

C.S., on behalf of minor child, C.O.,	:	
	:	
PETITIONER,	:	
	:	
V.	:	COMMISSIONER OF EDUCATION
	:	
BOARD OF EDUCATION OF THE	:	DECISION
LOWER CAMDEN COUNTY REGIONAL	:	
HIGH SCHOOL DISTRICT NUMBER ONE,	:	
CAMDEN COUNTY,	:	
	:	
RESPONDENT.	:	
	:	

SYNOPSIS

Petitioning parent challenged Board's decision to suspend her son, C.O., a senior at Edgewood Regional High School, for one year (October 31, 1997 to October 31, 1998) or until such time as he graduated, for possession of marijuana on school grounds. Board took the action at its regularly scheduled meeting of November 24, 1997. Petitioner appealed the Board's decision prohibiting her son from attending the graduation ceremony.

ALJ found that the Board had dealt leniently with C.O. as its policy is to expel any student found in possession of drugs. Board only suspended him and placed him on home instruction, giving him a chance to complete his high school education. ALJ further found that the Board's policy of not allowing a student on suspension to participate in school-regulated activities, such as graduation ceremonies, during the period of suspension was reasonable and appropriate.

Commissioner concurred with the ALJ's determination that the Board's decision to prohibit C.O. from attending the 1998 graduation ceremony was not arbitrary, capricious or otherwise unreasonable. Commissioner adopted initial decision as his own. Petition was dismissed.

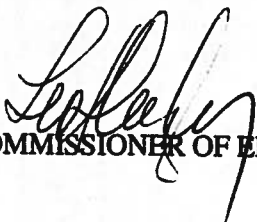
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\_\_\_\_\_ :

The record of this matter and the initial decision of the Office of Administrative Law have been reviewed. The parties did not file exceptions.

Upon careful and independent review, the Commissioner concurs with the Administrative Law Judge (ALJ) that the Board's decision to prohibit C.O. from attending the 1998 graduation ceremony is not arbitrary, capricious or otherwise unreasonable. The Board's policy clearly states that "[p]upils under suspension are prohibited from participating in or attending any school-regulated activity during the period of their suspension." (Exhibit R-1 at p. 2) Here, C.O. has been suspended for possession of marijuana as of November 24, 1997 until October 31, 1998, or until such time as he graduates, whichever comes first. (Letter from Board Counsel to C.S., November 26, 1997)

Accordingly, the initial decision of the ALJ is adopted for the reasons expressed therein. The within Petition of Appeal is dismissed.\*

IT IS SO ORDERED.

  
COMMISSIONER OF EDUCATION

\* 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.



*State of New Jersey*  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. EDU 605-98

AGENCY DKT. NO. 485-12/97

**C.S. ON BEHALF OF  
MINOR CHILD, C.O.,**

Petitioner,

v.

**BOARD OF EDUCATION OF THE  
LOWER CAMDEN COUNTY REGIONAL  
SCHOOL DISTRICT, CAMDEN COUNTY,**

Respondent.

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C.S., petitioner, *pro se*

**Kim Chapman-Belin, Esq.**, for respondent

Record Closed: May 11, 1998

Decided: May 22, 1998

**BEFORE KATHRYN A. CLARK, ALJ:**

**STATEMENT OF THE CASE**

The petitioner, C.S., is the mother of C.O., who is a senior at Edgewood Regional High School. The Board of Education of the Lower Camden County Regional School District, Camden County, suspended her son for one year, October 31, 1997 through October 31, 1998,

and placed him on home instruction for possession of a controlled substance. This action was taken by the Board at its regularly scheduled meeting of November 24, 1997.

### **PROCEDURAL HISTORY**

On December 18, 1997, C.S. appealed to the Commissioner of Education. On February 2, 1998, the Commissioner transmitted this matter to the Office of Administrative Law (OAL) for hearing and determination as a contested case, pursuant to *N.J.S.A. 52:14B-1 to -15* and *N.J.S.A. 52:14F-1 to -13*.

After an adjournment, the matter was heard on May 11, 1998, at the Office of Administrative Law, Quakerbridge Road, Hamilton, New Jersey, and the record closed on that date.

### **TESTIMONY AND EVIDENCE**

At the present hearing, C.S. said that she is appealing the decision of the Board of Education of the Lower Camden County Regional School District (BOE) to prohibit her son from attending the ceremony of graduation.

C.S. did not contest that her son was in possession of marijuana on school grounds.

Dr. Michael Schreiner, Superintendent of Schools for Lower Camden County Regional School District, said that the District's policy (R-1), adopted first on November 9, 1987, states that pupils may be suspended or expelled for possession, use or sale of controlled dangerous substances (paragraph N), and that pupils under suspension are prohibited from participating in or attending any school regulated activity during the period of their suspension. The graduation ceremonies are school regulated activities. Dr. Schreiner said that there are no exceptions to this policy, and that he believed that no exceptions have ever been made.

Dr. Schreiner said that a school calendar had been mailed to all parents prior to the start of school (R-2). On page 15 of the calendar, the "Zero Tolerance" policy of the Board is described. This statement says that "(r)esponses to disciplinary infractions will be both consistent and appropriate to the severity and nature of the offense.," and that there are "certain behaviors which result in immediate, severe and irrevocable responses."

Further, the policy goes on to state that "students found to be in possession of a controlled dangerous substance will be suspended pending Board action," and that it is the policy of the Board "to expel any student, after having observed due process rights, who possesses, transfers or delivers drugs on school property."

Dr. Schreiner said that C.O. would receive his diploma upon completion of graduation requirements. C.O. has not yet completed the graduation requirements. If C.O. does not complete his graduation requirements through home schooling, he could also return to school at the end of his suspension (October 31, 1998) and complete his senior year in school, and then go through the graduation ceremonies with next year's class.

When asked by C.S. if he could waive the suspension of her son from the graduation ceremonies, Dr. Schreiner said that only the Board of Education had the power to set aside the penalty, and he was unaware of any time when they had done so

### CONCLUSION

The Board has already dealt leniently with C.O., because its policy is to expel any student found in the possession of drugs. The Board only suspended him and placed him on home instruction, giving him a chance to complete his high school education.

The action of the Board in not allowing a student on suspension to participate in school regulated activities during the period of suspension is reasonable and appropriate. Since the graduation ceremonies are school regulated activities, he will not be allowed to participate in the graduation ceremonies on June 17, 1998.

If C.O. completes his course work, he will graduate from high school and he will receive a diploma. However, even if he completes his course work in time, he will not be allowed to participate in this year's graduation ceremonies.

It is therefore **ORDERED** that respondent's actions in prohibiting C.O. from participation in the graduation ceremonies be **AFFIRMED** and that the appeal be **DISMISSED**.

I hereby **FILE** this initial decision with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION** for consideration.

This recommended decision may be adopted, modified or rejected by the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION**, who by law is authorized to make a final decision in this matter. If the Commissioner of the Department of Education does not adopt, modify or reject this decision within forty-five (45) days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with *N.J.S.A. 52:14B-10*.

Within thirteen (13) days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **COMMISSIONER OF THE DEPARTMENT OF EDUCATION, 100 Riverview Plaza, 4th Floor, PO Box 500, Trenton, New Jersey 08625-0500**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

May 22, 1998  
DATE

Kathryn A. Clark  
KATHRYN A. CLARK, ALJ

Receipt Acknowledged:

May 27, 1998  
DATE

[Signature]  
DEPARTMENT OF EDUCATION

Mailed to Parties:

MAY 28 1998  
DATE

Barbara A. Hermal  
OFFICE OF ADMINISTRATIVE LAW