) 326, Washington Twp.)

Staff development activities, reduction sustained (96 N.J.A.R.2d (EDU) 68, Denville)

Staff development; restored (94 N.J.A.R.2d (EDU) 128, Hackettstown)

Staff development; restored in part (94 N.J.A.R.2d (EDU) 1, Rutherford, aff'd on remand 94 N.J.A.R.2d (EDU) 241)

Staff overtime for field trips, curriculum development, writing consultant and computer camp; restored (91:610, Barnegat)

Staff travel; restored in part (91:1942, Matawan-Aberdeen)

State and county retirement fund; restored in part (94
N.J.A.R.2d (EDU) 54, Jefferson, rev'd in part on
appeal 94 N.J.A.R.2d (EDU) 229)
State convention; restored (90:419, Spotswood)

BUDGETS

State operated school district; Commissioner affirms tax levy certification by State Superintendent for state-operated district and denies City's request for reduction in unappropriated balance, textbook account, dental and prescription insurance, principals, supervisors, clerical aides, health and custodial salaries, teaching supplies and athletic expenses (90:1325, City of Jersey City, aff'd St. Bd. 91:2556)

State unemployment insurance; deleted (91:1988, Newton) Statutes -- Title 18A, restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Student activities; restored (91:2225, Bergenfield)

Student activities and trips; restored (91:2012, Manalapan-Englishtown)

Student activities salary; restored (91:1788, Lindenwold)

Student activities; restored in part (94 N.J.A.R.2d (EDU) 1, Rutherford, aff'd on remand 94 N.J.A.R.2d (EDU) 241)

Student liability insurance; restored (94 N.J.A.R.2d (EDU) 180, Lyndhurst, appeal dismissed St. Bd. 94 N.J.A.R.2d (EDU) 305, settlement approved 94:Aug. 3)

Substitute caller; restored (93 N.J.A.R.2d (EDU) 830, Neptune) (96 N.J.A.R.2d (EDU) 825, Lumberton, aff'd St. Bd. 96 N.J.A.R.2d (EDU) 831)

Substitute -- custodian, deleted (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Substitutes, library, deleted (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Substitutes salaries; deleted (91:2125, Ramsey, settled on appeal, St. Bd. 92:June 3)

Substitute salaries restored (95:February 10, Bound Brook)

Substitutes salaries; restored in part (93 N.J.A.R.2d (EDU) 716, Wallington, appeal dismissed St. Bd. 93 N.J.A.R.2d (EDU) 729)

Such remediation is an important aspect of any T & E program, and cannot be dismissed because it may appear to repeat in whole or part material covered during the regular educational program (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Sufficient funds in remainder of account to cover

expenditures (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Summer curriculum, deleted, reflected elsewhere in budget (96 N.J.A.R.2d (EDU) 101, Lakeland Regional)

Summer curriculum writing for development of new curriculum guides restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

BUDGETS

Summer employment, restored; secretarial summer services deleted (95:February 10, Bound Brook)

Summer inservice deleted (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Summer inservice program (91:2410, Ewing)

Summer maintenance projects, restored in part (95:February 23, Middle Township)

Summer school; restored (91:2398, Hamilton)

Summer school salaries; deleted (91:2324, Woodbine)
Summer school teachers; sustained (97 N.J.A.R.2d (EDU) 421, Jackson, appeal dismissed, St. Bd. 97:Aug. 6)

Superintendent's office salaries; restored (91:2225, Bergenfield)

Superintendent's raise; restored (91:1788, Lindenwold)

Superintendent's travel expenses; deleted (91:1788, Lindenwold)

Supervisor of Instruction; restored (91:2185, Cranford)

Supervisor salaries; deleted (91:2012, Manalapan-Englishtown) (91:2071, Little Ferry) (95:February 10, Bound Brook)

Supervisor salaries; restored (93 N.J.A.R.2d (EDU) 830, Neptune) (93 N.J.A.R.2d (EDU) 851, Branchburg) (93:Jan. 7, Paterson) (94 N.J.A.R.2d (EDU) 98, Paterson)

Supervisor salaries: Restoration ordered; Commissioner presumes line item is for administrators recommended by county superintendent (90:Jan. 31, Brick)

Supervisory/Administrative personnel; restored (91:2225, Bergenfield)

Supplemental instruction; restored (95 N.J.A.R.2d (EDU) 309, Glassboro, rev'd and remanded St. Bd. 96 N.J.A.R.2d (EDU) 490)

Supplementary instruction-salaries, restored (96 N.J.A.R.2d (EDU) 356, Roselle)

Supplies and materials restored for library, deleted for other items (95:February 23, Middle Township)
Supplies basic skills; restored (97 N.J.A.R.2d (EDU) 387, Bayonne, appeal dismissed, St. Bd. 97:May 7) (98:Feb. 26, Wallington)

Supplies; deleted (91:2255, Ocean Gate) (95 N.J.A.R.2d (EDU) 326, Washington Twp.)

