

K.K., on behalf of minor child, P.K., :  
PETITIONER, :  
COMMISSIONER OF EDUCATION  
V. :  
DECISION  
BOARD OF EDUCATION OF THE :  
TOWNSHIP OF SADDLE BROOK, :  
BERGEN COUNTY, :  
RESPONDENT. :

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SYNOPSIS

Petitioner claimed respondent Board's drug testing and subsequent suspension of her son in December 2004 was arbitrary, capricious, unreasonable, and a violation of Board policy. Petitioner sought: to have the results of the drug test and the suspension expunged from P.K.'s record; to compel the Board to clarify its policy on substance abuse; and to provide training in the enforcement of said policy. P.K. has since graduated from Saddle Brook High School. Petitioner withdrew her complaints in regard to expunging her son's record after respondent Board answered that information on drug tests and suspensions is only retained until the completion of the school year in which the incident(s) occurred. Respondent Board thereafter moved to dismiss the petition.

The ALJ found that petitioner had no claim to be heard before the OAL, since she withdrew her first two complaints and presented no evidence on the remaining issue regarding the Board's need to clarify its substance abuse policy and train its personnel to enforce it. The ALJ concluded that the respondent Board's motion to dismiss should be granted.

The Commissioner concurs with the ALJ that the matter is appropriately dismissed because petitioner has not presented a sufficient basis to proceed. Accordingly, the Initial Decision of the OAL is adopted for the reasons expressed therein.

<p>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.</p>
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December 7, 2005

OAL DKT. NO. EDU 10925-04  
AGENCY DKT. NOL 431-12/04

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

Upon review, the Commissioner concurs with the Administrative Law Judge that the matter is appropriately dismissed, the first two parts of petitioner's complaint having been withdrawn and no sufficient basis having been set forth for the third.

Accordingly, the Initial Decision of the OAL, dismissing the Petition of Appeal, is adopted for the reasons expressed therein.

IT IS SO ORDERED.\*

ACTING COMMISSIONER OF EDUCATION

Date of Decision: December 7, 2005

Date of Mailing: December 7, 2005

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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.*