

J.B. AND N.B., as guardians <i>ad litem</i>	:	
for J.B., AND J.B., individually,	:	
	:	
PETITIONERS,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE	:	DECISION ON REMAND
TOWNSHIP OF JEFFERSON,	:	
MORRIS COUNTY,	:	
	:	
RESPONDENT.	:	
	:	

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SYNOPSIS

Petitioning parents of J.B. alleged Board's denial of their son's entry into the National Honor Society (NHS) as a senior high school student was arbitrary, capricious and unreasonable.

ALJ dismissed petition as moot by virtue of J.B.'s graduation from high school in 1993. Commissioner adopted findings and determination in the initial decision. State Board remanded matter to the Commissioner, finding that dismissing the petition as moot effectively denied administrative review to students rejected for NHS membership during their senior year.

On remand, Commissioner concurred with the ALJ that the decision to reject J.B.'s senior year application for admission to membership in the Jefferson High School chapter of the NHS was not arbitrary, capricious, discriminatory, an abuse of discretion or in violation of any legal rule, regulation or standard and, therefore, such decision had to be upheld. Petition was dismissed.

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The record of this matter and the initial decision of the Office of Administrative Law (OAL) have been reviewed. Petitioners' exceptions and the Board's reply thereto were timely filed in accordance with *N.J.A.C.* 1:1-18.4, and were duly considered in the Commissioner's determination of this case.

Upon his independent review,<sup>1</sup> the Commissioner concurs with the conclusion of the Administrative Law Judge (ALJ) that the decision to reject J.B.'s senior year application for admission to membership in the Jefferson High School chapter of the National Honor Society was not arbitrary, capricious, discriminatory, an abuse of discretion or in violation of any legal rule, regulation or standard and, therefore, such decision must be upheld.<sup>2</sup>

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<sup>1</sup> It is noted that the within record includes transcripts of the hearing conducted at the OAL on June 21, 1995, October 16, 1995, October 17, 1995, October 18, 1995, November 2, 1995, and June 4, 1996.

<sup>2</sup> Petitioners' exceptions urging a contrary finding essentially reiterate arguments advanced before the ALJ and are found to be without merit.

Accordingly, the initial decision of the OAL is affirmed for the reasons well stated therein and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

Date: November 14, 1997