Supplies; deleted; board failed to provide documentation

for an increase over prior year's budget (95
N.J.A.R.2d (EDU) 326, Washington Twp.)
Supplies for operation of plant; deleted (95 N.J.A.R.2d
(EDU) 326, Washington Twp.)

BUDGETS

Supplies-pre-school special education, restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Supplies; regular program; restored (95 N.J.A.R.2d (EDU) 309, Glassboro, rev'd and remanded St. Bd. 96 N.J.A.R.2d (EDU) 490)

Supplies; restored (91:1973, Somerdale) (94 N.J.A.R.2d (EDU) 98, Paterson) (94 N.J.A.R.2d (EDU) 128, Hackettstown) (95:February 10, Bound Brook) (98:Feb. 26, Wallington)

Supplies, special education, restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Supplies and materials; deleted (93 N.J.A.R.2d (EDU) 819, Lodi) (93 N.J.A.R.2d (EDU) 856, Jamesburg)

Supplies and materials; restored (93 N.J.A.R.2d (EDU) 846, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 301) (94 N.J.A.R.2d (EDU) 95, Millstone)

Supplies and materials; sustained (98:Feb. 2, Little Ferry)

Supplies and workbooks, restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Supplies for operation of plant; restored (94 N.J.A.R.2d (EDU) 98, Paterson) (94 N.J.A.R.2d (EDU) 67, Middletown, motion to supplement record denied and aff'd 94 N.J.A.R.2d (EDU) 307, aff'd App. Div. 96 N.J.A.R.2d (EDU) 162)

Supplies - instruction; restored (98:Feb. 2, Little Ferry)

Supplies - vocational; restored (98:Feb. 26, Wallington)

Support services administration, restored (95:January 3, Freehold) (98:Feb. 26, Wallington)

Support services; restored (98:Feb. 26, Wallington)

Surplus amount inadequate to fund restoration (95 N.J.A.R.2d (EDU) 588, Fairview, aff'd St. Bd. 96 N.J.A.R.2d (EDU) 678)

Surplus available to fund restoration (96 N.J.A.R.2d (EDU) 101, Lakeland Regional)

Surplus; deleted (91:2398, Hamilton) (91:1657, Oakland) (91:1871, New Milford, aff'd in part, rev'd in part, 94:Jan. 5) (93 N.J.A.R.2d (EDU) 811, Berkeley Twp.) (93 N.J.A.R.2d (EDU) 813, Henry Hudson Regional) (94 N.J.A.R.2d (EDU) 10, Lower Camden County Regional, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 11) (95:January 3, Jackson) (95:January 3, Freehold)

Surplus deleted, although board was left with less than 1%, since board spent money from surplus on items in dispute in this appeal and not judged necessary for T & E (96 N.J.A.R.2d (EDU) 825, Lumberton, aff'd St. Bd. 96 N.J.A.R.2d (EDU) 831)

BUDGETS

Surplus insufficient to warrant reallocation (96
N.J.A.R.2d (EDU) 56, Florence)

Surplus; remand ordered (92:May 20, Rochelle Park, rev'g
& remanding 91:1736)

Surplus; restored (91:2410, Ewing) (91:1330, Dover)
(91:2268, Lawrence) (93 N.J.A.R.2d (EDU) 854,
Hamilton) (93 N.J.A.R.2d (EDU) 830, Neptune) (93
N.J.A.R.2d (EDU) 846, Belleville, aff'd St. Bd. 94
N.J.A.R.2d (EDU) 301) (94 N.J.A.R.2d (EDU) 54,
Jefferson, rev'd in part on appeal 94 N.J.A.R.2d
(EDU) 229) (94 N.J.A.R.2d (EDU) 180, Lyndhurst,
appeal dismissed St. Bd. 94 N.J.A.R.2d (EDU) 305,
settlement approved 94:Aug. 3) (94 N.J.A.R.2d (EDU)
67, Middletown, motion to supplement record denied
& aff'd 94 N.J.A.R.2d (EDU) 307, aff'd App. Div. 96
N.J.A.R.2d (EDU) 162) (94 N.J.A.R.2d (EDU) 62,
Florence) (95 N.J.A.R.2d (EDU) 309, Glassboro,
rev'd and remanded St. Bd. 96 N.J.A.R.2d (EDU) 490)

