

189-03

C.S., on behalf of minor child, N.S., :
PETITIONER, :
COMMISSIONER OF EDUCATION
V. :
DECISION
BOARD OF EDUCATION OF THE :
CITY OF SOMERS POINT, :
ATLANTIC COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioning parent appealed the Board's determination to expel her son for a whole year due to an alleged assault on a teaching staff member.

The ALJ found that the Board of Education presented credible evidence that it afforded N.S. his due process rights; that the expulsion was not arbitrary, capricious or unreasonable; and that petitioner was given every opportunity to present evidence in the defense of her son and failed to do so. The ALJ concluded that the Board acted properly in expelling N.S. Moreover, he was afforded Home Instruction. Petition was dismissed.

The Commissioner adopted the findings and determination in the Initial Decision as his own.

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

April 15, 2003

OAL DKT. NO. EDU 342-03
AGENCY DKT. NO. 32-1/03

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	:	
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_____	:	
	:	

The Initial Decision of the Office of Administrative Law (OAL) on petitioner's application for emergent relief in the above-captioned matter was filed with the Commissioner on February 24, 2003. Upon review of that decision, it appeared that the Administrative Law Judge (ALJ) had made findings and conclusions sufficient to constitute a recommendation on the merits of the underlying appeal, as well as on the application for emergent relief. Therefore, petitioner was requested by the Director of the Bureau of Controversies and Disputes to advise whether she believed further proceedings at the OAL were necessary to resolve her appeal, and was additionally afforded an opportunity to submit exceptions to the Initial Decision pursuant to *N.J.A.C.* 1:1-18.4. No communication of any kind ensued in response to the Director's request, which was acknowledged as received by petitioner via certified mail on February 28, 2003.

Accordingly, the Commissioner deems the Initial Decision in this matter to be the ALJ's recommendation on the merits of petitioner's claim, and, reviewing it on

that basis along with the record of proceedings, the Commissioner fully concurs with the analysis and conclusions of the ALJ.

Accordingly, the Initial Decision of the Office of Administrative Law is adopted for the reasons expressed therein, and the Petition of Appeal dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: April 15, 2003

Date of Mailing: April 16, 2003

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