

OAL DKT. NO. EDU 4179-98
AGENCY DKT. NO. 94-4/98

J.M. AND T.M., on behalf of minor	:	
child, J.M.,	:	
	:	
PETITIONERS,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE	:	DECISION
BLACK HORSE PIKE REGIONAL	:	
SCHOOL DISTRICT, CAMDEN COUNTY,	:	
	:	
RESPONDENT.	:	

The record of this matter heard on an accelerated basis pursuant to *N.J.A.C.* 1:1-9.4 and the initial decision of the Office of Administrative Law have been reviewed. Petitioners' exceptions are duly noted and were considered by the Commissioner in rendering the within decision.¹

Upon careful and independent review of the record of this matter, the Commissioner finds that the ALJ properly denied petitioners' motion for the discovery of the identities of student witnesses, in that formal discovery is not permitted under accelerated proceedings, notwithstanding that the parties may voluntarily exchange information.

¹ Although *N.J.A.C.* 1:1-9.4(e)7 establishes that, in an accelerated proceeding, exceptions to the initial decision must be filed with the agency no later than six days after the initial decision is mailed to the parties, the ALJ granted 13 days to submit exceptions, pursuant to *N.J.A.C.* 1:1-18.4. Therefore, petitioners were permitted the full 13 days to submit exceptions in this matter.

N.J.A.C. 1:1-9.4(e)1. Neither do petitioners present a compelling argument for such disclosure. The Commissioner further concurs that the within Petition of Appeal is properly dismissed, in view of petitioners' failure before the ALJ to substantively challenge the Board's actions as arbitrary, capricious or unreasonable. (Initial Decision at p. 4) Moreover, it is noted that the senior dinner which was at issue herein was held on June 4, 1998.

Accordingly, the initial decision of the ALJ is adopted for the reasons expressed therein.²

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

² 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.

JUNE 19, 1998