Surplus; restored in part (92 N.J.A.R.2d (EDU) 128,
Pinelands) (98:Feb. 6, Old Bridge)

Support service aides; restored (91:2116, Wharton)

T & E system of education requires a properly
functioning library, and where services cannot be
provided during the school year without significant
disruption of student use, the board is justified
in procuring summer assistance to assure the
library is functional at the start of the school
year (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

T & E testing, mandated deleted (96 N.J.A.R.2d (EDU) 68,
Denville)

Teacher aide salaries; deleted (91:2012, Manalapan-
Englishtown)

Teacher orientation; restored (91:2125, Ramsey, settled
on appeal, 92:June 3)

Teacher salaries and benefits, deleted (96 N.J.A.R.2d
(EDU) 825, Lumberton, aff'd St. Bd. 96 N.J.A.R.2d
(EDU) 831)

Teacher salaries -- basic skills, restored (96
N.J.A.R.2d (EDU) 39, Township of Ocean)

Teacher salaries, benefits and supplies;
restored (96 N.J.A.R.2d (EDU) 1047, Lopatcong)

BUDGETS

Teacher salaries; restored (91:2273, Downe) (91:1657, Oakland) (91:2147, Rockaway) (91:1788, Lindenwold) (91:2012, Manalapan-Englishtown) (91:2337, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 134) (91:1871, New Milford, aff'd in part, rev'd in part, 94 N.J.A.R.2d (EDU) 135) (93 N.J.A.R.2d (EDU) 819, Lodi) (93 N.J.A.R.2d (EDU) 830, Neptune) (93 N.J.A.R.2d (EDU) 856, Jamesburg) (93 N.J.A.R.2d (EDU) 888, Bradley Beach) (93:Jan. 7, Paterson) (94 N.J.A.R.2d (EDU) 98, Paterson) (94 N.J.A.R.2d (EDU) 110, South River) (94 N.J.A.R.2d (EDU) 92, Bloomsbury) (94 N.J.A.R.2d (EDU) 67, Middletown, motion to supplement record denied & aff'd St. Bd. 94 N.J.A.R.2d (EDU) 307, aff'd App. Div. 96 N.J.A.R.2d (EDU) 162) (94 N.J.A.R.2d (EDU) 60, Stafford) (94 N.J.A.R.2d (EDU) 62, Florence) (94 N.J.A.R.2d (EDU) 51, Butler) (95 N.J.A.R.2d (EDU) 570, Rockaway) (95 N.J.A.R.2d (EDU) 588, Fairview, appeal dismissed St. Bd. 96 N.J.A.R.2d (EDU) 678) (98:Feb. 2, Little Ferry)

Teacher salaries; restored in part (91:2410, Ewing) (91:2071, Little Ferry) (93 N.J.A.R.2d (EDU) 846, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 301) (93 N.J.A.R.2d (EDU) 816, Lindenwold) (94 N.J.A.R.2d (EDU) 128, Hackettstown) (94 N.J.A.R.2d (EDU) 1, Rutherford, aff'd on remand 94 N.J.A.R.2d (EDU) 241) (95:March 17, Manchester)

Teacher salaries-speech, restored in part due to increased student population (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Teacher salaries; sustained in part, restored in part (97 N.J.A.R.2d (EDU) 421, Jackson, appeal dismissed, St. Bd. 97:Aug. 6)

Teachers; deleted where record did not establish need in light of decline in pupil enrollment (90:Jan. 31, Brick)

Teachers salaries grades 1-5; restored (97 N.J.A.R.2d (EDU) 387, Bayonne, appeal dismissed, St. Bd. 97:May 7)

Teachers salaries grades 6-8; reduction sustained (97 N.J.A.R.2d (EDU) 387, Bayonne, appeal dismissed, St. Bd. 97:May 7)

Teachers salaries grades 6-8; restored
(97 N.J.A.R.2d (EDU) 387, Bayonne, appeal
dismissed, St. Bd. 97:May 7)

Teachers salaries grades 9-12; restored
(97 N.J.A.R.2d (EDU) 387, Bayonne, appeal
dismissed, St. Bd. 97:May 7)

Teaching supplies; deleted (91:610, Barnegat) (91:2255,
Ocean Gate) (91:2071, Little Ferry) (91:1973,
Somerdale) (94 N.J.A.R.2d (EDU) 54, Jefferson,
rev'd in part on appeal 94 N.J.A.R.2d (EDU) 229)

