

F.J., on behalf of minor child, A.J., :  
PETITIONER, :  
V. : COMMISSIONER OF EDUCATION  
BOARD OF EDUCATION OF THE TOWNSHIP : DECISION  
OF FAIRFIELD, CUMBERLAND COUNTY, :  
RESPONDENT. :  
\_\_\_\_\_ :

SYNOPSIS

Petitioner sought to transfer his son, A.J. to another school district based on respondent district's alleged failure to appropriately respond to an assault on A.J., and the district's failure to comply with applicable statutes and regulations governing school safety. The charges stem from a single incident in March of 2009, wherein A.J. was assaulted by an older student on the school bus. The OAL hearing in this matter was held on May 25, 2010.

The ALJ found that: the assault on the bus was an isolated incident, which was handled appropriately by the district; petitioner cites no legal basis for ordering the transfer of A.J. to another school; there are no other schools in the district; there is no legal basis for transferring A.J. to another school outside the district; A.J. testified that the other student did not bother him before or after the one incident, and that they continue to ride the bus together; there is no continuing evidence of bullying; and A.J. is progressing well in school. The ALJ concluded that the petition should be dismissed.

Upon full review of the record in this matter, the Commissioner concurred that the petition must be dismissed as there is no legal basis upon which the requested relief can be granted.

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.

July 12, 2010

OAL DKT. NO. EDU 806-10  
AGENCY DKT. NO. 22-2/10

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioner’s exceptions were timely filed and considered by the Commissioner.<sup>1</sup>

Petitioner’s exceptions continue to express dissatisfaction with the way the District handled the March 26, 2009 incident involving his son. He charges that the District and its administrators have “a habit of falsifying information” and that if they had done a thorough investigation, they would have found that A.J. continues to be bullied. (Petitioner’s Exceptions at 1) He further urges that the letters from the District’s witnesses regarding the incident be ignored because these individuals “intimidates [sic] their staff and students” (*Id.* at 2); he expresses his frustration at the Judge not being educated on the law of this particular matter (*Id.* at 3); and maintains that justice demands that A.J. receive a transfer. (*Ibid.*)

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<sup>1</sup> It is noted, however, that petitioner’s exceptions attempt to introduce for the first time a number of documents which were not a part of the hearing below. As such a submission is clearly contraindicated by *N.J.A.C. 1:1-18.4(c)*, these documents were not considered herein.

Upon full review, the Commissioner is compelled to concur with the Administrative Law Judge (ALJ) – for the reasons presented on pages 4-5 of his decision – that there is no legal basis upon which the Commissioner can grant petitioner’s requested relief.

Accordingly, the recommended 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.<sup>2</sup>

COMMISSIONER OF EDUCATION

Date of Decision: July 12, 2010

Date of Mailing: July 12, 2010

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<sup>2</sup> This decision may be appealed to the Appellate Division of the Superior Court pursuant to *P.L.* 2008, *c.* 36 (*N.J.S.A.* 18A:6-9.1)