

M.A.A., on behalf of minor child, P.A.A., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF : DECISION
THE TOWNSHIP OF EDISON, :
MIDDLESEX COUNTY, :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioning parent contested Board's decision denying P.A.A. participation in the June 18 graduation ceremony due to violation of its attendance policy.

ALJ determined that petitioner failed to establish that the Board's decision was arbitrary, capricious or unreasonable. Thus, the ALJ upheld said decision as a valid exercise of the Board's discretionary authority.

Commissioner adopted ALJ's initial decision as his own; petition was dismissed.

June 12, 1998

OAL DKT. NO. EDU 4134-98
AGENCY DKT. NO. 120-4/98

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The record of this matter and the initial decision of the Office of Administrative Law (OAL) have been reviewed. Notwithstanding that the initial decision indicated that the parties would have 13 days within which to submit exceptions to the decision, it was determined that the subject matter at issue here, whether petitioner's child should be allowed to attend a graduation which is scheduled to take place on June 18, 1998, dictated a significantly more compressed exception schedule. Such schedule was established and each party was notified by facsimile of the applicable timelines. Petitioner's exceptions and the Board's reply thereto were filed as directed, and these submissions were duly considered by the Commissioner in reaching his determination herein.

Upon independent review of the within record, the Commissioner concurs with the Administrative Law Judge's determination that, under the circumstances existing here, petitioner has failed to establish that the Board's decision denying P.A.A. participation in the June 18, 1998 graduation ceremony based on her exceeding its unexcused absence policy limit is

arbitrary, capricious or unreasonable and, therefore, such decision must be upheld as a valid exercise of the Board's discretionary authority.*

Accordingly, the initial decision of the OAL is affirmed for the reasons clearly stated therein. The within Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.

ASSISTANT COMMISSIONER OF EDUCATION

June 12, 1998

* It is noted that *N.J.S.A.* 18A:4-34c authorizes each assistant commissioner to hear and determine controversies and disputes which may arise under school laws, or the rules of the state board, or of the commissioner.