BUDGETS

Teaching supplies; restored (91:1871, New Milford, aff'd in part, rev'd in part, St. Bd. 94 N.J.A.R.2d (EDU) 135) (92 N.J.A.R.2d (EDU) 653, Beverly) (93 N.J.A.R.2d (EDU) 56, aff'd St. Bd. 93 N.J.A.R.2d (EDU) 358) (93 N.J.A.R.2d (EDU) Woodbine) (93 N.J.A.R.2d (EDU) 827, Mansfield) (93 N.J.A.R.2d (EDU) 716, appeal dismissed St. Bd. 93 N.J.A.R.2d (EDU) 729) (94 N.J.A.R.2d (EDU) 180, appeal dismissed St. Bd. 94 N.J.A.R.2d (EDU) 305, settlement approved 94:Aug. 3) (94 N.J.A.R.2d (EDU) 1, Rutherford, aff'd on remand 94 N.J.A.R.2d (EDU) 241)

Technical services, deleted (95:January 3, Jackson)

Technical services; restored (93 N.J.A.R.2d (EDU) 846, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 301) (94 N.J.A.R.2d (EDU) 180, Lyndhurst, appeal dismissed St. Bd. 94 N.J.A.R.2d (EDU) 305, settlement approved 94:Aug. 3)

Technological improvements, including modem link to State Department, networking buildings and libraries to district's central data system and usage charges for distance learning applications, restored (96 N.J.A.R.2d (EDU) 95, Long Branch)

Telephone, deleted (95:March 17, Manchester)

Telephone pole installation for Project Adventure Challenge Ropes Course, deleted (96 N.J.A.R.2d (EDU) 101, Lakeland Regional)

Telephone; restored (91:2273, Downe) (93 N.J.A.R.2d (EDU) 830, Neptune) (94 N.J.A.R.2d (EDU) 180, Lyndhurst, appeal dismissed 94 N.J.A.R.2d (EDU) 305, settlement approved 94:Aug. 3) (95:February 10, Bound Brook) (96 N.J.A.R.2d (EDU) 39, Township of Ocean) (98:Feb. 26, Wallington)

Telephone; restored in part (91:2108, Manchester) (93 N.J.A.R.2d (EDU) 846, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 301) (96 N.J.A.R.2d (EDU) 68, Denville)

Test scoring service; restored in part (91:1942, Matawan-Aberdeen)

Testing guidance; restored (94 N.J.A.R.2d (EDU) 128, Hackettstown)

Testing supplies; restored (95 N.J.A.R.2d (EDU) 309, Glassboro, rev'd and remanded St. Bd. 96 N.J.A.R.2d (EDU) 490)

Textbooks; basic skills; restored (97
N.J.A.R.2d (EDU) 387, Bayonne, appeal dismissed,
St. Bd. 97:May 7)

Textbooks; cuts upheld where texts not identified
(90:Jan. 31, Brick)

BUDGETS

Textbooks; deleted (91:2255, Ocean Gate) (91:2012, Manalapan-Englishtown) (91:1871, New Milford, aff'd in part, rev'd in part, 94 N.J.A.R.2d (EDU) 135) (93 N.J.A.R.2d (EDU) 846, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 301) (94 N.J.A.R.2d (EDU) 180, Lyndhurst, appeal dismissed 94 N.J.A.R.2d (EDU) 305, settlement approved 94:Aug. 3)

Textbooks; deleted; board failed to provide documentation that available balance in this account was depleted after township's budget review (95 N.J.A.R.2d (EDU) 326, Washington Twp.)

Textbooks; regular program; restored (97 N.J.A.R.2d (EDU) 387, Bayonne, appeal dismissed, St. Bd. 97:May 7)

Textbooks, resource room; restored (98:Feb. 26, Wallington)

Textbooks; restored (91:1942, Matawan-Aberdeen) (91:1973, Somerdale) (93 N.J.A.R.2d (EDU) 856, Jamesburg) (93 N.J.A.R.2d (EDU) 716, Wallington, appeal dismissed St. Bd. 93 N.J.A.R.2d (EDU) 729) (94 N.J.A.R.2d (EDU) 98, Paterson) (94 N.J.A.R.2d (EDU) 128, Hackettstown) (94 N.J.A.R.2d (EDU) 1, Rutherford, aff'd on remand 94 N.J.A.R.2d (EDU) 241) (95:March 17, Manchester) (95 N.J.A.R.2d (EDU) 338, Somerdale) (98:Feb. 26, Wallington)

Textbooks; restored in part (94 N.J.A.R.2d (EDU) 110, South River)

