

JAMES AND BARBARA BAILEY, :

PETITIONERS, :

V. : COMMISSIONER OF EDUCATION

BOARD OF EDUCATION OF THE TOWNSHIP : DECISION

OF MAURICE RIVER, CUMBERLAND :

COUNTY, :

RESPONDENT. :

SYNOPSIS

Petitioning parents challenged the Board’s decision denying their request to relocate their children’s bus stop at the intersection of Carlisle Place Road and Route 47. Rather, they sought relocation closer to their home on Carlisle Place Road, an unpaved, gravel road.

Having considered the testimony of witnesses and the record, including the video tapes and exhibits presented, the ALJ determined that petitioners failed to prove that the Board’s actions were improper. The ALJ found that he could not substitute his judgment for that of the Board; that the Board’s judgment was based on a professional evaluation of all of the surrounding circumstances; and that said judgment was not arbitrary, capricious or unreasonable, nor was it discriminatory. Petition was dismissed.

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

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The record of this matter and the Initial Decision of the Office of Administrative Law (OAL) have been reviewed. No exceptions were filed by the parties.

Upon careful and independent review of the record, and after full consideration of all of the particular circumstances existing here, the Commissioner agrees with the conclusion of the Administrative Law Judge that petitioners have failed to sustain their burden of establishing by a preponderance of the credible evidence that the Board's refusal to change the location of their children's bus stop was arbitrary, capricious, unreasonable or discriminatory; therefore, its determination in this regard must be upheld.

Accordingly, the Initial Decision of the OAL is adopted for the reasons stated therein and the instant Petition of Appeal is hereby dismissed.

IT IS SO ORDERED.*

COMMISSIONER OF EDUCATION

Date of Decision: December 17, 2003
Date of Mailing: December 18, 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.*