

K.C. and C.C., on behalf of minor child, J.C., :  
 :  
 PETITIONERS, :  
 :  
 V. : COMMISSIONER OF EDUCATION  
 :  
 BOARD OF EDUCATION OF THE TOWNSHIP : DECISION  
 OF LAKEWOOD, OCEAN COUNTY, :  
 :  
 RESPONDENT. :  
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SYNOPSIS

Petitioning parents, whose son J.C. was suspended for assault and possession of a weapon, alleged the Board improperly transferred him from Lakewood High School to an alternative placement. The Board contended the petition was untimely filed.

The ALJ found that petitioners were officially notified in a letter dated November 25, 2002 of the transfer but did not file a petition of appeal until March 6, 2003, clearly more than 90 days after the notice of the action. Moreover, the ALJ found that no compelling or extraordinary circumstances existed for waiving the 90-day rule. Petition was dismissed.

The Commissioner adopted 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.

May 15, 2003

OAL DKT. NO. EDU 00739-03  
AGENCY DKT. NO. 75-3/03

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioners sought and were granted an extension of time within which to file exceptions to the Initial Decision. Such exceptions and replies thereto were filed in accordance with the extended timelines and were fully considered by the Commissioner in his determination herein.

Upon his full and independent review of the record, the Commissioner concurs with the determination of the Administrative Law Judge, for the reasons cogently articulated in his decision, that the within petition is time-barred and that relaxation of the 90-day timeline set forth in *N.J.A.C. 6A:3-1.3(d)* is not warranted under the circumstances of this case.

Accordingly, the Initial Decision of the OAL is adopted as the final decision in this matter and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.\*

COMMISSIONER OF EDUCATION

Date of Decision: May 15, 2003  
Date of Mailing: May 19, 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.*