Textbooks-special education; restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Tire and tube replacement, deleted (93 N.J.A.R.2d (EDU) 99, Brick)

Tools, restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Transfer to capital outlay; restored (91:1884, Netcong)

Transfer to food service deficit; sustained (98:Feb. 26, Wallington)

Transportation; deleted (91:1942, Matawan-Aberdeen) (91:2108, Manchester) (93 N.J.A.R.2d (EDU) 47, Delanco, St. Bd. approved settlement 93:May 5) (94 N.J.A.R.2d (EDU) 54, Jefferson, rev'd in part on appeal 94 N.J.A.R.2d (EDU) 229)

Transportation for extracurricular activities; restored in part (98:Feb. 6, Old Bridge)

Transportation for field trips restored, as the

Extension of educational experiences beyond the
confines of the school building is necessary for T
& E (95:February 23, Middle Township)

BUDGETS

Transportation liaison, restored, not duplicative of contracted services (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Transportation equipment; deleted (91:2012, Manalapan-Englishtown)

Transportation-fuel; restored (94 N.J.A.R.2d (EDU) 62, Florence)

Transportation, miscellaneous deleted (96 N.J.A.R.2d (EDU) 356, Roselle)

Transportation; restored (92 N.J.A.R.2d (EDU) 437, Dennis Township) (93 N.J.A.R.2d (EDU) 30, Manchester) (93 N.J.A.R.2d (EDU) 867, Riverdale) (93 N.J.A.R.2d (EDU) 716, appeal dismissed St. Bd. 93 N.J.A.R.2d (EDU) 729) (94 N.J.A.R.2d (EDU) 73, Garwood) (94 N.J.A.R.2d (EDU) 180, Lyndhurst, appeal dismissed St. Bd. 94 N.J.A.R.2d (EDU) 305, settlement approved 94:Aug. 3) (94 N.J.A.R.2d (EDU) 60, Stafford) (95:March 17, Manchester)

Transportation; restored in part (91:2071, Little Ferry) (98:Feb. 6, Old Bridge)

Transportation, student -- supplies and materials, reduction sustained (96 N.J.A.R.2d (EDU) 68, Denville)

Transportation-repairs and maintenance, deleted (95:January 3, Jackson)

Trash collection, restored (95:February 23, Middle Township)

Travel, deleted (96 N.J.A.R.2d (EDU) 68, Denville)

Travel expenses; deleted (91:2273, Downe) (91:1988, Newton)

Travel expenses; restored (91:2012, Manalapan-Englishtown)

Travel expenses; restored in part (93 N.J.A.R.2d (EDU) 846, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 301)

Truancy program; restored (94 N.J.A.R.2d (EDU) 103, Phill Philips)

Tuition-contract with regional high school, restored (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Tuition for handicapped and county vocational, restored (95:February 10, Bound Brook)

Tuition reimbursement, no board evidence for claim, deleted (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Tuition; remand ordered (92:May 20, Rochelle Park, rev'g
& remanding 91:1736)

BUDGETS

Tuition; restored (91:2012, Manalapan-Englishtown)
(91:2426, Fieldsboro, appeal dismissed for failure
to perfect, St. Bd. 92:March 4) (93 N.J.A.R.2d
(EDU) 30, Manchester) (93 N.J.A.R.2d (EDU) 819,
Lodi) (93 N.J.A.R.2d (EDU) 863, Lower Alloways
Creek) (93 N.J.A.R.2d (EDU) 867, Riverdale) (93
N.J.A.R.2d (EDU) 816, Lindenwold) (93 N.J.A.R.2d
(EDU) 716, Wallington, appeal dismissed St. Bd. 93
N.J.A.R.2d (EDU) 729) (94 N.J.A.R.2d (EDU) 54,
Jefferson, rev'd in part on appeal 94 N.J.A.R.2d
(EDU) 229) (94 N.J.A.R.2d (EDU) 73, Garwood) (94
N.J.A.R.2d (EDU) 1, Rutherford, aff'd on remand 94
N.J.A.R.2d (EDU) 241) (95:February 10,
Mansfield) (98:Feb. 26, Wallington)

Tuition; restored in part (91:1988, Newton)

Tuition, special education, possibility of students
leaving the district and availability of funds in
surplus account to cover unforeseen placements not
taken into account, reduction sustained (96
N.J.A.R.2d (EDU) 68, Denville)

Tuition-state facilities, restored as state-mandated
(96 N.J.A.R.2d (EDU) 356, Roselle)

Undistributed instruction; deleted (91:1699, Teaneck)

