

EDNA DARE, :
 :
 PETITIONER, :
 :
 V. : COMMISSIONER OF EDUCATION
 :
 BOARD OF EDUCATION OF THE : DECISION
 CITY OF SALEM, SALEM COUNTY, :
 :
 RESPONDENT. :
 _____ :

SYNOPSIS

Petitioner contended that respondent Board’s mandatory school uniform policy was adopted in violation of the statutory requirement for parental request, pursuant to *N.J.S.A.* 18A:11-8. Petitioner sought to postpone implementation of the policy pending the results of an updated and independently audited parent survey which would be made available to the public.

The ALJ found, *inter alia*, that: the respondent Board adopted a policy for student school uniforms pursuant to *N.J.S.A.* 18A:11-8; parents, staff, and the student body were kept informed prior to adoption of the policy; a majority of parents/guardians and staff members were in favor of uniforms; the Board met statutory terms and conditions in adopting its uniform policy; petitioner failed to carry her burden of proof, by a preponderance of the credible evidence, that the adopted policy was in violation of statutory provisions. The ALJ concluded that the action of the Board should stand, and dismissed the petition.

The Commissioner concurred with the ALJ that petitioner failed to meet her burden, and further found that there has been no showing that the respondent acted arbitrarily or unreasonably in the course of establishing its policy requiring school uniforms. Accordingly, the Commissioner dismissed the petition.

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 18, 2007

OAL DKT. NO. EDU 8299-06
AGENCY DKT. NO. 293-8/06

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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 received from the parties.

For the reasons set forth in the Initial Decision, the Commissioner concurs with the Administrative Law Judge (ALJ) that petitioner failed to meet her burden to prove that the respondent school board violated *N.J.S.A.18A:11-8*. The Commissioner further finds that there has been no showing that the respondent acted arbitrarily or unreasonably in the course of considering, researching, planning, presenting, and implementing its policy requiring school uniforms.

Accordingly, the petition of appeal is hereby dismissed.

IT IS SO ORDERED.¹

COMMISSIONER OF EDUCATION

Date of Decision: May 18, 2007

Date of Mailing: May 18, 2007

¹ 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.*