

S.W., on behalf of minor child, A.K., :
PETITIONER, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF THE : DECISION
CITY OF WOODBURY, GLOUCESTER :
COUNTY, :
RESPONDENT. :
_____:

SYNOPSIS

Petitioning parent sought reversal of the Board's order suspending her daughter, A.K., for three days for possession of a paging device in violation of Board policy.

ALJ found that petitioner had clear notice of the Board's ruling on January 21, 1998, yet she waited until May 26 to file – more than 90 days after notice. Thus, the filing was out of time. Petition was dismissed.

Commissioner adopted findings and determination in initial decision as his own.

OAL DKT. NO. EDU 6140-98
AGENCY DKT. NO. 153-5/98

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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 of the record in this matter, the Commissioner concurs with the Administrative Law Judge (ALJ) that the within petition is untimely, pursuant to *N.J.A.C.* 6:24-1.2(c). Moreover, while he recognizes that the 90-day filing requirement may be relaxed “***where a strict adherence thereto may be deemed inappropriate or unnecessary or may result in injustice” *N.J.A.C.* 6:24-1.15, the Commissioner finds that petitioner has failed to demonstrate cause for relaxation.

Accordingly, the initial decision of the ALJ dismissing the Petition of Appeal is adopted for the reasons expressed therein.

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

SEPTEMBER 30, 1998