Unemployment compensation, deleted (96 N.J.A.R.2d (EDU)
356, Roselle)

Unemployment compensation; restored (93 N.J.A.R.2d (EDU)
47, Delanco, St. Bd. approved settlement 93:May 5)
(93 N.J.A.R.2d (EDU) 51, Seaside Heights) (94
N.J.A.R.2d (EDU) 110, South River)

Unspecified; deleted (94 N.J.A.R.2d (EDU) 51, Butler)

Upkeep of grounds and buildings; restored in part (93
N.J.A.R.2d (EDU) 716, Wallington, appeal dismissed
St. Bd. 93 N.J.A.R.2d (EDU) 729)

Utilities; deleted (91:1871, New Milford, aff'd in part,
rev'd in part, St. Bd. 94 N.J.A.R.2d (EDU) 135) (93
N.J.A.R.2d (EDU) 819, Lodi) (95 N.J.A.R.2d (EDU)
326, Washington Twp.)

Utilities; restored (91:2306, Hillside) (91:1942,
Matawan-Aberdeen) (93 N.J.A.R.2d (EDU) 30,
Manchester) (93 N.J.A.R.2d (EDU) 716, Wallington,
appeal dismissed St. Bd. 93 N.J.A.R.2d (EDU) 729)
(93:Jan. 7, Paterson)

Utilities; restored in part (91:1973, Somerdale) (92

N.J.A.R.2d (EDU) 653, Beverly) (94 N.J.A.R.2d (EDU)
67, Middletown, motion to supplement record denied
and aff'd St. Bd. 94 N.J.A.R.2d (EDU) 307, aff'd
App. Div. 96 N.J.A.R.2d (EDU) 162)
Van driver salaries; deleted (91:2012, Manalapan-
Englishtown)

BUDGETS

Vehicle, four wheel drive, deleted (96 N.J.A.R.2d (EDU) 101, Lakeland Regional)

Vehicle fuel-gasoline and diesel; restored (93 N.J.A.R.2d (EDU) 99, Brick)

Vehicle insurance; deleted (91:2012, Manalapan-Englishtown)

Vehicle repairs; deleted (93 N.J.A.R.2d (EDU) 99, Brick)

Vehicle repairs; restored (91:1942, Matawan-Aberdeen)

Vehicle replacement; restored in part (91:2410, Ewing)

Vice principal; restored (91:2116, Wharton) (91:1736, Rochelle Park, motion by NJSBA for leave to file amicus curiae brief granted, St. Bd. 91:Apr. 1) (95 N.J.A.R.2d (EDU) 560, Salem)

Vocational teachers salaries; restored (97 N.J.A.R.2d (EDU) 387, Bayonne, appeal dismissed, St. Bd. 97:May 7)

Water/sewer; restored (93 N.J.A.R.2d (EDU) 830, Neptune)

When special education summer placements are part of a student's IEP, they must be provided by the district regardless of the presence or absence of any other summer program (96 N.J.A.R.2d (EDU) 39, Township of Ocean)

Workshops, convention and travel expenses; deleted (91:2225, Bergenfield)

Summary decision denied - failure to provide statement of reasons for budget cuts not enough to restore all reductions. Remand ordered (94:Aug. 23, Middletown, aff'd St. Bd. 95:Apr. 5)

Summary of cases

Cuts upheld

(93 N.J.A.R.2d (EDU) 43, Northern Highlands)

Cuts upheld in full; sufficient funds available within originally certified budget to provide a thorough and efficient education (97 N.J.A.R.2d (EDU) 392, Fairview)

Commissioner determined to sustain the full amount of reductions made by council following voter rejection of proposed budget (97:March 5, Fairview)

Cuts restored in full

(91:2268, Lawrence) (91:1983, Freehold) (91:2008, Allenhurst) (91:2426, Fieldsboro, appeal dismissed for failure to perfect, St. Bd. 92:March 4) (92 N.J.A.R.2d (EDU) 461, Jersey City) (92 N.J.A.R.2d (EDU) 437, Dennis Township) (92 N.J.A.R.2d (EDU) 651, Fairview, aff'd St. Bd. 93 N.J.A.R.2d (EDU)

301) (93 N.J.A.R.2d (EDU) 37, Ocean Gate) (93
N.J.A.R.2d (EDU) 51, Seaside Heights) (93
N.J.A.R.2d (EDU) 811, Berkeley Twp.) (93 N.J.A.R.2d
(EDU) 854, Hamilton) (93 N.J.A.R.2d (EDU) 863,
Lower Alloways Creek) (93 N.J.A.R.2d (EDU) 865,
Mahwah) (93:Jan. 7, Paterson) (94 N.J.A.R.2d (EDU)
98, Paterson) (94 N.J.A.R.2d (EDU) 95, Millstone)

