

D.B. AND J.B., on behalf of minor child, A.B., :
PETITIONERS, :
V. : COMMISSIONER OF EDUCATION
BOARD OF EDUCATION OF LOWER : DECISION
CAMDEN COUNTY REGIONAL SCHOOL :
DISTRICT NUMBER ONE, CAMDEN :
COUNTY, :
RESPONDENT. :
:

SYNOPSIS

Petitioning parents challenged the Board's decision denying their son, A.B., participation in the District's gifted and talented program.

Based on the testimony and evidence presented, the ALJ found that the Board complied with the Department of Education's policy to make provisions for identifying pupils with gifted and talented abilities; that said policy is set forth in writing; that the selection procedure clearly establishes the requirements for entry into the program; that these requirements have a rational basis in that they are designed to identify those students who will attain success in the program; and that these requirements were correctly applied to A.B. Thus, the ALJ concluded that the Board's denial of selection of A.B. to the gifted and talented program was proper. Petition was dismissed.

Commissioner adopted findings and determination in Initial Decision as his own.

OAL DKT. NO. EDU 391-98
AGENCY DKT. NO. 547-12/98

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The record and Initial Decision issued by the Office of Administrative Law have been reviewed. Petitioners' exceptions, filed on September 29, 1999, were timely filed pursuant to *N.J.A.C.* 1:1-18.4. However, respondent's reply exceptions, delivered to the Commissioner on October 12, 1999, were not timely filed pursuant to *N.J.A.C.* 1:1-18.4(d).

Upon review of the record and petitioner's exceptions, the Commissioner is in agreement with the findings and conclusions of the Administrative Law Judge (ALJ) and adopts the recommendation of the ALJ to dismiss the petition for the reasons well expressed in the Initial Decision.

Accordingly, the Petition of Appeal is hereby dismissed.*

IT IS SO ORDERED.

COMMISSIONER OF EDUCATION

October 28, 1999

* 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.