

J.H., on behalf of minor, V.H.	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE	:	DECISION
MATAWAN-ABERDEEN REGIONAL	:	
SCHOOL DISTRICT, MONMOUTH	:	
COUNTY	:	
RESPONDENT.	:	
_____	:	

SYNOPSIS

Petitioning parent alleged that suspension of minor daughter, V.H., was racially motivated in that V.H. received disparate punishment from that of minor's counterpart in an altercation.

ALJ concluded that petitioner's allegations of racial discrimination were out of time as she sought review of the disciplinary actions six months after the fact, and the Commissioner was without jurisdiction to address the necessity/appropriateness of the child study team referral. ALJ dismissed alleged violations of the Individuals with Disabilities Education Act and noted that petitioner abandoned her request for a hearing.

Commissioner adopted the initial decision as his own. 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. No exceptions were filed by the parties.

Upon a careful and independent review, the Commissioner concurs with the findings and conclusions of the Administrative Law Judge (ALJ) that the present Petition of Appeal was filed out of time and that no relaxation or waiver of *N.J.A.C. 6:24-1.2(c)* is warranted in this instance for the reasons expressed in the initial decision. The Commissioner further concurs that petitioner's special education claims are outside his jurisdiction and that petitioner has abandoned her request for a hearing.

Accordingly, the Commissioner adopts the initial decision of the OAL and dismisses the instant Petition of Appeal as recommended therein.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

Date: December 4, 1997