

S.S., by guardians *ad litem*, J.A. AND :
T.S. *ET AL.*, :

PETITIONERS, :

V. :

COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF THE :
TOWNSHIP OF MONTCLAIR, ESSEX :
COUNTY, :

DECISION

RESPONDENT. :

_____ :

SYNOPSIS

Petitioners alleged that the Board's limitation of enrollment for their 4-year-old pupils to respondent's Primary Unit Program for 4- and 5-year-old pupils was contrary to law and district desegregation plans.

ALJ found that the petition was filed untimely as petitioners waited more than 90 days from receipt of rejection letters notifying them that their children had not been selected for the program. ALJ found no reason to relax the 90-day rule.

Commissioner adopted findings and determination in initial decision as his own. Petition was dismissed as untimely.

January 30, 1998

OAL DKT. NO. EDU 9127-97
AGENCY DKT. NO. 281-7/97

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_____	:	

The record of this matter and the initial decision of the Office of Administrative Law have been reviewed. No exceptions were filed by the parties.

Upon careful and independent review, the Commissioner concurs with the Administrative Law Judge (ALJ) that the within Petition of Appeal is properly dismissed as untimely pursuant to *N.J.A.C.* 6:24-1.2(c), and petitioner provides no compelling reason to relax the 90-day rule pursuant to *N.J.A.C.* 6:24-1.15.

Accordingly, the initial decision of the ALJ is adopted for the reasons expressed therein and the Board's motion to dismiss this matter is hereby granted.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

January 30, 1998