BUDGETS

(94 N.J.A.R.2d (EDU) 67, Middletown, motion to supplement record denied and aff'd St. Bd. 94 N.J.A.R.2d (EDU) 307, aff'd App. Div. 96 N.J.A.R.2d (EDU) 162) (94 N.J.A.R.2d (EDU) 103, Phillipsburg) (94 N.J.A.R.2d (EDU) 60, Stafford) (96 N.J.A.R.2d (EDU) 56, Florence)

Except for items conceded by board (91:2116, Wharton)

Cuts restored in part

(90:55, Manville) (90:Jan. 31, Brick) (90:419, Spotswood) (91:610, Barnegat) (91:2185, Cranford) (91:2225, Bergenfield) (91:2255, Ocean Gate) (91:2273, Downe) (91:2306, Hillside) (91:2324, Woodbine) (91:2398, Hamilton) (91:2410, Ewing) (91:1657, Oakland) (91:1699, Teaneck) (91:1330, Dover) (91:2125, Ramsey, settled on appeal, St. Bd. 92:June 3) (91:2147, Rockaway) (91:2108, Manchester) (91:1942, Matawan-Aberdeen) (91:2071, Little Ferry) (91:1884, Netcong) (91:1988, Newton) (91:2012, Manalapan-Englishtown) (91:1788, Lindenwold) (92:May 20, Rochelle Park, rev'g & remanding 91:1736) (91:1973, Somerdale) (91:2337, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 134) (91:1871, New Milford, aff'd in part, rev'd in part, St. Bd. 94 N.J.A.R.2d (EDU) 135) (92 N.J.A.R.2d (EDU) 128, Pinelands) (92 N.J.A.R.2d (EDU) 653, Beverly) (93 N.J.A.R.2d (EDU) 30, Manchester) (93 N.J.A.R.2d (EDU) 47, Delanco, St. Bd. approved settlement 93:May 5) (93 N.J.A.R.2d (EDU) 99, Brick) (93 N.J.A.R.2d (EDU) 56, South Bound Brook, aff'd St. Bd. 93 N.J.A.R.2d (EDU) 358) (93 N.J.A.R.2d (EDU) 867, Riverdale) (93 N.J.A.R.2d (EDU) 819, Lodi) (93 N.J.A.R.2d (EDU) 888, Bradley Beach) (93 N.J.A.R.2d (EDU) 813, Henry Hudson Regional) (93 N.J.A.R.2d (EDU) 816, Lindenwold) (93 N.J.A.R.2d (EDU) 827, Mansfield) (93 N.J.A.R.2d (EDU) 872, Woodbine) (93 N.J.A.R.2d (EDU) 856, Jamesburg) (93 N.J.A.R.2d (EDU) 851, Branchburg) (93 N.J.A.R.2d (EDU) 846, Belleville, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 301) (93 N.J.A.R.2d (EDU) 830, Neptune) (94 N.J.A.R.2d (EDU) 54, Jefferson, rev'd in part on appeal 94 N.J.A.R.2d (EDU) 229) (94 N.J.A.R.2d (EDU) 10, Lower Camden County Regional, aff'd St. Bd. 94 N.J.A.R.2d (EDU) 11) (94 N.J.A.R.2d (EDU) 128, Hackettstown) (94 N.J.A.R.2d

(EDU) 76, Hackettstown) (94 N.J.A.R.2d (EDU) 110,
South River) (94 N.J.A.R.2d (EDU) 92, Bloomsbury)
(94 N.J.A.R.2d (EDU) 180, Lyndhurst, appeal
dismissed

