

TOWNSHIP OF MARLBORO, :

PETITIONER, :

V. :

BOARD OF EDUCATION OF THE
FREEHOLD REGIONAL HIGH SCHOOL
DISTRICT, MONMOUTH COUNTY, AND
JAMES WASSER, SUPERINTENDENT, :

RESPONDENTS. :

R.W., on behalf of minor child, M.W., :

PETITIONER, :

V. :

BOARD OF EDUCATION OF THE
FREEHOLD REGIONAL HIGH SCHOOL
DISTRICT, MONMOUTH COUNTY, AND
MICHAEL MADDALUNA, MONMOUTH
COUNTY SUPERINTENDENT OF SCHOOLS, :

RESPONDENTS. :

AND :

J.D. AND J.D., on behalf of minor child, S.D., :

PETITIONERS, :

V. :

BOARD OF EDUCATION OF THE
FREEHOLD REGIONAL HIGH SCHOOL
DISTRICT, MONMOUTH COUNTY, :

RESPONDENT. :

COMMISSIONER OF EDUCATION

DECISION

SYNOPSIS

In consolidated matter petitioning Board and parents alleged respondents' redistricting plan was an improper exercise of the Board's discretionary authority and was arbitrary, capricious and unreasonable.

The ALJ found that petitioners did not meet their burden of proving that the Board acted improperly in its consideration of and action approving the Student Attendance Plan for school years 2003-04 through 2006-07. The ALJ ordered the consolidated petitions dismissed.

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

This synopsis is not part of the Commissioner's decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commissioner.

August 14, 2003

OAL DKT. NOS. EDU 659-03, EDU 660-03 AND EDU 2933-03 (CONSOLIDATED)
AGENCY DKT. NOS. 400-12/02, 402-12/02 AND 147-5/03

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DISTRICT, MONMOUTH COUNTY, :

RESPONDENT. :

The record of this consolidated matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. The parties filed no exceptions to the Initial Decision.

Upon his full and independent review, the Commissioner concurs with the Administrative Law Judge that petitioners have failed to sustain their burden of establishing that the Board's consideration and approval of the Student Attendance Plan for school years 2003-04 through 2006-07 were arbitrary, capricious or unreasonable and, therefore, the Board's actions in this regard must be upheld.

Accordingly, the Initial Decision of the OAL is adopted and the within consolidated Petitions of Appeal are hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: August 14, 2003

Date of Mailing: August 15, 2003

* This decision 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.*