

P.C., on behalf of minor child, C.C.,	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE	:	DECISION
CITY OF RAHWAY, UNION	:	
COUNTY,	:	
RESPONDENT.	:	
_____	:	

SYNOPSIS

Petitioning parent challenged as arbitrary and capricious the Board's decision to impose a four-month suspension on her son, C.C., for allegedly assaulting a teacher.

Based on the record and witness testimony, the ALJ concluded that due process requirements were met with respect to the initial suspension, the continuation of the suspension, and the notification of the parent and student of the date of the expulsion hearing. Moreover, the ALJ concluded that the Board's decision to advance to expulsion proceedings was based on the determination that C.C. was not a classified student and, therefore, was ineligible for special education. ALJ concluded that the Board's action suspending C.C. for four months rather than expelling him was appropriate and affirmed such action.

Commissioner adopted findings and determination in initial decision as his own.

AUGUST 4, 1997

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AGENCY DKT. NO. 133-4/96

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The record of this matter and the initial decision of the Office of Administrative Law have been reviewed. No exceptions were filed by the parties.

Upon careful and independent review of the record in this matter, and relying upon the credibility determinations rendered by the Administrative Law Judge (ALJ), the Commissioner concurs that petitioner has failed to establish that C.C.'s suspension, under the circumstances herein, was arbitrary, capricious, unreasonable, or otherwise improper.

Accordingly, the initial decision of the ALJ is adopted for the reasons expressed therein, and the Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

AUGUST 4, 1997