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| L.H. AND L.H., on behalf of minor child, H.R., | : | |
| | : | |
| PETITIONERS, | : | |
| | : | |
| V. | : | COMMISSIONER OF EDUCATION |
| | : | |
| BOARD OF EDUCATION OF THE CITY OF RAHWAY, UNION COUNTY, AND COMMISSIONER DAVID C. HESPE AND THE STATE BOARD OF EDUCATION, | : | DECISION |
| | : | |
| RESPONDENTS. | : | |
| _____ | : | |

SYNOPSIS

Petitioning parents challenged the Board’s decision to expel H.R. for allegedly possessing a weapon (miniature baseball bat). Petitioners asserted that the Commissioner and State Board violated H.R.’s rights by failing to set uniform standards of suspension and expulsion.

The ALJ dismissed the matter as moot in view of the fact that H.R. was restored as a student in the District, his record was expunged, and petitioners’ argument that this case represented a chance to deal with an issue of general public concern was not persuasive.

The Commissioner concurred and adopted the decision as his own.

OAL DKT. NO. EDU 05449-00
AGENCY DKT. NO. 128-4/00

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H.R.,

PETITIONERS,

V.

BOARD OF EDUCATION OF THE
CITY OF RAHWAY, UNION COUNTY,
AND COMMISSIONER DAVID C. HESPE
AND THE STATE BOARD OF
EDUCATION,

RESPONDENTS.

COMMISSIONER OF EDUCATION

DECISION

The record of this matter and the Initial Decision of the Office of Administrative Law have been reviewed. Petitioners' exceptions are duly noted as submitted in accordance with *N.J.A.C.* 1:1-18.4, and were considered by the Commissioner in reaching his decision.

Upon careful and independent review of the record in this matter, the Commissioner concurs with the ALJ that this matter is properly dismissed as moot. Accordingly, the Initial Decision is adopted for the reasons expressed therein and the Petition of Appeal is dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: January 8, 2001

Date of Mailing: January 8, 2001

* 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.

