

J.F. AND B.F., on behalf of minor :
Child, M.F., :
 :
PETITIONERS, :
 :
V. : COMMISSIONER OF EDUCATION
 :
BOARD OF EDUCATION OF THE : DECISION
TOWNSHIP OF PEMBERTON, :
BURLINGTON COUNTY, :
 :
RESPONDENT. :
_____ :

SYNOPSIS

Petitioning parents challenged the Board’s decision to suspend their daughter, M.F., for one day for allegedly writing inappropriate notes to her teachers. The Board had originally suspended M.F. for three days and referred matter to the Child Study Team.

In light of the testimony of witnesses and the provisions of the Student Handbook, the ALJ determined to affirm the suspension. The ALJ noted that M.F.’s First Amendment Rights were not violated since the concept of free speech can be subject to appropriate restrictions such as abusive behavior.

The Commissioner agreed with the conclusion of the ALJ that, under the circumstances herein, the Board’s one-day suspension was not arbitrary, capricious, unreasonable or a violation of her constitutional rights. Petition was dismissed.

OAL DKT. NO. 8906-99
AGENCY DKT. NO. 329-11/99

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_____	:	

The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. Petitioners' exceptions were timely filed pursuant to *N.J.A.C.* 1:1-18.4 and were duly considered by the Commissioner in making his determination herein.

Upon his full and independent review of the record, the Commissioner agrees with the conclusion of the Administrative Law Judge that, under the circumstances existing here, the Board's imposition of a one-day suspension on minor child M.F. was not arbitrary, capricious, unreasonable or a violation of her constitutional rights and, therefore, the imposition of this suspension cannot be disturbed by the Commissioner.

Accordingly, the Initial Decision of the OAL is affirmed for the reasons stated therein.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: June 13, 2000

Date of Mailing: June 13, 2000

* This decision, as the Commissioner's final determination, 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. 6A:4-1.1 et seq.*, within 30 days of its filing. Commissioner decisions are deemed filed three days after the date of mailing to the parties.