

W.W., SR., on behalf of minor child, W.W.,	:	
	:	
PETITIONER,	:	
V.	:	COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE	:	DECISION
PENNS GROVE-CARNEYS POINT	:	
REGIONAL SCHOOL DISTRICT,	:	
SALEM COUNTY,	:	
	:	
RESPONDENT.	:	
	:	

SYNOPSIS

Petitioning parent alleged the Board's decision to expel his son, W.W., was made in an arbitrary and capricious manner.

In light of testimony of witnesses and factual findings, the ALJ concluded that petitioner failed to show that the Board's actions were improper under the circumstances. The incident consisted of assaults on two persons, lying to a teacher, foul language and threats. Moreover, W.W. was afforded due process at the building, district and Board levels. Thus, ALJ concluded expulsion of W.W. was procedurally and substantively correct. ALJ, however, ordered the Board to review petitioner's case at the conclusion of the 1997-98 school year as it is within the Board's power to reinstate W.W. to attendance, whether conditioned on summer school attendance or other reasonable requirements, for the 1998-99 school year.

Commissioner adopted the initial decision as his own. Petition was dismissed.

May 22, 1998

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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 an independent review of the within record, which it is noted did not include transcripts of the hearing below, the Commissioner concurs with the Administrative Law Judge's findings and conclusion that petitioner has not met his burden of establishing that the Board's determination to expel W.W. was arbitrary, capricious, or unreasonable, either procedurally or substantively, and such determination must, therefore, be upheld.

Accordingly, the initial decision of the OAL is adopted as the final decision in this matter, for the reasons clearly stated therein, and the within Petition of Appeal is hereby dismissed.*

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

May 22, 1998

* This decision, as the Commissioner's final determination in the instant matter, 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. 6:2-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.