BUDGETS

94 N.J.A.R.2d (EDU) 305, settlement approved
94:Aug. 3) (94 N.J.A.R.2d (EDU) 1, Rutherford,
aff'd on remand 94 N.J.A.R.2d (EDU) 241) (94
N.J.A.R.2d (EDU) 62, Florence) (94 N.J.A.R.2d (EDU)
51, Butler) (94:Dec. 29, Neptune) (95 N.J.A.R.2d
(EDU) 326, Washington Twp.) (95 N.J.A.R.2d (EDU)
309, Glassboro, rev'd and remanded St. Bd. 96
N.J.A.R.2d (EDU) 490) (95 N.J.A.R.2d (EDU) 331,
Salem City) (95 N.J.A.R.2d (EDU) 338, Somerdale) (96
N.J.A.R.2d (EDU) 68, Denville) (96 N.J.A.R.2d (EDU)
95, Long Branch) (96 N.J.A.R.2d (EDU) 101, Lakeland
Regional) (95:January 3, Jackson) (to be appropriated
from surplus) (96 N.J.A.R.2d (EDU) 356,
Roselle) (95:February 10, Bound Brook) (95:February
10, Mansfield, appeal w/drawn St. Bd. 95:September
8) (to be appropriated
from surplus) (95:February 23, Middle Township) (96
N.J.A.R.2d (EDU) 825, Lumberton, aff'd St. Bd. 96
N.J.A.R.2d (EDU) 831) (95:September 20, Salem) (97
N.J.A.R.2d (EDU) 387, Bayonne, appeal dismissed,
St. Bd. 97:May 7)

Cuts restored in part as necessary to provide a thorough
and efficient education (97 N.J.A.R.2d (EDU) 421,
Jackson, appeal dismissed St. Bd. 97:Aug. 6)

Restoration of energy expense levels necessary for T&E.

Other cuts upheld through surplus. (96 N.J.A.R.2d (EDU)
307, Edison)

Thirty-day rule - State Board would not waive - no
statutory authority; no good cause (95:Jan. 4, Wanaque, St.
Bd.)

BUILDINGS

(See "Schools and Buildings" this index)

BUS DRIVERS

Attorneys fees, defense pending charges, bus drivers acquitted of
speeding not entitled to reimbursement of legal fees incurred
in defense of charges (93 N.J.A.R.2d (EDU) 799,
Apgar) (93:Aug. 4, St. Bd. rev'g 93 N.J.A.R.2d (EDU) 173,
Drabich)

Board of education's termination of non-tenured bus driver upheld. Bus driver had been arrested for possession of cocaine, successfully completed PTI program. Board has wide discretion to discontinue services of non-tenured employee absent constitutional or statutory infirmity (96 N.J.A.R.2d (EDU) 622, Fagan)

BUS DRIVERS

- Board member, employment as bus driver with company under contract with board does not automatically disqualify for conflict of interest; remand ordered to determine whether board member had a substantial, material and pervasive conflict of interest (95 N.J.A.R.2d (EDU) 350, Andrews, St. Bd. rev'g & remanding 94 N.J.A.R.2d (EDU) 315)
- Bus driver with cocaine conviction demonstrated rehabilitation- not disqualified from school employment (96 N.J.A.R.2d (EDU) 515, Marcelle)
- Bus driver with numerous convictions failed to demonstrate clear and convincing evidence of rehabilitation. Assault conviction occurred in his 20s; cannot be attributed merely to youthful exuberance or inexperience (96:April 6, Robinson)
- Disqualification of bus driver following criminal history record review under N.J.S.A. 18A:39-19.1 (96:Oct. 18, J.J.G., aff'd and augmented St. Bd. 97:Jan. 10, aff'd App. Div. unpub. op. Dkt. No. A-3910-96T3, Oct. 3, 1997)
- Motor vehicle violations are not crimes; school bus driver who successfully defended traffic citation not entitled to indemnification for legal fees incurred in defense. Board may, but is not obligated to, indemnify. (93:Aug. 4, St. Bd. rev'g 93 N.J.A.R.2d (EDU) 173, Drabich)
- Non-renewal not arbitrable under collective bargaining agreement; CBA and board policy expressly indicated that bus driver's employment could be ended without cause. Marlboro Tp. Bd. of Ed. v. Education Ass'n., 299 N.J. Super. 283 (1997)
- Non-renewal reversed, found to be in retaliation for protected union activities (91:568, Inglese)
- Non-renewal upheld, found not to be in retaliation for filing of worker's compensation claim (91:568, Inglese)
- Zero tolerance drug standard for board employees not unreasonable (96 N.J.A.R.2d (EDU) 622, Fagan)

BUSINESS MANAGER AND SCHOOL BUSINESS ADMINISTRATOR

(See also "Tenure - Acquisition of" and "Tenure - Dismissal" this index)

- Tenure, Assistant superintendent for business/board secretary must serve three consecutive calendar years of employment.
- Reemployment for at least one in fourth year. Picogna v. Bd. of Ed. of Cherry Hill, 143 N.J. 391 (1996) See also 249 N.J. Super. 332 (App. Div. 1991), aff'g St. Bd. 90:331, aff'g Commissioner 90:318)

Unit control/dual control: County superintendent correctly exercised his authority to deny board's request to change from unit control to dual control structure (90:1032, Barrington)