

307-03

L.R.R., on behalf of minor child, R.T., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
STATE-OPERATED SCHOOL DISTRICT : DECISION  
OF THE CITY OF NEWARK,  
ESSEX COUNTY, :  
RESPONDENT. :

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SYNOPSIS

Petitioning parent challenged the District's school placement of her son, R.T., his disciplinary record and his grades.

The ALJ concluded that petitioner failed to carry her burden of proving that the District acted in an arbitrary or capricious manner with respect to R.T.'s education. The ALJ found that the District did not act in a punitive manner, it exercised its sound discretion and acted out of concern for R.T.'s safety by transferring him to East Side where he is doing well. If he continues this, he should return to day high school in September 2003. The ALJ also concluded that, with respect to R.T.'s disciplinary record and grades, the District acted appropriately and in full accord with District policies and procedures. 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.
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June 19, 2003

OAL DKT. NO. EDU 3596-03  
AGENCY DKT. NO. 110-4/03

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The record of this matter and the Initial Decision of the Administrative Law Judge (ALJ) have been reviewed. No exceptions were filed by the parties.

Upon review, the Commissioner concurs with the ALJ that the District acted reasonably and within the scope of its lawful discretionary authority with respect to R.T.'s school placement, disciplinary record and grades. Therefore, like the ALJ, the Commissioner concludes that petitioner has not demonstrated entitlement to relief.

Accordingly, for the reasons expressed therein, the Initial Decision of the Office of Administrative Law dismissing the Petition of Appeal is adopted as the final decision in this matter.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: June 19, 2003

Date of Mailing: June 25, 2003

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\* 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.*